



AP 7337 Fingerprinting

References:

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

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.

All District employees shall be required to have fingerprints taken at the District's expense at an approved Live Scan location prior to starting employment. For employees coming from out-of-state, the fingerprints and applicable fees will be forwarded to the Department of Justice to ascertain if the applicant or employee has any record of previous arrests or convictions. The Department of Justice will forward any findings to the Human Resources Department. Human Resource will evaluate findings to ensure all criminal activity was reported and that no offense would disqualify the applicant from employment.

All District volunteers are also required to have fingerprints taken via Live Scan prior to volunteering their service. The costs of Live Scan fingerprinting for volunteers and student workers will be paid by the District. For all other applicants, the costs of fingerprinting are the sole responsibility of the applicant unless specifically advised otherwise.

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.

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 contact 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 by March 1 of each year, of the individual(s) designated.

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

Endorsed by CPC 8/24/2021