

**HUMAN RESOURCES**

**AP 7127 RESTRICTIONS GOVERNING THE EMPLOYMENT OF APPLICANTS WITH CRIMINAL RECORDS**

**References:**

Education Code Sections 87405-87406, 87009-87011, and 88022  
California Code of Regulations, Title 5, Chapter 10, Subchapter 11 § 59704

Candidates for employment are subject to a criminal record review process. Conditional offers of employment are made to candidates contingent on receipt and review of any record of criminal history provided by the California Department of Justice (DOJ).

Not required to be fingerprinted are:

1. Volunteers for fund raising events where minors are not involved;
2. Volunteers for a single event;
3. Volunteers under the California Dream Act Service Incentive Grant Program (DSIG).

All workers, student employees or volunteers in the Early Childhood Education Lab School and in other programs requiring fingerprinting must submit to Live Scan fingerprinting.

**SEX OFFENSES AND CONTROLLED SUBSTANCE OFFENSES**

The Palomar Community College District shall not employ an applicant who has a conviction of a sex offense or controlled substance offense which prohibits employment under Education Code Sections 87405, 88022, 87010 and 87011.

If there is a conviction of a sex offense or controlled substance offense under Education Code Sections 87405, 88022, 87010 and 87011, an applicant may be employed under the exceptions in Education Code Sections 87405 and 88022 including if:

- The Governing Board determines from the evidence presented that the applicant has been rehabilitated for at least five years. Relevant factors when making this determination may include participation in drug or alcohol treatment, education and training, education or career programming undertaken during incarceration, recent employment history, and references from faculty, community leaders, and others. The Governing Board shall determine the type and manner of presentation of the evidence, and the determination of the Governing Board as to whether or not the person has been rehabilitated is final.
- The applicant has obtained a reversal of the conviction resulting in dismissal of the charges, or an acquittal in a new trial.
- The applicant has received or applied for a certificate of rehabilitation and pardon pursuant to applicable legal authorities and probation has been terminated and the information or accusation has been dismissed.

## **OFFENSES OTHER THAN SEX OR CONTROLLED SUBSTANCE OFFENSES IDENTIFIED IN THE EDUCATION CODE**

For applicants convicted of a crime other than a sex offense or controlled substance offense (identified under Education Code Sections 87405, 88022, 87010 and 87011), the District will make a determination regarding whether to revoke the conditional offer of employment based upon an individualized assessment of whether the applicant's conviction history has a direct and adverse relationship with the specific duties of the job, taking into account job duties, level of supervision, date of the conviction, number of convictions, nature of the conviction, evidence of rehabilitation and other factors.

As a public institution, the District supports and promotes the ideals of democracy as envisioned in the Constitution of the United States of America, the Bill of Rights, and other Amendments. Therefore, the District may choose not to employ an applicant if there is a conviction of a crime that involves treasonous acts against the United States, as it is considered to have a direct and adverse relationship to being a public service employee.

The District may within its discretion and depending on the nature of the conviction and specific job duties, provide a preliminary notice to the applicant revoking the job offer. Such notice will include a copy of the record and provide the applicant an opportunity to challenge the accuracy of the record and produce evidence of rehabilitation within 14 days.

Should the applicant challenge the accuracy of the record and provide evidence of rehabilitation within the specified timeframe, the District will conduct an individualized assessment evaluating the applicant's evidence of rehabilitation and any disputes regarding the accuracy of the record. The District will provide final notice to the applicant either reinstating the conditional offer or explaining the final determination to revoke the offer.

## **EMPLOYMENT OF CAMPUS POLICE OFFICERS**

In accordance with Title 5, Section § 59704 of the California Code of Regulations, the District shall not hire as a sworn police officer an individual with any sustained finding related to moral turpitude, harassment, discrimination, retaliation, abuse of authority or power, excessive use of force, or other misconduct incompatible with the role of a campus police officer. Districts shall review records related to the current or prior employment of campus police and security officers to the full extent authorized by law.

## **EMPLOYMENT IN POSITIONS REQUIRING DRIVERS LICENSE OR OPERATION OF A DISTRICT VEHICLE**

- The District shall not employ an applicant for positions requiring a Driver's License or operation of District vehicles, where there is one or more convictions for driving under the influence of alcohol or a controlled substance within the previous five years.
- Also see AP 7126 titled Applicant Background Checks, and AP 7337 titled Fingerprinting. Office of Primary Responsibility: Human Resource Services

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*(Replaces former Palomar Policy 112)*1 of 1