



## **Conviction Information for Applicants FAQs**

Effective July 1<sup>st</sup>, 2014, the City of Oakley has modified its application process to comply with Assembly Bill 218 (Ban the box). AB 218 prohibits all state and local agencies from asking an applicant to disclose information regarding criminal conviction until the agency has determined the applicant meets the minimum employment qualifications for the position. Applicants who successfully complete and pass all of the recruitment's examination phases described in the job announcement will be required to submit a conviction history questionnaire. Positions in criminal justice agencies currently required by law to pass background checks are exempted from this bill, and applicants may be required to submit conviction information at the time of application.

### **1. Does AB 218 prohibit the City from considering a job applicant's criminal convictions at all in the hiring process?**

- No, a public agency can still take into account the same considerations regarding a job applicant's criminal convictions as before. The only difference is when in the recruitment process such conviction information can be considered.

### **2. Will the conviction question still be asked?**

- Yes, the conviction question will still be asked, but will not be part of the application form.
- If you successfully complete and pass all of the recruitment's examination phases, as described in the job announcement, you will be instructed by the Human resources Division to submit a conviction history questionnaire.
- You will have three business days from when the instructions are sent to you by email to complete and return the questionnaire. Failure to do so within this timeframe will disqualify you from the rest of the recruitment process.

### **3. What do I need to prepare to provide a complete conviction history?**

- When requested, you will need to provide information regarding all felony or misdemeanor convictions since your 18<sup>th</sup> birthday, including those that were



dismissed or expunged under Penal code Section 1203.4 (excluding, marijuana-related offenses that are older than two years as listed in the California Labor Code 432.8).

**4. Who reviews and has access to my conviction history?**

- Review of conviction information is limited to designated Human Resources staff for the purpose of determining whether the conviction(s) are related to the position for which you have applied.
- Conviction information is not provided to members of the examination committees or panels.

**5. Will I be disqualified if I have been convicted of a misdemeanor or felony?**

- Conviction information is reviewed on a case-by-case basis. Answering “YES” to having conviction(s) does not automatically disqualify you from employment. However, failure to disclose convictions may result in termination or denial of employment.

**6. What kinds of convictions do I need to include?**

- You will need to provide information regarding all felony or misdemeanor convictions since your 18<sup>th</sup> birthday, including those that were dismissed or expunged under Penal Code Section 1203.4 (excluding marijuana-related offenses that are older than two years as listed in the California Labor Code 432.8).

**7. What should I do if I have more than one conviction?**

- If you have more than one conviction, you should list the following information for each conviction:
  - Type of offense - Misdemeanor or Felony
  - What was the offense (name the offense; not the penal code)
  - Date of conviction (on or about)
  - Place of conviction (City, County, State)
  - Sentence (e.g. time served, community service, fine, court probation, etc.)
  - Date completed or expect to complete probation or parole.

**8. I do not remember the specifics of my conviction history. What should I do?**

- You may not have the exact specifics, but you should include dates that are on or about sentencing information that is as close as possible.
  - For example: you can state that the date of conviction was June 2005 with a sentence of 12-week DUI classes, estimated \$500 fine, and 3 years court probation. If the fingerprint or background check results report that the date of conviction was July 1<sup>st</sup>, 2005, with a sentence of 10 week DUI classes, \$600 fine and 2 years court probation that could be considered as close as possible. However, if the reports came back that the date of the conviction was January 15<sup>th</sup>, 2009, and there is additional sentencing that was not provided, that could be considered dishonesty.
- In addition, if you do not remember specifics about your conviction(s), you may obtain that information from the municipality in which you received the conviction(s).
- You may also contact the Department of Justice at 916-227-3832 for information.
- You may be disqualified from the rest of the recruitment process if the conviction information is either not provided or not complete.

**9. Can I attach or submit a printout instead of filling out the form/questions on the application?**

- No, court and/or DMV print outs, police reports or rap sheets are not accepted in lieu of you providing information regarding your conviction(s).

**10. I prefer to discuss my conviction history with someone in person. What should I do?**

- The conviction information you provide is confidential and review is limited to designated Human Resources staff.
- A complete conviction history must be submitted in the format requested within the established submission period. Failure to do so may disqualify you from the rest of the recruitment process.



- We understand applicants may be sensitive to sharing conviction information so we only request information necessary to make a determination if conviction is related to the position for which applied. You do not have to include personal details of the actual incident(s), but you should make sure your responses are complete when providing the required conviction information.
- You should be forthcoming with all conviction information. If you include information indicating one conviction, and either fingerprints or background check results report multiple convictions that could be considered dishonesty. Not providing conviction information could result in the denial or termination of employment.

**11. I have already submitted my conviction history with a previous application or I'm currently a City employee. Do I have to submit the information again?**

- Yes, you will need to submit conviction information for each recruitment process when requested. You may want to prepare a document with conviction information that you will have available when needed.
- You may be disqualified from the rest of the recruitment process if the conviction information is not provided within the deadline or is incomplete.

**12. What happens if I do not submit the information by the deadline or it is incomplete?**

- You may be disqualified from the rest of the recruitment process if the conviction information is not provided within the deadline or is incomplete.

**13. How will I know if I successfully completed the conviction review process?**

- You will be notified of your status by the Human Resources Department in writing.

**14. I have reviewed all of the information in the FAQ's but I still have questions. Who should I contact?**



- If you have any further questions about conviction information, you should contact the Human Resources Division Staff by emailing [hr@ci.oakley.ca.us](mailto:hr@ci.oakley.ca.us).