



Notifications

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**Date:** August 30, 2019

**To:** Honorable Civil Service Commission

**Through:** Micki Callahan  
Human Resources Director

**From:** Peter Rosel  
Operations Supervisor – Conviction History Program  
Anna Biasbas  
Deputy Director – Employment Services

**Subject:** **Annual Report on the City and County of San Francisco Pre-Employment Conviction History Program for Fiscal Year 2018 – 2019**

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This report provides the Civil Service Commission (Commission) with an update on the operation of the City and County of San Francisco's (City) pre-employment Conviction History Program. The data presented covers fiscal year 2018-19 of the Department of Human Resources (DHR) centralized program, and includes program updates, statistics, and accomplishments. This report does not include data for the following exempt departments: the Community College District (CCD); Unified School District (SFUSD); District Attorney's Office (DAT); San Francisco Police Department (POL); San Francisco Sheriff's Department (SHF); service-critical classes at the Municipal Transportation Agency (MTA); public safety classes at the Fire Department (FIR); positions under the Department of Social Services (DSS) Jobs Now Program and, more recently, the Department of Emergency Management (DEM) Public Safety Communications Dispatchers (exempted December 2018).

### **Background**

DHR's comprehensive centralized Conviction History Program is part of the pre-employment vetting process for selected candidates who have applied for positions with the City. The Conviction History Program has undergone various enhancements as detailed in the historical timeline. (Exhibit A) The program was designed to be consistent with the expanded authority of Board of Supervisors Resolution 84-12 and *the Federal Equal Employment Opportunity Guidance on the Consideration of Arrests and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964*. (Exhibit B) The program incorporates the following key constructs:

- Centralized, confidential review of conviction history information: Review and analysis of the selected candidates' conviction history information is centralized at DHR.

- Elimination of self-disclosure: Selected candidates' conviction history information is obtained from the California Department of Justice (CADOJ) and Federal Bureau of Investigations (FBI) only during the pre-employment vetting process. Self-disclosures are used only in very limited circumstances when there are delays with receiving conviction history records.
- Pre-employment assessment: Collection, review and analysis of conviction history information obtained from the CADOJ and FBI is conducted only after a conditional offer of employment; except for current City employees, positions in law enforcement agencies and positions where it is required by law for candidates to undergo a conviction history review.
- Position-based nexus determinations: Conviction history information is analyzed centrally at DHR to determine whether a nexus between the specific attributes of the position and the selected candidates' conviction history exists.
- Limited need-to-know disclosures: DHR does not disclose any non-nexus conviction history information to the department, thus mitigating opportunities for both conscious and unconscious bias.

Since the program's creation in 2013, it has received national recognition and now serves as a model for other public agencies in the country.

### Authority/Standards

The Commission's Policy on Disclosure and Review of Criminal History Records states:

Persons with a criminal record are not barred from employment with the City and County of San Francisco generally, although a criminal history may bar employment in a particular City classification or position depending on the specific criminal history and/or state and federal legal restrictions related to that classification or position.

The City and County of San Francisco shall review and consider criminal history as allowed by law in determining a candidate's qualifications, suitability and merit for employment in the City and County classification and position for which he or she has applied.

Criminal history records from juvenile courts shall not be considered in employment decisions except when expressly authorized or required by law.

In reviewing a candidate's criminal history information, the City and County of San Francisco shall evaluate the information on a case-by-case basis, with due consideration given to the following factors:

- 1) The nature and gravity of the offense;
- 2) The degree to which the conviction is related to the duties and responsibilities of the classification and position for which the individual has applied;
- 3) The time elapsed since the conviction;
- 4) The age of the candidate at conviction;
- 5) Frequency of convictions;
- 6) Evidence of rehabilitation; and,
- 7) Any other mitigating circumstances.

Criminal history records for a current City and County of San Francisco employee, including offenses occurring after the start of their employment, may be examined and used as allowed by law as a basis for disciplinary action, including termination, when that information is material to the employee's employment.

## **Program Standards**

### *The Recency Standard*

According to the *Equal Employment Opportunity Commission (EEOC) Enforcement Guidance on the Consideration of Arrests and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964*, as amended, employer policies typically specify the duration of criminal conduct exclusion. The EEOC guidance states that courts have recognized the importance of the amount of time that passed since the candidate's criminal conduct occurred in determining how much of a risk the individual poses in the position in question. To that end, DHR has established the following "look-back" criteria for review of a candidate's conviction history:

- Felonies: The look-back for the majority of felony convictions is limited to 13 years from the date of conviction to the date of pre-employment vetting for the City position.
- Misdemeanors: The look-back for all misdemeanors is limited to seven years from the date of conviction to the date of pre-employment vetting for the City position.

DHR established a "forever look-back" for certain types of serious convictions: murder, attempted murder, mayhem, arson, and sex-related convictions requiring registry. If one of these convictions appears on the records obtained from the DOJ and FBI, it is reviewed regardless of when it occurred. However, absent a statutory bar, even these convictions do not automatically preclude a candidate from employment.

### *The Relevancy Standard*

In keeping with the EEOC guidance, AB 1008 and Commission policy, DHR evaluates the conviction history of a selected candidate in relation to the position specific attributes (PSAs) of the job for which the candidate has applied. PSAs are a pre-defined group of actions performed or carried out in the normal operations of the job. The PSAs describe aspects of the position in which certain convictions may pose a risk. Hiring departments must identify PSAs for every position at the beginning of the hiring process, when the request to hire is submitted to DHR.

Those PSAs are:

- PSA-1: Drive a personal or City vehicle, or operate heavy machinery in the performance of duties of the position.
- PSA-2: Work in a setting with or near vulnerable populations.
- PSA-3: Will have face-to-face contact with public.
- PSA-4: Have contact with animals.
- PSA-5: Sign official documents approving applications for permits, benefits, or similar.

- PSA-6: Process, manage, or have access to cash, checks, credit cards, electronic transfers, other payments, employee payroll or reimbursement.
- PSA-7: Have access to confidential or privileged information.
- PSA-8: Have access to sensitive IT infrastructure in which damage or hacking would significantly compromise Departmental or CCSF functioning.
- PSA-9: Have means of entry to living spaces or secured areas.
- PSA-10: Have access to pharmaceuticals, and/or maintain drug inventories.
- PSA-11: Have or provide access to a select agent or toxin as defined by the Centers of Disease Control (CDC).
- PSA-12: Have the use of, or access to, weapons or explosives.
- PSA-13: Have unsupervised responsibility for or access to tools, equipment, supplies or other City property with a value in excess of \$100.
- PSA-14: Involve access to electromechanical voting systems or electronic vote tabulating equipment.
- PSA-15: Other duties associated with the position that the Appointing Officer believes would make conviction history pertinent to the position or applicable laws requiring a conviction history review.

Convictions are categorized into seven predefined broad groups: violence, vehicle, property, drugs, fraud, weapons, and sex offenses. These categories are linked to the predefined list of PSAs. For example, a conviction in the vehicle category may conflict with PSA-1. The application of the relevance standard begins with an initial identification of convictions that could conflict with the duties and responsibilities of the position. The Nexus Determination Matrix was established to assist in identifying potential conflicts. (Exhibit C)

An individualized assessment is conducted when a conflict, or nexus, exists between a candidate's conviction history and the PSAs.

### *The Rehabilitation Standard*

Following identification of a potential nexus between the conviction history and the PSAs of the position, DHR carefully reviews any evidence of rehabilitation submitted by, or on behalf of, the candidate, to determine if it mitigates the nexus. Evidence of rehabilitation may mitigate, but will not eliminate the nexus determination. Evidence of rehabilitation is used as a determinant of the candidate's effort to refrain from behavior that increases the risk they would repeat the behavior in the position being sought.

To that end, candidates with an initial nexus determination are contacted in writing and asked to submit evidence of rehabilitation. The DHR request for evidence of rehabilitation letter includes examples of rehabilitation actions that could prove helpful, and provides information to guide candidates through the process. Further, although this has always been a part of DHR's conviction history review process, AB 1008 now requires candidates be afforded an opportunity to respond.

## **Program Updates**

### **Transition to Secure DOJ Website**

The CADOJ stopped sending secure emails containing conviction history information and replaced the email system with a secure website this past fiscal year. DHR's Conviction History Program worked with the CADOJ to successfully transition to the secure website in April 2019. Rather than waiting to receive emails from CADOJ on candidates' conviction history information, DHR conviction history representatives can now login and access this information in real time.

Transitioning to the website is a significant change for the Conviction History Program and its representatives. Previously, the Human Resources Director was the sole Custodian of Record (COR) for the program. Now every representative who is granted access to conviction history information is required to become a COR. As part of the transition, each representative is required to undergo a background review from CADOJ and needs to be trained on how to access and use the secure website. They are also required to acknowledge and sign a DHR confidentiality agreement, which allows them to access conviction history information only if they have a legitimate business reason to do so as part of their official duties. Additionally, CORs may only access conviction history information from their assigned workstations.

### **Emergency Medical Technician Classifications Enrollment in Subsequent Notification Program**

Emergency Medical Technicians (EMT) are exempt from DHR's conviction history review process because, in order to obtain their EMT certificate, they must undergo a criminal background review by the California Emergency Medical Services Authority (EMSA). EMSA reviews each EMT certificate applicants' conviction history information to ensure that they are not barred from possessing an EMT certificate pursuant to California Code of Regulations Title 22, Division 9, Chapter 6, Article 4, Section 100214.3. However, DHR and the San Francisco Fire Department (FIR) recently agreed that fingerprinting EMTs post-appointment is necessary in order to enroll them in the CADOJ's subsequent notification program. This change promotes consistency among uniformed classifications at FIR.

DHR is currently working with FIR to coordinate the fingerprinting of approximately 435 current employees holding EMT certificates. We project completing this by December 2019.

### **Department of Police Accountability Joins DHR's Conviction History Program**

In November 2016, the San Francisco City Charter (section 4.136) was amended to rename the Office of Citizen Complaints to the Department of Police Accountability (DPA) and remove the DPA from the police department's budget. Prior to this amendment taking effect, employees at the Office of Citizen Complaints were employees of the San Francisco Police Department (POL), and, as a result, required to go through pre-employment background checks through POL because they were a part of a law enforcement agency. In September 2018, the DPA requested to be included in DHR's centralized Conviction History Program as they were no longer part of POL. DHR consulted with CAT to verify that the proposed change was permissible. In November 2018, DPA transitioned to DHR's Conviction History Program. This helped to increase the efficiency of DPA's hiring process.

### Public Safety Communications Dispatchers Exemption

Public safety communications dispatchers (dispatcher) are required to undergo a pre-employment Peace Officer Standards and Training (POST) background review, which must include a check of motor vehicle records, a search of fingerprint files, contacts with references, as well as other areas of investigation, as part of their comprehensive background review. In an effort to eliminate redundancy and make DEM's dispatcher hiring and onboarding process more efficient, DHR exempted dispatchers from its pre-employment conviction history review program in December 2018. However, DHR and DEM agreed that, in order to ensure their enrollment in the CADOJ's subsequent notification program, all dispatchers would be fingerprinted post-appointment. This process is similar to other public safety classifications, such as firefighters.

### Juvenile Probation Requesting Exemption from DHR's Conviction History Program

The San Francisco Department of Juvenile Probation (JUV) is in the process of requesting exemption from DHR's centralized conviction history review process. This request was the result of a CADOJ audit that revealed that, as a law enforcement agency whose employees have physical access to the California Law Enforcement Telecommunication System (CLETS) equipment or information from the CLETS, JUV is required to fingerprint and conduct a review of its own employees.

Before formally requesting exemption from DHR's Conviction History Program, JUV wants to ensure they have a solid process in place first by creating an internal standard operating procedure (SOP) for their staff prior to submission. In the meantime, in order to be compliant with both DHR's Conviction History Program and the CADOJ audit findings, JUV candidates go through DHR's centralized conviction history review process for the initial pre-appointment review. Subsequently, candidates are later fingerprinted post-appointment by JUV. JUV anticipates finalizing their SOP by the end of December 2019 and will formally request exemption from DHR's Conviction History Program at that time.

### Program Statistics

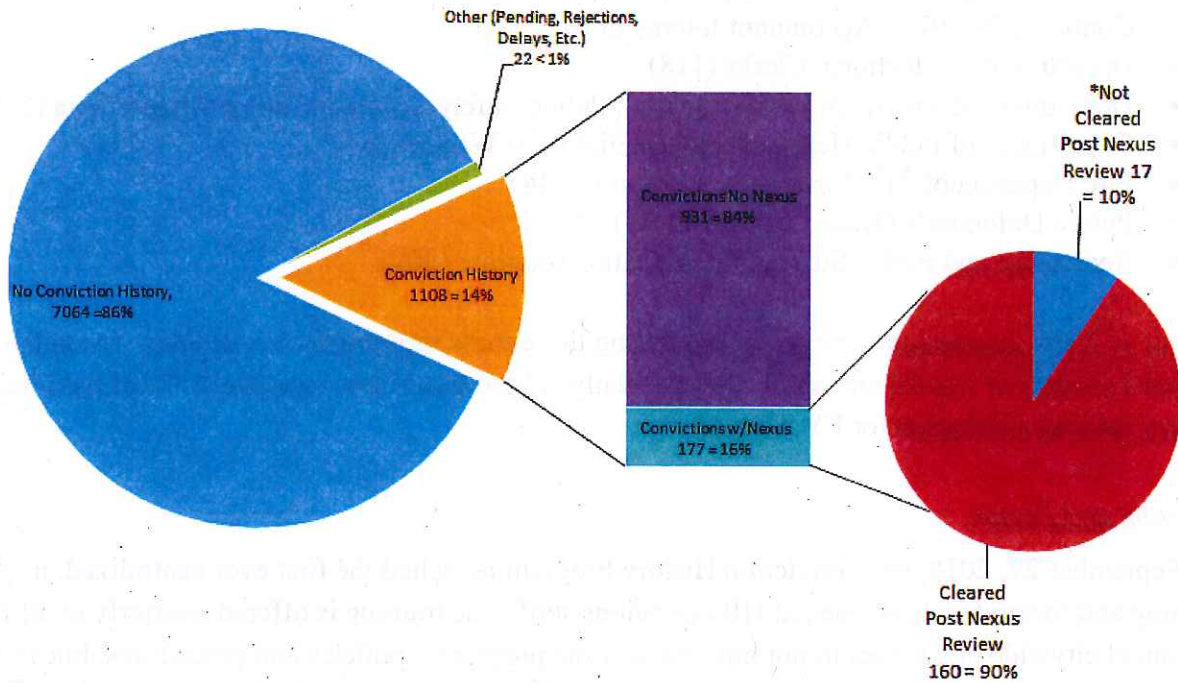
Between July 2018 and June 2019, DHR conducted conviction history reviews of 8,172 final candidates. DOJ and/or FBI convictions were received for 1,108 candidates. Of these 1,108 candidates, 931 were granted clearance, as their conviction histories were determined not to be in conflict with the requirements, duties, and responsibilities of the positions sought. The remaining 177 cases had direct nexuses based on the conviction histories and PSAs of the positions sought. DHR informed candidates of the nexus determination and requested evidence of rehabilitation from them. Based on analysis of evidence of rehabilitation provided by candidates, 160 were cleared for employment. A total of 17 candidates were disqualified from employment in the specific jobs for which they applied. Annual and monthly charts display conviction history review trends and statistics for FY 13/14 through FY 18/19. (Exhibit D)

The chart below provides a graphic illustration of these data:



## Conviction History Program FY 2018 -19

Total Reviews: 8,172



\*This figure represents approximately one and a half percent of the total for which conviction history was noted, and approximately .002 percent of the 8,172 total candidates fingerprinted.

### Program Accomplishments

#### Internal Revenue Service (IRS) Publication 1075

As was reported last year, the Tax Information Security Guidelines for Federal, State and Local Agencies section of IRS Publication 1075 requires that individuals who have access to Federal Tax Information (FTI) must undergo a background investigation prior to being permitted access to FTI. The background investigation includes a conviction history screening and citizenship/residency validation. As a result of this new law, the Conviction History Team coordinated closely with the Employee Relations Division, Client Services Consulting and the City Attorney's Office to develop policies and procedures, as well as work with every department throughout the City to determine which employees had access to FTI. (Exhibit E). Ultimately, 118 conviction history reviews were processed for employees with access to FTI at Child Support Services (90), the Human Services Agency (15) and the Mayor's Office of Housing and Community Development (13).

#### Mass Hiring Projects

The Conviction History Team worked very closely with department counterparts to support their mass hire projects during the last fiscal year. The team processed fingerprints and/or conducted conviction history reviews for each project. Departments with the largest projects included:

- Airport Commission:

- Public Service Aides (71)
- Student Design Trainees (22)
- Airfield Safety Officers (34)
- City Attorney's Office: Attorneys (126)
- Controller's Office: Accountant Interns (50)
- Department of Elections: Clerks (118)
- Department of Emergency Management: Public Safety Communications Dispatchers (53)
- Department of Public Health: Hospital Eligibility Workers (46)
- Fire Department: H-2 Firefighter Academy (144)
- Public Defender's Office: Attorneys (84)
- Recreation and Parks: Summer Workcreation program (400)

A total of 1,148 candidates were processed during these mass hire projects, in addition to conducting the standard amount of conviction history reviews daily. These mass hires represent 14% of the total conviction history reviews conducted for FY 2018-19.

### Training and Forum

On September 27, 2018, the Conviction History Program launched the first ever centralized, in-person training and forum for departmental HR operations staff. The training is offered quarterly to all HR personnel citywide and serves to not only go over the program's policies and procedures, but to explain and demystify the process, including the various reasons for delays. It also affords a forum to discuss matters related to conviction history processes, standards and overall requirements. This training and forum has been extremely successful and well received, with more than 100 employees representing over 20 different City departments attending one of the four trainings offered this fiscal year. Due to this success and high level of interest the training and forum, it has been officially incorporated into our program and will continue to be offered on a quarterly basis.

### Information Sharing with other Jurisdictions and Organizations

Since its inception, the City's Conviction History Program has been recognized nationally by various organizations. As a result, DHR continues to receive requests from other public agencies to share information about the program's operations and methodologies. During FY2018-19, DHR shared program information with counterparts from Los Angeles County, which is one of the largest government employers in the nation with more than 100,000 employees.

### California Rules of Court, Rule 9.9.5 Attorney Re-fingerprinting

Last year, the Supreme Court of California adopted California Rules of Court Rule 9.9.5 governing attorney fingerprinting by the State Bar of California. Pursuant to the procedure identified by the State Bar, each active licensed attorney was required to be re-fingerprinted for the purpose of obtaining criminal offender record information regarding state and federal level convictions and arrests from the Department of Justice and Federal Bureau of Investigation.

In light of the adoption of California Rules of Court Rule 9.9.5, DHR's Employee Relations Division (ERD) negotiated with the Municipal Attorney's Association (MAA) and the Conviction History Team offered to complete the required fingerprinting process for attorneys employed by the City in that capacity, free of charge. Facilitating this process promoted efficiencies for both employees and their departments, as it minimized out-of-pocket expenses to employees as well as the need to take time off to undergo the Live Scan process elsewhere. Ultimately, the Conviction History Team fingerprinted 216 attorneys from four departments – CAT (126), CSS (2), PDR (84) and RNT (4).

### Appeals

Candidates have the right to protest the determination of the Human Resources Director to the Commission in accordance with Commission Policy on Disclosure and Review of Criminal History Records, should candidates' evidence of rehabilitation be insufficient to mitigate a nexus determination.

There was one appeal filed to the Civil Service Commission during the fiscal year 2018-19. In November 2018, a candidate appealed his disqualification from a 3232 Marina Assistant position with the Port of San Francisco (PRT). After carefully reviewing the appeal, PRT representatives and members of the Conviction History Team met with the appellant to explain, and help him better understand, the reasoning for the disqualification. As a result, the appellant withdrew the appeal.

### Plans for FY 2019-2020

For Fiscal Year 2019-2020, the DHR Conviction History Team plans to focus on the following:

- Cross Training: The DHR Conviction History Team is relatively small and made up mainly of entry-level classifications. As a result, it is important to protect against turnover due to promotions, leaves of absence, etc. In light of this, the DHR Conviction History Team is planning to cross train colleagues from other Selection and Hiring Resources Operations teams on the program's policies and procedures to ensure the program has sufficient backup coverage.
- Identify Replacement for Flash Appointments: The Conviction History Program's current tool for citywide candidate scheduling will become obsolete in early 2020. DHR plans to identify a system, or systems, to replace this tool and efficiently manage fingerprinting appointments for all candidates citywide.

### Recommendation

The DHR Conviction History Team appreciates the opportunity to present this report and respectfully recommends that it be adopted as submitted.

### Exhibits

Exhibit A: Conviction History Program Background Timeline

Exhibit B: Board of Supervisors passed Resolution Number 84-12

Exhibit C: Nexus Determination Matrix

Exhibit D: Annual and Monthly Program Statistics

Exhibit E: Federal Tax Information (FTI) Policy



FILE NO. 110983

RESOLUTION NO. 84-12

1 [Employment Policies and Procedures Regarding Criminal History]

2

3 **Resolution authorizing the City and County of San Francisco to access state and**  
4 **federal level criminal history information by transmitting fingerprint images and related**  
5 **information to the Department of Justice to be transmitted to the Federal Bureau of**  
6 **Investigation.**

7

8 WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) authorize cities,  
9 counties, districts and joint powers authorities to access state and local summary criminal  
10 history information for employment, licensing or certification purposes; and

11 WHEREAS, Penal Code Section 11105(b)(11) authorizes cities, counties, districts and  
12 joint powers authorities to access federal level criminal history information by transmitting  
13 fingerprint images and related information to the Department of Justice to be transmitted to  
14 the Federal Bureau of Investigation; and,

15 WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) require that there be  
16 a requirement or exclusion from employment, licensing, or certification based on specific  
17 criminal conduct on the part of the subject of the record; and,

18 WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) require the city  
19 council, board of supervisors, governing body of a city, county or district or joint powers  
20 authority to specifically authorize access to summary criminal history information for  
21 employment, licensing, or certification purposes; now, therefore, be it

22 **RESOLVED**, That the City and County of San Francisco is hereby authorized to  
23 access state and federal level summary criminal history information for employment (including  
24 volunteers and contract employees) purposes and may not disseminate the information to a  
25 private entity.



City and County of San Francisco

Tails  
Resolution

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

File Number: 110983

Date Passed: March 13, 2012

Resolution authorizing the City and County of San Francisco to access state and federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation.


March 01, 2012 Public Safety Committee - RECOMMENDED

March 13, 2012 Board of Supervisors - ADOPTED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague and Wiener

File No. 110983

I hereby certify that the foregoing Resolution was ADOPTED on 3/13/2012 by the Board of Supervisors of the City and County of San Francisco.

  
Angela Calvillo  
Clerk of the Board

  
Mayor

  
Date Approved

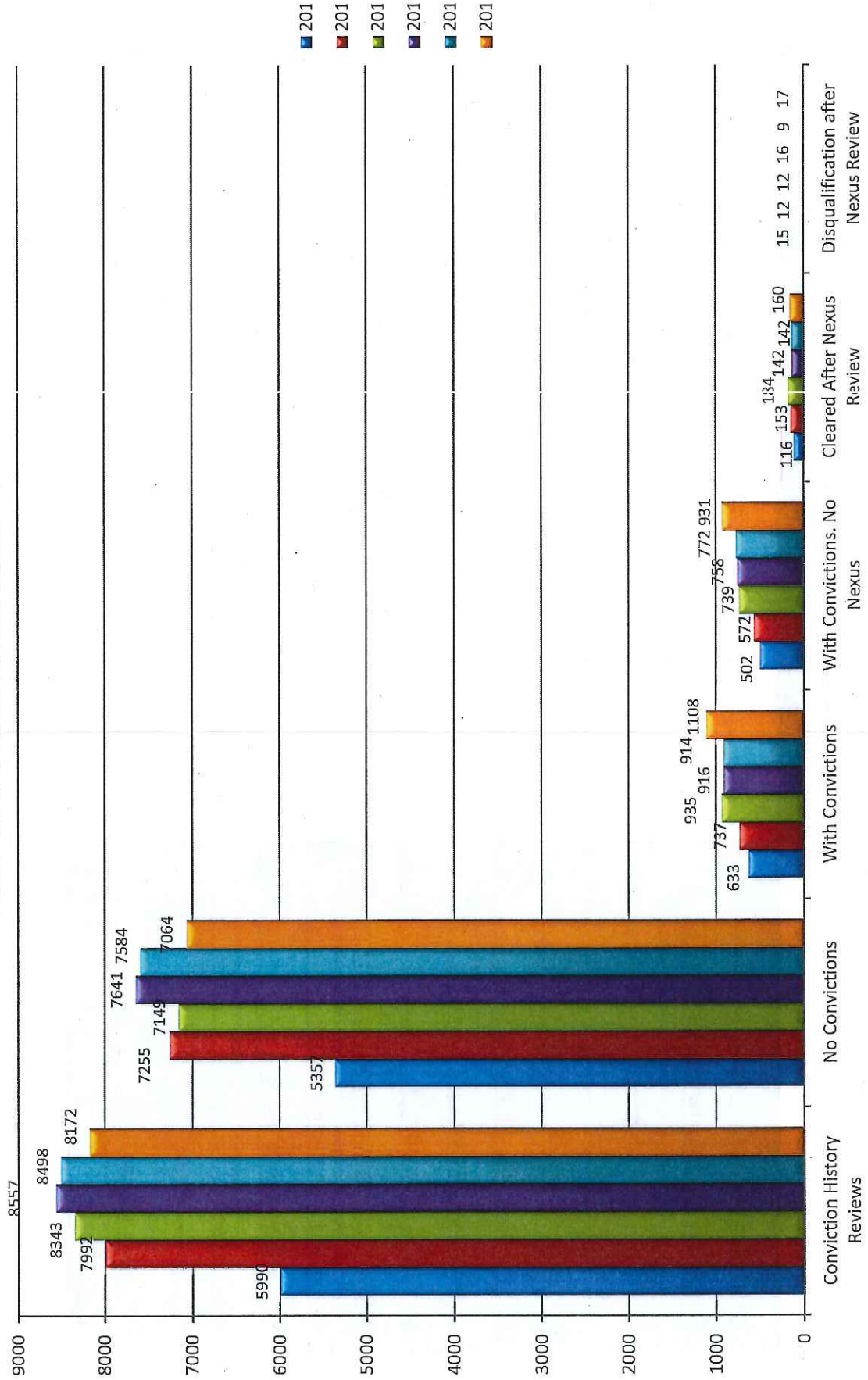
# Conviction History Nexus Determination Matrix

	Vehicle	Violence	Property	Fraud	Sex	Weapon	Drugs	Other
Operate a vehicle	x						x	
Work with or near vulnerable populations		x	x	x	x	x	x	
Work with public		x			x	x		
Work with animals		x						
Sign official documents			x	x				
Process cash, checks, credit Cards, etc...			x	x				
Electronic infrastructure			x	x				
Confidential information		x	x	x	x			
Have keys to living spaces or secured areas		x	x	x	x	x	x	
Work with or near pharmaceuticals			x	x			x	
Work with or near CDC toxins		x	x	x			x	
Handle weapons		x				x		
Use tools over \$100			x	x				
Vote tabulating equipment				x				
Other								

Last Revised 1/13/2016

### Conviction History Review Statistics

Fiscal Years: 2013-14, 2014-15, 2015-16, 2016-17, 2017-18

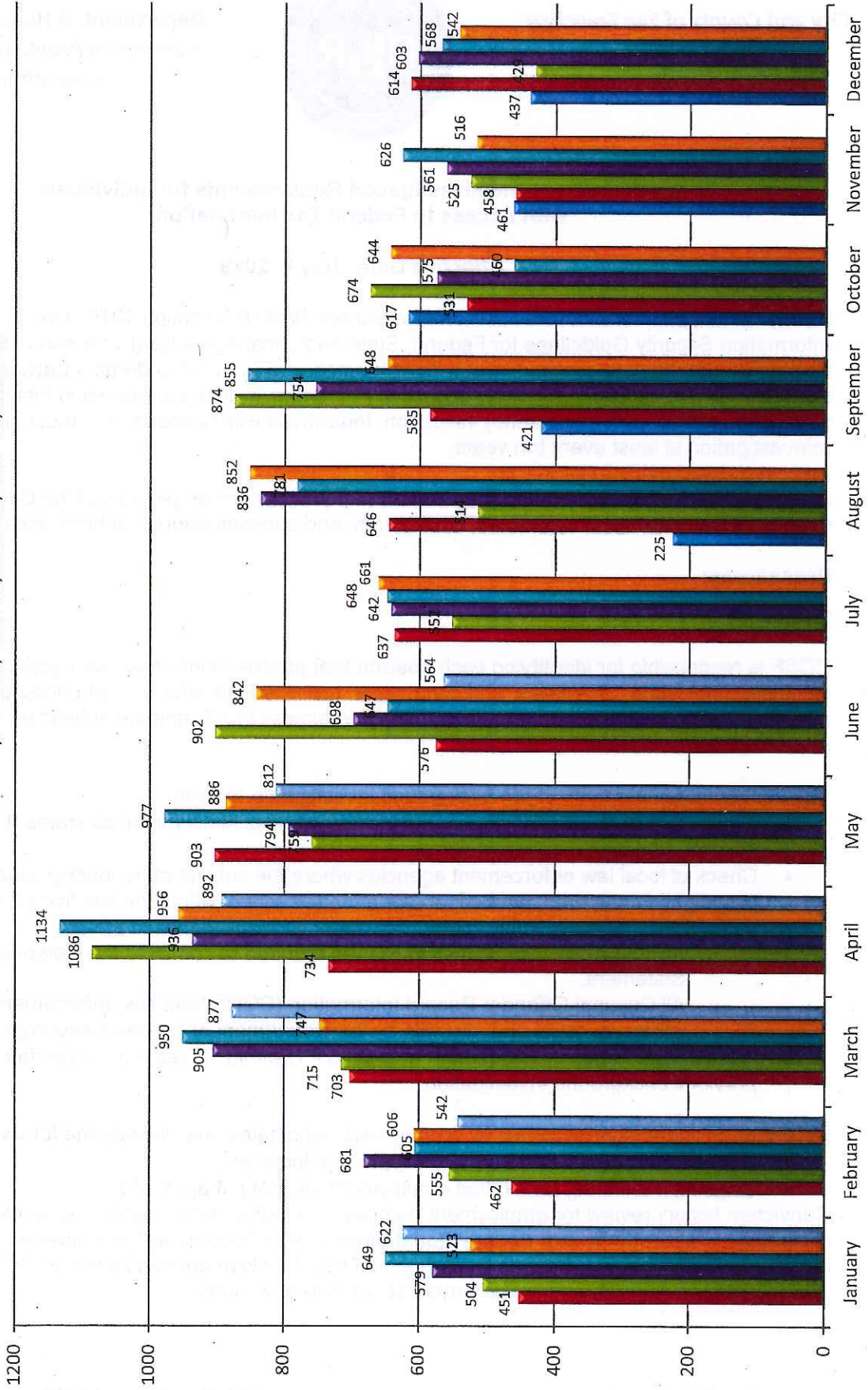




# Conviction History Review Statistics

Exhibit D

Fiscal Years: 2013-14, 2014-15, 2015-16, 2016-17, 2017-18, 2018-19



City and County of San Francisco  
Micki Callahan  
Human Resources Director



Department of Human Resources  
*Connecting People with Purpose*  
www.sfdhr.org

**CCSF Background Investigation Requirements for Individuals  
with Access to Federal Tax Information**

**Effective Date: July 8, 2019**

**Policy:** In accordance with Internal Revenue Service (IRS) Publication 1075, Tax Information Security Guidelines for Federal, State and Local Agencies (Publication 1075), individuals who have access to Federal Tax Information (FTI) must undergo a background investigation prior to being permitted access to FTI, which includes a conviction history screening and citizenship/residency validation. Individuals with access to FTI must undergo reinvestigation at least every ten years.

**Applicability:** This policy applies to all current and prospective employees of the City and County of San Francisco, volunteers, contractors, and subcontractors that have access to FTI.

**Procedures:**

Guidelines

CCSF is responsible for identifying each position that provides individuals with access to FTI, including employees, volunteers, and contractors. Identified individuals must undergo and pass a background investigation prior to being permitted access to FTI and are subject to reinvestigation at least every ten years.

The minimum requirements of the background investigation include:

- Review of FBI fingerprint results that include criminal history in all 50 states (Live Scan, FD-258 Applicant Fingerprint Card).
- Check of local law enforcement agencies where the subject of the background investigation has lived, worked, and/or attended school within the last five (5) years, and if applicable, a check of the appropriate agency for any identified arrests.
  - All individuals with access to FTI are required to complete the Personal History Statement.
  - All Criminal Offender Record Information (CORI) from law enforcement agencies will be received and maintain by the Department of Human Resources.
- Reinvestigate each individual with access to FTI within 10 years from the date of the previous background investigation.

Validation of citizenship/residency for employment candidates shall include the following:

- Utilization of USCIS Form I-9 and supporting documents.
- Ongoing monitoring for expired employment eligibility, if applicable.

Conviction history review for employment purposes, including reinvestigation screening, will be conducted in accordance with Federal Equal Employment Opportunity Commission Enforcement Guidance, California Department of Fair Employment and Housing (DFEH) rules and regulations, and applicable California Labor Code provisions.

Fingerprint and conviction history review must be reflected on each position description, position specific attributes and job posting/announcement for each position with access to FTI.

Individuals who do not successfully pass the background investigation shall not be permitted to hold a position with access to FTI.

All offers of employment and work assignments are conditional pending successful completion of the policy requirements.

Contractors and subcontractors with access to FTI are subject to this policy and are fully responsible for ensuring compliance with the above-listed background investigation and citizenship/residency validation procedures prior to permitting individuals' access to FTI.

Criteria for Withdrawal of Employment Offer

Conditional offers of employment are not required but if given may be withdrawn based on the results of the background investigation and/or eligibility to be employed in the United States.

Disqualification Criteria:

Certain felony and misdemeanor crimes may render an individuals' background unsuitable for employment in positions that involve access to FTI.

Conviction history background investigation results will be considered utilizing an individual assessment with any basis for denial being recency of the conviction and relevance to the job. If a nexus is established, the individual will have five (5) business days to produce evidence to dispute the accuracy of the conviction history report or rehabilitation. If the individual establishes that the record is factually inaccurate, then that record cannot be considered in the employment decision. Individuals, whose offer is rescinded due to their conviction history, may appeal the decision within five (5) business days from the date the notice is sent. Once the appeal is considered, the decision is final. Final decisions resulting in a denial will be provided in a written statement.

Criteria for Current Employees

CCSF Employees hired prior to the implementation of this policy are required to undergo parts of the background investigation and must pass in order to continue to have access to FTI. Employees who fail the background investigation may be reassigned to positions without access to FTI, or non-punitively separated in cases where no position exists. Employees will be given the same opportunity to present evidence to dispute the accuracy of the conviction history report or rehabilitation. If the employee establishes that the report is factually inaccurate, the report cannot be considered in the employment decision.