

**Orange County Public Schools
Employment Services Hiring Statement**

All candidates for employment with OCPS will be fingerprinted and a criminal history check completed. In Florida, the entire arrest record is revealed to school districts, including sealed and/or expunged records and military court proceedings. Applicants must disclose this information even if told differently by a lawyer, judge, or other law enforcement individual. If you were given this information by a judge then those written instructions would need to be provided to OCPS. Prior criminal records may or may not result in disqualification for employment; however, failure to disclose this information will disqualify you for employment. Information that must be disclosed includes any offense that occurred **whether as a juvenile or adult**; therefore all adult and juvenile offenses must be listed.

An applicant’s criminal history includes any offense for which the applicant posted bail; entered a pre-trial diversion program, pre-trial intervention program, teen or drug court or juvenile program; had adjudication withheld; was convicted or found guilty; was placed on probation; pled guilty or no contest; was jailed or imprisoned; or appeared in court; as a juvenile or adult. Sealed records, expunged records or military court proceedings must be disclosed. Note: DUI and reckless driving are criminal offenses.

The following guidelines apply:

Will Not Hire	Will Not Hire if Anyone Had Been Convicted of:	Case by Case Basis
Statutory felony convictions in Florida Statute 1012.315 (1) Any Other Pending Felony Cases	Any other adult felony offense within the past 25 years (except those enumerated in FS §1012.315) Juvenile felony offense within the past 5 years (except those enumerated in FS §1012.315)	Any applicant convicted of a felony of more than 25 years, except those convicted of crimes included in 1012.315 (1)
Statutory Misdemeanor convictions Florida Statute 1012.315 (2) Any Other Pending Misdemeanor Cases	Any other adult misdemeanor offense within the past 5 years (except those enumerated in FS §1012.315) Juvenile misdemeanor offense within the past 5 years (except those enumerated in FS §1012.315)	Any applicant convicted of a misdemeanor of more than 5 years, except those convicted of crimes included in 1012.315 (2)
		Arrest or charges for: Any crime involving violence (domestic violence, battery, etc.) and/or drug offenses within the past 10 years

OCPS defines conviction as a determination of guilt that is a result of a plea or a trial, **regardless of whether adjudication is withheld**. This includes entering a plea of guilty and nolo contendere or “no contest”.

**Orange County Public Schools
Employment Services Work Performance Hiring Statement**

When submitting an application to Orange County Public Schools applicants must answer a questionnaire in regard to their previous work history. Human Resources has the following guidelines in place to review work performance and determine eligibility:

Will Not Hire	Review on a Case by Case Basis
<ul style="list-style-type: none"> • Terminated by OCPS for: <ul style="list-style-type: none"> ○ Workers' Compensation Settlement ○ Misconduct ○ Job abandonment ○ Falsification (If determined willfull intent)* ○ Performance within 5 years; must document demonstrated successful work performance thereafter ○ Probationary Period within 5 years; must document demonstrated successful work performance thereafter • OTETA** Positive drug testing • Non-OTETA Positive drug test results within 3 years; any additional occurance will result in a permanent ineligibility • <u>Pending Professional Practices cases or on probation</u> 	<ul style="list-style-type: none"> • Reasons for leaving previous job • Pending litigation with a previous employer • References that reflect "no hire" Status • Previous evaluations that are comparable to SR or NI • Job abandonment • Previously dismissed or non-reappointed for performance or misconduct by another employer • Professional Practices cases when final

*OCPS defines willfull intent as the intent to intentionally, purposefully, or knowingly perform an act.

** Omnibus Transportation Employee Testing Act (OTETA)

- Employees responsible for transporting 16 or more passengers (Please note: this includes all bus drivers and school based personnel who drive buses for activities)
- Employees who drive a vehicle weighing 26,000 + 1 pounds, or more
- Employees that transport hazardous materials

NONCRIMINAL JUSTICE APPLICANT'S PRIVACY RIGHTS

As an applicant who is the subject of a national fingerprint-based criminal history record check for a noncriminal justice purpose (such as an application for employment or a license, an immigration or naturalization matter, security clearance, or adoption), you have certain rights which are discussed below.

- You must be provided written notification¹ that your fingerprints will be used to check the criminal history records of the FBI.
- You must be provided, and acknowledge receipt of, an adequate Privacy Act Statement when you submit your fingerprints and associated personal information. This Privacy Act Statement should explain the authority for collecting your information and how your information will be used, retained, and shared.²
- If you have a criminal history record, the officials making a determination of your suitability for the employment, license, or other benefit must provide you the opportunity to complete or challenge the accuracy of the information in the record.
- The officials must advise you that the procedures for obtaining a change, correction, or update of your criminal history record are set forth at Title 28, Code of Federal Regulations (CFR), Section 16.34.
- If you have a criminal history record, you should be afforded a reasonable amount of time to correct or complete the record (or decline to do so) before the officials deny you the employment, license, or other benefit based on information in the criminal history record.³

You have the right to expect that officials receiving the results of the criminal history record check will use it only for authorized purposes and will not retain or disseminate it in violation of federal statute, regulation or executive order, or rule, procedure or standard established by the National Crime Prevention and Privacy Compact Council.⁴

If agency policy permits, the officials may provide you with a copy of your FBI criminal history record for review and possible challenge. If agency policy does not permit it to provide you a copy of the record, you may obtain a copy of the record by submitting fingerprints and a fee to the FBI. Information regarding this process may be obtained at <https://www.fbi.gov/services/cjis/identity-history-summary-checks>.

If you decide to challenge the accuracy or completeness of your FBI criminal history record, you should send your challenge to the agency that contributed the questioned information to the FBI. Alternatively, you may send your challenge directly to the FBI. The FBI will then forward your challenge to the agency that contributed the questioned information and request the agency to verify or correct the challenged entry. Upon receipt of an official communication from that agency, the FBI will make any necessary changes/corrections to your record in accordance with the information supplied by that agency. (See 28 CFR 16.30 through 16.34.)

¹ Written notification includes electronic notification, but excludes oral notification.

² <https://www.fbi.gov/services/cjis/compact-council/privacy-act-statement>

³ See 28 CFR 50.12(b).

⁴ See 5 U.S.C. 552a(b); 28 U.S.C. 534(b); 42 U.S.C. 14616, Article IV(c); 28 CFR 20.21(c), 20.33(d) and 906.2(d).