

AP 7337 FINGERPRINTING**References:**

Education Code Sections 87010, 87011, 87013 and 88024;
Health and Safety Code Section 1596.871;
Penal Code Sections 11077.1 and 11102.2

The District shall not employ or retain in employment, including employees, volunteers, and student workers, any person who has been convicted of: 1) a sex offense as defined by Education Code § 87010 or a controlled substance offense as defined by Education Code § 87011, except as provided by law; or 2) a crime, where such conviction is determined to be job-related and consistent with business necessity. For purposes of this procedure, employment includes all employees and volunteers.

The Chief Human Resources Officer will designate one or more employees to receive, store, disseminate and destroy criminal records furnished by the California Department of Justice and to serve as the contract for the California Department of Justice for related issues. Any such employee must be confirmed by the California Department of Justice as required by law and pursuant to California Department of Justice procedures.

The Chief Human Resources Officer will notify the California Department of Justice when a designated employee no longer serves in that capacity.

Upon receipt of the report of convictions from the Department of Justice, the College Police Department shall forward any information regarding convictions included on the Department of Justice conviction(s) report to the District Human Resource Department for any record regarding an employee or volunteer. All conviction reports are confidential and shall be maintained to the extent required by law and in accordance with applicable recordkeeping requirements.

The District Chief Human Resources Officer, in consultation with the appropriate executive administrator, for example Superintendent/President or Assistant Superintendent/Vice President, shall review the conviction information and make a determination as to whether there exists sufficient information to: 1) preclude the hiring or retention of the employee or volunteer on the basis of sex offense or controlled substance offense as defined by Education Code 87010 and 87011; or 2) prohibit hiring or retention of the employee or volunteer on the basis of the prohibition being job-related and consistent with business necessity.

The Chief Human Resources Officer will ensure that criminal history record information is destroyed once the District's business need for the information is fulfilled.

Classified Employees

The District, within ten (10) working days of date of employment, shall require each person to be employed, or employed in, a nonacademic position to be fingerprinted with a personal description of the

applicant or employee, as the case may be, prepared by an approved law enforcement agency. The law enforcement agency transmits the fingerprints to the Department of Justice and the Federal Bureau of Investigation.

The District assumes the cost for the service for probationary/permanent classified applicants/employees.

If the applicant/employee incurs a fingerprinting administrative fee, the fee will be reimbursed once the applicant submits fingerprints in accordance with these procedures and is subsequently hired by the District within 30 days of the application.

Substitute and temporary classified employees employed for less than an academic year are exempted from these procedures.

The local law enforcement agency, upon receipt of information from the Department of Justice and/or the Federal Bureau of Investigation, excerpts from the history all information regarding any convictions of the employee and shall forward that information to the District.

Academic Employees

The District, within ten (10) working days of the person's date of employment, requires the individual to be fingerprinted, have provided duplicate personal identification cards, and a personal description of the employee prepared by an approved law enforcement agency. The law enforcement agency transmits the fingerprints to the Department of Justice and the Federal Bureau of Investigation.

The District assumes the cost for the service for probationary/permanent academic applicants/employees.

Substitute, adjunct, and/or temporary academic employees employed for less than an academic year do not receive reimbursement for the cost of the fingerprinting process.

The local law enforcement agency, upon receipt of information from the Department of Justice and/or the Federal Bureau of Investigation, excerpts from the history all information regarding any convictions of the employee and shall forward that information to the District.

Child Development Center

The following individuals providing services in a childcare center shall provide fingerprint identification in order for the District to obtain either a criminal record clearance or a criminal record exemption from the State Department of Social Services before the individual's initial presence in a child day care facility:

- Adults responsible for administration or direct supervision of staff.
- Any person, other than a child, residing in the facility.
- Any person who provides care and supervision to the children.
- Any staff person, volunteer, or employee who has contact with the children.

Employees of the District who have completed a criminal record clearance as a condition of employment are not subject to this requirement.

The following individuals are exempt from the fingerprint identification requirement under the following conditions:

- A volunteer providing time-limited specialized services if this person is directly supervised by the licensee or a facility employee with a criminal record clearance or exemption, the volunteer spends no more than 16 hours per week at the facility, and the volunteer is not left alone with children in care.
- A student enrolled or participating at an accredited educational institution if the student is directly supervised by the licensee or a facility employee with a criminal record clearance or exemption, the facility has an agreement with the educational institution concerning the placement of the student, the student spends no more than 16 hours per week at the facility, and the student is not left alone with children in care.
- A volunteer who is a relative, legal guardian, or foster parent of a client in the facility.
- A contracted repair person retained by the facility, if not left alone with children in care.

Others Employed by the District

Other employees or individuals providing services to the District (such as Student Ambassadors and Interim Employees) may be required to be fingerprinted at the discretion of the District. In addition, student workers, if identified as required and in accordance with District procedures as a condition of employment, shall also be fingerprinted in accordance with these procedures.

Any employee or individual with a break in service of two (2) years or more may be required to be fingerprinted at the District's discretion.

Office of Primary Responsibility: Human Resources

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