

*Santa Monica Community College District
Administrative Regulation #*

FINGERPRINTING/BACKGROUND INVESTIGATION

Fingerprinting

Within 10 working days of date of employment, the District shall require all new academic, classified and student employees to be fingerprinted for background investigation by the District through the State Department of Justice (Bureau of Criminal Identification) and the Federal Bureau of Investigation. The District shall appoint an employee contingent upon successful completion of a fingerprint background investigation. All new employees must have fingerprint clearance for employment.

Emergency appointments for new employees may be exempted from this provision. An emergency appointment may exist when the District requires an employee to begin employment immediately, or when extenuating circumstances prohibit an employee from being fingerprinted through a local law enforcement agency.

Fingerprinting service for employment will be processed through the Campus Police Department or a local law enforcement agency having jurisdiction in the area of the District using the live scan or similar system. The cost of the processing of the fingerprints shall be paid by the employee. Students and non-merit employees are exempt from paying the processing fee. The fee is determined by the Department of Justice for the processing of the fingerprints for State and Federal levels. The District shall collect an additional fee not to exceed \$2.00 payable to Santa Monica College.

During the initial application process, all job applicants are required to report criminal conviction records and to provide information related to each conviction.

Rejected Fingerprints

The District shall direct employees with rejected fingerprint submissions to have their fingerprints taken again and submitted so that the criminal history response process may be completed. There is no additional fee for processing reprinted fingerprints. If the employee's fingerprints are rejected a second time, the District shall direct the employee to have a third set of fingerprints taken for submission, and the District shall pay the required processing fee.

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Convictions

Education Code (EC) Sections 87405, 87406, 87406.5, 87408, 88022 and 88023 prohibit the District from employing persons who have been convicted of certain sexual or drug violations or who have been determined to be a sexual psychopath.

As provided in Education Code 87405 and 88022, conviction of the following offenses shall make an applicant ineligible for employment, subject to the provision of EC 87405, 87406, 87406.5

1. Sexual offenses as defined in Education Code section 87010
2. Controlled substance offenses as defined in Education Code section 87011

Subsequent Arrest Notification

For no additional charge, the District will contract with the Bureau of Criminal Identification and Information for subsequent arrest notification should an employee be arrested subsequent to the initial fingerprinting processing.

Confidentiality

As provided in regulations of the State of California Department of Justice, a criminal history or a response that “no record” exists, known as the Criminal Offender Records Information (CORI), shall be confidential. Access to the CORI is available only to a properly designated custodian of records in the Office of Human Resources. The CORI is not a public record.

Review of CORI

The live scan of the fingerprints shall be submitted to the Department of Justice, California Bureau of Investigation and Identification for a criminal search. If the CORI discloses no information beyond that supplied by the person in the District application materials, and no conviction information subject to disqualification under EC 87405 and 88022, the person shall be considered employable. The CORI must be destroyed (shredded) once the District hires the employee. If an applicant has not been hired, or an employee has been dismissed because of this information, it may be kept until an appeal to challenge the personnel action has been exhausted. The employee/applicant does not have the right to see CORI information. If the employee/applicant wishes to challenge the record, the District will direct the individual to contact the Department of Justice directly.

DRAFT

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PPC Final Draft: Approved Unanimously 12/10/09

Reference:

Education Code Sections 87010, 87011, 87405, 87406, 87406.5, 88022 and 88023
3/16/09

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