



LOS ANGELES COUNTY REGISTRAR-RECORDER/COUNTY CLERK

DEAN C. LOGAN
Registrar-Recorder/County Clerk

August 20, 2025

ADDENDUM NUMBER FIVE REQUEST FOR STATEMENT OF QUALIFICATIONS (RFSQ) #19-003 AS-NEEDED TEMPORARY STAFFING SERVICES

Dear Prospective Vendor:

Addendum Number Five is made to Request for Statement of Qualifications (RFSQ) #19-003 for As-Needed Temporary Staffing Services by the Department of Registrar-Recorder/County Clerk (Department). Note that the updates and/or incorporations made below will affect all Statement of Qualifications (SOQ) submitted to the Department as of the date of this addendum.

- RFSQ Main document, Paragraph 1.9 (Master Agreement Term), is hereby deleted and replaced with a new RFSQ Main document, Paragraph 1.9 (Master Agreement Term), in the RFSQ to read as follows (revised August 15, 2025).

1.9 Master Agreement Term

- 1.9.1 This Master Agreement is effective upon the date of its approval as authorized by the Board of Supervisors on September 3, 2019. This Master Agreement shall expire five (5) years after the effective date unless sooner extended or terminated, in whole or in part, as provided herein.
 - 1.9.2 The County shall have the sole option to extend the Master Agreement term for up to two (2) additional one-year periods and six (6) month to month extensions, for a maximum total Master Agreement term of seven (7) years and six (6) months. Each such option and extension shall be exercised at the sole discretion of the Registrar-Recorder/County Clerk or designee as authorized by the Board of Supervisors.
 - 1.9.3 County will be continuously accepting SOQs throughout the duration of the MA to qualify Vendors. This Master Agreement term shall expire in whole as provided herein on March 2, 2027.
- RFSQ Main document, Paragraph 2.3 (RFSQ Timetable), is hereby deleted and replaced with a new RFSQ Main document, Paragraph 2.3 (RFSQ Timetable), in the RFSQ (revised August 15, 2025).

2.3 RFSQ Timetable

The timetable for this RFSQ is as follows:

- Release of RFSQ.....5/31/2019
- Written Questions Due by 3:00 P.M. PT6/11/2019

- Request for a Solicitation Requirements Review Due6/14/2019
10 business days after release of solicitation document.
- Questions and Answers Released.....6/18/2019
- SOQ due by 3:00 P.M. PT6/21/2019
- Solicitation Expiration.....3/2/2027

The SOQ due date above was the initial SOQ deadline. SOQs received after this deadline will be reviewed as time permits by the Department.

- Appendix C (Master Agreement), Paragraph 4 (Term of Master Agreement) is hereby deleted and replaced with a new Appendix C (Master Agreement), Paragraph 4 (Term of Master Agreement) in the RFSQ to read as follows:

4 TERM OF MASTER AGREEMENT

- 4.1 This Master Agreement is effective upon the date of its approval as authorized by the Board of Supervisors on September 3, 2019. This Master Agreement shall expire five (5) years after the effective date unless sooner extended or terminated, in whole or in part, as provided herein.

- 4.2 The County shall have the sole option to extend the Master Agreement term for up to two (2) additional one-year periods and six (6) month to month extensions, for a maximum total Master Agreement term of seven (7) years and six (6) months. Each such option and extension shall be exercised at the sole discretion of the Registrar-Recorder/County Clerk or designee as authorized by the Board of Supervisors.

The County maintains databases that track/monitor contractor performance history. Information entered into such databases may be used for a variety of purposes, including determining whether the County will exercise a Master Agreement term extension option.

- 4.3 Contractor shall notify the Department when this Master Agreement is within six (6) months from the expiration of the term as provided for hereinabove. Upon occurrence of this event, Contractor shall send written notification to the Department at the address herein provided in Exhibit B (County's Administration).

- Exhibit A (Statements of Work), Exhibit A1 (Statement of Work As-Needed Technical Staffing Services), Appendix 2 (DHR Policy 514 Designation of Sensitive Positions and Conviction History Assessments), is deleted in its entirety and replaced with a new Exhibit A (Statements of Work), Exhibit A1 (Statement of Work As-Needed Technical Staffing Services), Appendix 2 (DHR Policy 514 Designation of Sensitive Positions and Conviction History Assessments) in the RFSQ (revised August 15, 2025).
- Exhibit A (Statements of Work), Exhibit A1 (Statement of Work As-Needed Technical Staffing Services), Appendix 3 (DMV Mainframe Driving Record Checklist), is deleted in its entirety and replaced with a new Exhibit A (Statements of Work), Exhibit A1 (Statement of Work As-Needed Technical Staffing Services), Appendix 3 (DMV Mainframe Driving Record Checklist), in the RFSQ (revised August 15, 2025).
- Exhibit A (Statements of Work), Exhibit A1 (Statement of Work As-Needed Technical Staffing Services), Appendix 4 (Appropriate Workplace Attire), is deleted in its entirety and replaced with a new Exhibit A (Statements of Work), Exhibit A1 (Statement of Work As-

Needed Technical Staffing Services), Appendix 4 (Appropriate Workplace Attire) in the RFSQ (revised August 15, 2025).

- Exhibit A (Statements of Work), Exhibit A2 (Statement of Work As-Needed Non-Technical Staffing Services), Appendix 1 (DHR Policy 514 Designation of Sensitive Positions and Conviction History Assessments), is deleted in its entirety and replaced with a new Exhibit A (Statements of Work), Exhibit A2 (Statement of Work As-Needed Non-Technical Staffing Services), Appendix 1 (DHR Policy 514 Designation of Sensitive Positions and Conviction History Assessments) in the RFSQ (revised August 15, 2025).
- Exhibit A (Statements of Work), Exhibit A2 (Statement of Work As-Needed Non-Technical Staffing Services), Appendix 2 (DMV Mainframe Driving Record Checklist), is deleted in its entirety and replaced with a new Exhibit A (Statements of Work), Exhibit A2 (Statement of Work As-Needed Non-Technical Staffing Services), Appendix 2 (DMV Mainframe Driving Record Checklist) in the RFSQ (revised August 15, 2025).
- Exhibit A (Statements of Work), Exhibit A2 (Statement of Work As-Needed Non-Technical Staffing Services), Appendix 3 (Appropriate Workplace Attire), is deleted in its entirety and replaced with a new Exhibit A (Statements of Work), Exhibit A2 (Statement of Work As-Needed Non-Technical Staffing Services), Appendix 3 (Appropriate Workplace Attire) in the RFSQ (revised August 15, 2025).

It is the sole responsibility of each proposer to periodically check the County's Open Solicitations website for changes and/or additions made via all Addendums to the solicitation.

RFSQ #19-003 is an open continuous solicitation until its expiration on March 2, 2027. Any future SOQs sent by vendors will be reviewed as time permits upon receipt by the Department.

Thank you for your interest in this solicitation.

Sincerely,



JEROME JORDAN

Chief Deputy, Registrar-Recorder/County Clerk

JJ:JS:DL

VW:jw

Attachments



County of Los Angeles
Department of Human Resources
POLICIES, PROCEDURES, AND GUIDELINES

Subject: DESIGNATION OF SENSITIVE POSITIONS AND CONVICTION HISTORY ASSESSMENTS	Policy Number: 514	Pages: 16
	Effective Date: November 26, 2024	
	Approved By: 	

PURPOSE

Los Angeles County (County) is a *Fair Chance* employer. Hence, in accordance with the State of California's Fair Chance Act and Board of Supervisors (Board) Policy No. 9.035 on making hiring and employment decisions for persons with a criminal history, the purpose of this policy is to ensure fair and equitable access to employment opportunities within the County by providing uniform guidelines County departments must follow when inquiring into and considering criminal history information in connection with employment, and in the designation of sensitive positions.

This policy and procedure provides guidance to departments regarding when and how an applicant's criminal history information is obtained and considered in the hiring process.

POLICY

Unless an exemption applies, applicants, which includes persons applying for employment with the County and current employees applying for a different position within the County, shall not be asked to provide any criminal history information until **after** a department makes a conditional offer of employment. Moreover, County departments shall only conduct criminal background checks or inquire regarding criminal history for positions that are designated as sensitive.

Departments shall consider a sensitive position as any that meets the criteria as defined below in the "Designation of Sensitive Positions" section. Sensitive positions are those that require a heightened level of review, that when related to the essential job functions of such positions, may pose a significant potential risk to the public, County workforce, and/or the resources or systems of the County when performed by persons who have a criminal history incompatible with those duties (whether those persons are employees of the County, volunteers, or perform those services pursuant to a contract).

Furthermore, each Department Head shall remain in compliance with the Fair Chance provisions of State law and Board Policy. Departments are responsible for advancing the County's position as a Fair Chance employer by basing an Initial Individualized

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Assessment (a.k.a. “Individualized Assessment”) of past criminal history on the specific job duties and essential functions of the position sought.

Departments shall not proceed with an offer of employment for a person in a sensitive position if the Initial Individualized Assessment of past criminal history determines that a prior conviction(s) has a direct, adverse, and negative bearing on the individual’s ability to perform the duties of the position.

Definitions

- *Applicant* – An individual who submits an application or similar document for County employment. This includes an existing County employee who has requested or applied for a different position (e.g., promotion, reassignment, or transfer) within any County department.
- *Background Check* – The act of reviewing confidential and public information regarding a person’s history. Employers commonly perform background checks to: (1) ensure an individual is who they say they are, and (2) determine whether the individual has a history (such as criminal activity) indicating unsuitability for the position in question.
- *Criminal Offender Record Information (CORI)* – State and federal summary criminal background information identified through fingerprint submission to the State DOJ. It is confidential information disseminated to applicant agencies authorized by California statute for the purposes of employment, licensing, certification, and volunteer clearances. The history lists arrest information such as the date, the charges, and the final disposition. The history also lists all convictions, including the date of the conviction, the charges, the sentence, and whether the crime was a felony or misdemeanor.
- *Initial Individualized Assessment* – A reasoned, evidence-based determination of whether an applicant’s criminal history has a direct and adverse relationship with the specific duties of the job applied that justify denying the applicant the position.
- *Live Scan* – A computer-based process that captures digitized fingerprint images and applicant data and electronically transmits fingerprint images and data to centralized computers at the DOJ.
- *Reassessment* – A secondary assessment performed following receipt of information provided by an applicant in response to a notice of preliminary decision to rescind a conditional offer of employment.

Prohibited Activities

Unless an exemption applies as detailed below, it is prohibited for the County or any of its departments to do any of the following:

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- Inquire into or consider a conviction more than seven (7) years old measured from the date of disposition. This restriction will not apply to positions that: provide services to or supervise minors, dependent adults¹, or persons 65 years of age or older; or relate to the administration of, or eligibility for, public funds or benefits.
- Seek any additional criminal history information from the applicant, including through a criminal history questionnaire (e.g. CCHQ) or similar document, prior to receiving the criminal background check report. A department **must** provide a copy of the criminal background check report to the applicant before seeking or discussing any criminal history information with the applicant. Departments cannot disqualify applicants solely based on discrepancies between inquiries and the DOJ's CORI or court records.
- Inquire into, consider, disseminate, distribute, or require disclosure of an applicant's criminal history before making a conditional offer of employment.
- Consider any criminal history information voluntarily raised by an applicant prior to issuing a conditional offer of employment.
- End a job interview or reject an application based on criminal history information provided by the applicant or learned from any other source prior to issuing a conditional offer of employment.
- Inquire into, consider, distribute, or disseminate information about:
 - An offense other than a felony or misdemeanor (e.g., infractions) except when such offense is included in an applicant's driving record and driving is an essential job function.
 - An arrest not followed by a conviction, except in circumstances as permitted in paragraph (1) of subdivision (a) and subdivision (f) of section 432.7 of the California Labor Code. This paragraph does not prohibit an inquiry into an unresolved arrest.
 - An applicant's referral to, or participation in, a pretrial or post-trial diversion program or a deferral of judgment program, unless participation in such program is presented by the applicant as evidence of rehabilitation or a mitigating circumstance as part of the Initial Individualized Assessment or Reassessment².
 - Convictions that have been sealed, dismissed, expunged, rendered inoperative, invalidated, or statutorily eradicated pursuant to law; or any conviction for which the applicant has received a full pardon or certificate of

¹ As defined in Welfare and Institutions Code Section 15610.23

² Until a pretrial or post-trial diversion program is completed, and the underlying pending charges or conviction dismissed, sealed, or eradicated, departments may still consider the conviction or pending charges after a conditional offer is made.

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rehabilitation.

- An arrest, detention, processing, diversion, supervision, adjudication, or court disposition that occurred while the person was subject to the process and jurisdiction of the juvenile court.
- Any conviction for decriminalized conduct including the noncommercial use and cultivation of cannabis.
- Fill the position sought by the applicant before the minimum time period has elapsed for the applicant to respond to the preliminary decision to rescind the conditional offer of employment (i.e., five [5] business days) or, if the applicant has responded, before the department has issued a final notice to rescind the conditional offer.
- Rescind a conditional offer of employment based solely on a delay in receiving an applicant's criminal background check report that was requested by the department, unless the department can demonstrate undue hardship in operations if it continued to hold the position pending receipt of the background check report, and 10-business days have passed after the department's request of the report.
- Refuse to accept additional evidence provided by the applicant or another party at the applicant's request; require applicants to submit specific types of documentary evidence of rehabilitation or mitigating circumstances; require disclosure of status as a survivor of dating/domestic violence, sexual assault, stalking, or other comparable statuses; require the production of medical records and/or disclose the existence of a disability or diagnosis.
- Interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right provided under Government Code Section 12952.

Exemptions

This policy does not apply to positions for which a department is required by any State, federal, or local law or regulation to conduct criminal history background checks, inquire regarding criminal history, or restrict employment based on criminal history, or where the department is prohibited by any State, federal, or local law or regulation from employing a person with a specific criminal history. Such positions include, but are not limited to, positions within any department that is considered a "criminal justice agency," as the term is defined by Penal Code Section 13101³.

Furthermore, nothing prohibits a department from asking an applicant, prior to a conditional offer, questions regarding the applicant's lived experience in incarceration or

³ Criminal justice agencies within the County include the Alternate Public Defender, District Attorney, Probation, Public Defender, and Sherriff.

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with the criminal justice system, provided it is a job requirement or desired job qualification for the position.

GUIDELINES

The County is authorized to access State and federal-level CORI for purposes of employment in sensitive positions, including placement of volunteers and contract personnel. Fingerprinting for the background check will be conducted using Live Scan to capture and electronically transmit fingerprints to the DOJ and the FBI.

Designation of Sensitive Positions

Criminal history background information may only be secured for new hires, rehires, reinstatements, current employees who transfer or are promoted to sensitive positions, as well as volunteers and contract personnel placed in sensitive positions. DHR Policies, Procedures, and Guidelines No. 524, entitled *Live Scan Procedures*, provides an overview of the background check process for various County functions and should be consulted for further guidance.

All departments shall maintain a list of all sensitive positions, including volunteer and contract positions designated for criminal background checks. The list of sensitive positions and justification for such designations must be approved by DHR and is subject to periodic audit for compliance with the County's Fair Chance Policies. To assist departments, DHR has established the following categories based on positions with similar work functions:

- Positions involving the care, oversight, or protection of persons (e.g., minors, dependent adults, and those 65 years old and over) through contact with such persons (e.g., Children's Social Worker, Home Nursing Attendant, Juvenile Crew Instructor, Deputy Public Guardian).
- Positions with direct or indirect access to funds or negotiable instruments (e.g., Assistant Deputy Director, Chief Investment Officer, Finance Manager, Portfolio Manager, Deputy Purchasing Agent, Cashier).
- Positions involving public safety and/or law enforcement (e.g., Deputy Sheriff, Safety Police Officer, Probation Officer, Public Health Investigator, Environmental Health Specialist).
- Positions with access to or charge of drugs or narcotics (e.g., Pharmacist, Pharmacist Technician, Pharmacy Helper, Physician, Registered Nurse).
- Positions with access to confidential or classified information, including criminal history information (e.g., Departmental Human Resources Manager, Welfare Fraud Investigator, Eligibility Worker, Psychiatric Social Worker).

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- Positions involving the oversight, or protection of County, public, or private property (e.g., Estate Property Custodian or Golf Course Manager, Warehouse Manager).

Each department may establish additional categories of sensitive positions based on this policy, with the approval of the Director of Personnel.

Volunteers and Contract Personnel:

Volunteers and contract personnel who have sensitive positions or assignments, including those having remote access to medical and criminal history information via electronic means, are subject to a criminal background check. However, volunteers and contract personnel who are not assigned to sensitive positions or functions are not subject to a criminal background check. Such non-sensitive positions may include contracts that relate to commodity agreements (e.g., supplies and equipment acquisitions, and deliveries), office equipment repair, short-term and/or supervised consultant or professional services (e.g., training), construction or Job Order Contracting (JOC), and facilities services (e.g., landscaping, pest control, asbestos abatement, and waste removal).

Background Check Exemptions:

This policy does not require criminal background checks for the following:

- Election workers who work fewer than 15 days per election.
- Minors.
- Volunteers who work fewer than three (3) days for each event or period of service.
- Elected officials.

Documenting Designated Sensitive Positions:

The following information is required to be submitted upon request to the Director of Personnel on all designated sensitive positions:

- Listing of all classifications;
- Organizational unit where such positions work; and
- Documentation regarding prior approval.

The following information is required to be on file with the DHRM of the department for each position:

- Title of position;
- Duties of position;

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- Offenses which, depending on the individual case, may raise concerns about the individual's compatibility with the responsibilities of the position; and
- A sufficient description of the relationship between the offense(s) and job duties that justifies the criminal history background check.

Compliance with these procedures is subject to audit by the DOJ and DHR. DHR will assist departments with any questions regarding the confidentiality and security of criminal history information. Any questions regarding policies and procedures for placing persons in sensitive positions should be referred to DHR.

Departments must also identify and report to DHR, an appropriate subject matter expert responsible for the review and approval of job nexus evaluations as related to the specific duties and responsibilities of the vacant position requiring an Initial Individualized Assessment. DHR's Individualized Assessment Fair Chance Tracking System shall be the primary method through which designated employees are maintained.

Evaluating Nexus to Sensitive Positions

The following list shows examples of Penal Code offenses that may have a nexus to the specific work functions of a position. This list shall be used only as a guideline to help determine which offenses may be related to the duties of certain positions.

1. Function – Care, Oversight, or Protection of Persons Through Contact with Such Persons

- Assault
- Forgery
- Intoxication
- Receiving Stolen Property
- Human Trafficking
- Sex Offenses Involving Victims (e.g., Rape, Child Molestation)
- Drug or Narcotics Offenses⁴
- Fraud
- Kidnapping
- Robbery
- Embezzlement
- Homicide
- Manslaughter
- Theft

2. Function – Direct or Indirect Access to Funds or Negotiable Instruments

- Bribery
- Fraud
- Receiving Stolen Property
- Embezzlement
- Theft
- Forgery
- Robbery

3. Function – Public Safety or Law Enforcement

- Assault
- Forgery
- Drug or Narcotics Offenses⁴
- Fraud
- Embezzlement
- Homicide

⁴ Exceptions: Non-felony convictions for possession of marijuana (not possession with intent to distribute), and decriminalized conduct relating to the noncommercial use and cultivation of cannabis.

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- Intoxication
- Human Trafficking
- Sex Offenses Involving Victims (e.g., Rape, Child Molestation)
- Kidnapping
- Robbery
- Theft

4. Function – Access to or Charge of Drugs or Narcotics

- Drug or Narcotics Offenses⁴
- Fraud
- Receiving Stolen Property
- Embezzlement
- Robbery
- Forgery
- Theft

5. Function – Access to Confidential or Classified Information Including Criminal History Information

- Extortion
- Perjury
- Theft
- Forgery
- Receiving Stolen Property
- Fraud
- Robbery

6. Function – Charge of County, Public, or Private Property

- Embezzlement
- Theft
- Receiving Stolen Property
- Robbery

Hiring Standards

After making a conditional offer of employment, please refer to the “Steps Involved When Conducting Initial Individualized Assessments of Criminal History” in the “Procedures” section below.

If an applicant has a criminal history, departments must conduct an Initial Individualized Assessment before rescinding an offer based on such history. As such, no criminal history shall be automatically disqualifying without first conducting the Initial Individualized Assessment and, if necessary, a Reassessment. The assessment should examine whether the criminal history has a direct, adverse, and negative bearing on the applicant’s ability to perform the specific duties of the job applied for and must consider any mitigating factors, including, but not limited to evidence and extent of rehabilitation, and the time that has passed since the criminal conviction.

An Initial Individualized Assessment and/or Reassessment, if necessary, must be conducted prior to the effective date of appointment. The applicant’s appointment shall be effective after a conditional offer of employment has been extended and contingent upon the results of the background check (which includes the Initial Individualized Assessment/Reassessment) and medical evaluation (where required). No new employee may begin employment nor may any current employee’s new appointment be considered final until the results of the background check are obtained and reviewed by the appropriate hiring authority. All new contract personnel and volunteers may not begin

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their assignments until the results of the background check are obtained and reviewed by the appropriate persons or entities.

A department cannot rescind a conditional offer of employment based on a delay in receiving a criminal history report requested from any source unless the department can demonstrate that it would have suffered an undue burden in its operations if it continued to hold the position open pending receipt of the criminal history report, and 10-business days have passed after the date the department requested the report.

Initial Individualized Assessment/Reassessment Criteria

Persons with criminal history may still be placed in a sensitive position for which they qualify. Each case should be individually assessed and/or reassessed and evaluated based on criteria including, but not limited to:

- Nature and gravity of the offense, which may include, but is not limited to:
 - The specific personal conduct of the applicant that resulted in the conviction;
 - Whether the harm was to property or people;
 - The degree or severity of the harm or offense; and
 - The permanence of the harm or offense.
- The context in which the offense occurred including:
 - The facts or circumstances surrounding the offense or conduct;
 - The age of the applicant when the conduct occurred;
 - Whether homelessness, coercive conditions, trauma, domestic or dating violence, sexual assault, stalking, human trafficking, duress, intimate physical or emotional abuse, or other similar factors contributed to the conduct; and
 - Whether a disability, including but not limited to, a past drug addiction or mental impairment contributed to the conduct, and if so, whether the likelihood of harm arising from similar conduct could be sufficiently mitigated or eliminated by a reasonable accommodation or whether the disability has been mitigated or eliminated by a treatment or otherwise⁵.
- Time that has passed since the conviction and completion of sentence, which may include, but is not limited to:
 - The amount of time passed since the conduct underlying the conviction, which may significantly predate the conviction itself; and

⁵ Departments shall not inquire about an applicant's disability nor inquire whether the applicant was addicted to drugs or alcohol at the time of the offense. Such information may only be considered upon voluntary disclosure by the applicant.

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- If the conviction led to incarceration, the amount of time passed since the applicant's release from incarceration.
- Nature of job held or sought including, but not limited to:
 - The specific duties and functions of the position;
 - Whether the circumstances leading to the conduct for which the conviction occurred or that is the subject of an unresolved arrest is likely to recur in the position; and
 - Whether the type or degree of harm that resulted from the conviction is likely to occur in the position.
- Evidence of rehabilitation or mitigating circumstances voluntarily submitted in writing or orally by the applicant or another party at the applicant's request, including, but not limited to:
 - The length and consistency of employment history before and after the offense or conduct and/or since the conviction or completion of sentence;
 - Evidence showing the applicant is seeking employment and/or held gainful employment (including performing similar work) after their conviction with no known incidents of additional criminal conduct;
 - Current or former participation in self-improvement efforts (including certificates of enrollment, participation, or completion), for example, schooling/education, job/vocational training, counseling, community service, and/or rehabilitation programs (e.g., alcohol or drug treatment programs), including in-custody programs;
 - Whether the applicant is bonded under a federal, state, or local bonding program;
 - Successful completion or compliance with the terms and conditions of parole and/or probation (inability to pay fines, fees, and restitution due to indigence shall not be considered noncompliance with the terms and conditions of parole and/or probation);
 - Employment or character references or letters of recommendation from current or former teachers, counselors, case managers, supervisors, co-workers, community leaders, parole or probation officers, or others who know the applicant; and
 - Any other evidence or documents demonstrating fitness for the position based on rehabilitation or mitigating circumstances.
- The number of offenses for which the individual was convicted, provided the convictions show a nexus to the specific job duties of the position.

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- Evidence challenging the accuracy of the criminal history report that forms the basis for rescinding a conditional offer of employment.
- The level of potential risk and impact posed to the department, the County, and members of the public based on the individual's documented criminal history when compared to mitigating factors.
- If the applicant has a license, certificate, authorization, or any other similar credential from a licensing, regulatory, or other government agency or board required for the position, a rebuttable presumption exists that such applicant's criminal history is not directly, adversely, and negatively related to the specific duties of the job.

PROCEDURES

Steps Involved When Conducting Initial Individualized Assessments of Criminal History

Departments shall use the *Individualized Assessment/Reassessment Form* (Attachment A), developed by DHR, for details on how to perform and document Initial Individualized Assessments of criminal history for applicants for employment. Except in rare situations, departments should use the digitized version of this form found on the County's official system of record (i.e., the Individualized Assessment Fair Chance Tracking System).

The following are steps involved in the review of criminal history (please refer to the flow chart in Attachment B):

1. After making a conditional offer of employment, schedule the applicant for Live Scan.
2. Conduct the Live Scan.
3. Review CORI and begin an Initial Individualized Assessment utilizing the *Individualized Assessment/Reassessment Form* (Attachment A). If the CORI reveals that the individual does not have a criminal history, proceed with established hiring procedures. If the CORI reveals that the individual has a criminal history, proceed to step 4.
4. If determined necessary, based on the convictions listed, obtain and review court records for all criminal history information reported on the CORI. In situations where court records are unavailable, the department should document its good faith attempt to obtain the records and consult with County Counsel if they plan to take adverse action (e.g., rescind a conditional offer of employment).

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Please note: In accordance with PPG 501, with limited exceptions, departments cannot consider convictions that have been exempted by a valid court order or judicially dismissed or pardoned pursuant to law. This includes but is not limited to Penal Code Sections 1203.4, 1203.45, and 1210.1. Court records should not be reviewed for any conviction that the law or the County's Fair Chance policies prohibits departments from considering.

5. Complete an Initial Individualized Assessment utilizing the *Individualized Assessment/Reassessment Form* (Attachment A). Incorporate departmental and County hiring standards in policy when conducting the assessment.

If the Initial Individualized Assessment reveals that the individual's criminal history does not provide a basis for rescinding a conditional offer of employment, proceed with established hiring procedures.

If the Initial Individualized Assessment results in a determination that the individual's criminal history justifies issuance of a notice of preliminary decision to rescind the conditional offer of employment, proceed to step 6.

6. Expeditiously send the individual a *Notice of Preliminary Decision and Opportunity for Applicant's Response* (Attachment C). The letter must be sent via certified mail and contain the following:
 - a. Notice of the disqualifying conviction(s) that form the basis for the preliminary decision to rescind the conditional offer, and either a copy of the *Individualized Assessment/Reassessment Form* or a detailed explanation of how those convictions are related to the job duties;
 - b. A copy of all criminal history information and/or other information or documentation relating to the applicant's criminal history used as the basis to disqualify the applicant (e.g., CORI, Minute Orders, Internet searches, news articles, etc.); and
 - c. An explanation of the applicant's right to respond to the preliminary notice before a final decision is made and the deadline for responding. The explanation shall inform the applicant that the response may include the voluntary submission of evidence challenging the accuracy of the criminal history report that was the basis for rescinding the offer, evidence of rehabilitation or mitigating circumstances, or both. To assist the individual, the department should include a sample form (see Attachment D).

The *Notice of Preliminary Decision and Opportunity for Applicant's Response* must allow the individual at least five (5) business days from the date of receipt of the notice to respond in writing or orally (i.e., in-person, virtually, or over the phone) before the department makes a final determination.

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If, within the five (5) business days, the applicant notifies the department of their need for additional time to (1) dispute the accuracy of the criminal history information used as the basis for the preliminary decision to rescind the offer and that they are taking specific steps to obtain evidence supporting that assertion, and/or (2) they require additional time to obtain evidence of rehabilitation or mitigating circumstances, the department shall provide an extension of an additional 10 business days for the applicant to respond to the notification. If the applicant chooses to present information orally, the meeting must be documented and take place within 10 business days from the date of the request.

Steps Involved When Conducting Individualized Criminal History Reassessments

7. After receipt of any additional information, whether in writing or orally, the department must conduct an individualized Reassessment. The Reassessment must include a review of any evidence submitted. A Reassessment must be conducted based on the factors identified within the “Initial Individualized Assessment/Reassessment Criteria” section.

If the department determines following the Reassessment that the conditional offer should not be rescinded, send the *Notice of Restoration of Conditional Employment Offer* (Attachment E) and proceed with established hiring procedures.

If the reassessment results in a decision to rescind a conditional offer of employment, proceed to step 8.

If an applicant does not submit a response within the allotted time and does not request additional time for such a response, the department can proceed with a final decision to rescind the conditional offer of employment, as noted in step 8.

Final Decision to Rescind a Conditional Offer of Employment and Appeal Rights

8. Once a final decision has been made to rescind a conditional offer of employment because of an applicant’s criminal history, the department must send a separate written notice via certified mail to the applicant rescinding the conditional offer of employment by utilizing the *Notice of Final Decision to Rescind Conditional Employment Offer Based on Disqualifying Convictions* (Attachment F or G).

The following appeal rights language must be included in the department’s final notice:

- *If you believe an error has been made in determining your eligibility for the position based on the criminal history information, you may file an appeal with the Director of Personnel/Department of Human Resources (DHR). The appeal must be in writing and provide specific facts and information demonstrating where an error was made and reasons why the error should be corrected. Any appeal that fails to contain such information will be denied as insufficient.*

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- *The DHR-Appeals Program must receive the appeal at <https://eappeals.lacounty.gov> within 10 business days from the postmarked date on the envelope in which this notice was mailed or from the date this notice was sent electronically.*
- *For technical support related to online appeal submissions, go to <http://apps.hr.lacounty.gov/eAppeal>.*
- *If you believe there has been a violation of the [County Fair Chance Policies](#), you may file a complaint with the County Equity Oversight Panel (CEOP).*
 - *Complaints may be filed online at <https://ceop.lacounty.gov/complaint-system/>, via e-mail at ceop@bos.lacounty.gov, or over the phone at (213) 974-9868 or (213) 620-9282.*
- *You also have the right to file a complaint with the California Civil Rights Department (CRD). For assistance on how to submit a complaint with CRD, please visit their website at <https://calcivilrights.ca.gov/complaintprocess>, or you may contact them at:*
 - *Communication Center at (800) 884-1684 (voice) or (800) 700-2320 (TTY) or California's Relay Service at 711*
 - *Email: contact.center@calcivilrights.ca.gov*
 - *Mailing address:*
CRD Headquarters
2218 Kausen Drive, Suite 100
Elk Grove, CA 95758

If the department provides the final notice more than 30-calendar days after the applicant submitted information challenging the results of the Initial Individualized Assessment, the department must also provide a written explanation in that final notice justifying why the final decision was not made within 30-calendar days.

9. For applicants whose conditional offers of employment are rescinded based on criminal history information, their name should remain on the eligible list or register in consideration for other positions that may have different job nexus criteria. For example, an applicant on an eligible list who is disqualified for a Driving Under the Influence (DUI) conviction for a driver position may still be considered for a position where driving is not an essential function of the position.

Although some classifications are shared by several departments, any Initial Individualized Assessment of an applicant must be conducted based on the specific factors relevant to the position in the hiring department. Since an Initial Individualized Assessment by one department would not follow the applicant to another department,

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the applicant's name should remain on the eligible list or register for consideration by other departments.

Recordkeeping

Departments are responsible for maintaining records of all Initial Individualized Assessments/Reassessments. Departments will use the County's system of record (i.e., the Individualized Assessment Fair Chance Tracking System) to enter and store electronic records of the assessments.

Privacy Issues

California law requires criminal history information be released only to those persons with a legitimate need to know and only at the time they require such knowledge. Further, unauthorized disclosure of criminal history information is punishable as a crime.

AUTHORITIES

- November 10, 1998, Resolution of the Board of Supervisors declaring its intention to provide for the access of criminal history information for employment in sensitive positions.
- August 4, 2009, Resolution of the Board of Supervisors providing authority to expand access to summary criminal history information at the State and local level to the federal level for employment purposes.
- March 12, 2013, Board of Supervisors approval regarding the expansion of the criminal background check program to include recommendations from the Live Scan Feasibility Report.
- July 11, 2017, Resolution of the Board of Supervisors to develop a Fair Chance Ordinance establishing guidelines on reducing employment barriers to applicants with criminal history.
- January 25, 2022, Resolution of the Board of Supervisors supporting the recruitment of justice-involved individuals to ensure equitable consideration and hiring of such individuals.
- February 28, 2023, Resolution of the Board of Supervisors directing the issuance of a Fair Chance Ordinance implementing provisions of the Fair Chance Act.
- February 6, 2024, Agenda Item 2, "Increasing Fair Chance Hiring Throughout Los Angeles County."
- Board Policy No. 9.035, *County Fair Chance Policy*.
- Appendix 1 of Title 5 of the County Code; Civil Service Rules 6.04 and 6.07.

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- California Government Code Section 12952.
- California Code of Regulations, Title 2 Section 11017.1.
- California Labor Code Section 432.7.
- California Penal Code Sections: 1203.4, 1203.45, 1210.1, 11102.2, 11105, 11105.2, 11140, 11142, 11143, 13101, 13300.
- California Welfare and Institutions Code section 16501.
- Policies, Procedures, and Guidelines 501, Sealed Records and Convictions Protected from Disclosure by Valid Court Orders.
- Policies, Procedures, and Guidelines No. 524, *Live Scan Procedures*.

DATE ISSUED/REVIEW DATE

Original Issue Date: Memo issued on November 25, 1998

Review Date: Memo issued on November 2, 2007

Review Date: October 1, 2018

Review Date: November 26, 2024



COUNTY OF LOS ANGELES – DEPARTMENT OF HUMAN RESOURCES
INDIVIDUALIZED ASSESSMENT/REASSESSMENT FORM
FAIR CHANCE TRACKING SYSTEM

PART I. PRELIMINARY INDIVIDUALIZED ASSESSMENT

A. REASON FOR INDIVIDUALIZED ASSESSMENT (Per DHR PPG 514)

☐ New Hire to Sensitive Position	☐ Reinstatement to Sensitive Position
☐ Promotion to Sensitive Position	☐ Volunteer in Sensitive Position
☐ Interdepartmental Transfer to Sensitive Position	☐ Contract Personnel in Sensitive Position
☐ Intradepartmental Transfer to Sensitive Position	☐ Subsequent Arrest/Conviction

B. CANDIDATE/EMPLOYEE INFORMATION

Last Name:		First Name:	
Middle Name:		Date of Birth:	
Mailing Address:		City:	
State:		Zip Code:	
Employee Number:		Volunteer/Contract Personnel Number:	

C. POSITION INFORMATION

Department Name:		Dept. #:	
Division:		Section:	
Classification Title:		Item #:	
Exam Number:		Date of Conditional Offer:	
Date Live Scan was Scheduled:		Date Live Scan was Conducted:	
DOJ/FBI revealed conviction history:	☐ Yes ☐ No (End Assessment)	Employee/Candidate Withdrew or Resigned after Live Scan conducted: ☐ Yes	

D. DOJ RELATED INFORMATION

Date of DOJ Report:		Date of FBI Report:		Date DOJ/FBI Results Reviewed:	
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COUNTY OF LOS ANGELES – DEPARTMENT OF HUMAN RESOURCES
INDIVIDUALIZED ASSESSMENT/REASSESSMENT FORM
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E. COURT RECORD INFORMATION

Conviction Date	Violation Code	Violation Title	Conviction Type	Court Name	Sentence Imposed	Nexus to Work Functions
			☐ Infraction ☐ Misdemeanor ☐ Felony ☐ Other: _____ ☐ Infraction ☐ Misdemeanor ☐ Felony ☐ Other: _____			
			☐ Infraction ☐ Misdemeanor ☐ Felony ☐ Other: _____ ☐ Infraction ☐ Misdemeanor ☐ Felony ☐ Other: _____			

If no court documents were obtained to verify conviction(s) reported by DOJ/FBI, were the court records:

☐ Archived ☐ Destroyed ☐ Other, Explain: _____

F. PRELIMINARY INDIVIDUALIZED ASSESSMENT

Does the preliminary conviction history information obtained cover/impact the “Work Functions” listed below?

☐ No, Proceed to Part II & Part V. ☐ Yes, select the offense(s) listed on the DOJ report.

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ASSESSMENT OF WORK FUNCTIONS

☐ **Work Function #1**

Care, oversight, or protection of persons (e.g., minors, dependent adults, and those 65 years old and over) through contact with such persons (e.g., Children's Social Worker, Home Nursing Attendant, Juvenile Crew Instructor, Deputy Public Guardian).

- | | |
|---|---|
| ☐ Assault | ☐ Kidnapping |
| ☐ Drug or Narcotics Offenses | ☐ Manslaughter |
| ☐ Embezzlement | ☐ Robbery |
| ☐ Elder/Child Abuse | ☐ Receiving Stolen Property |
| ☐ Forgery | ☐ Theft |
| ☐ Fraud | ☐ Threat |
| ☐ Homicide | ☐ Weapons Offense |
| ☐ Human Trafficking | ☐ Sex offenses which involve victims (e.g., rape, child molestation) |
| | ☐ Other (Explain) |
| ☐ Intoxication | |

☐ **Work Function #3**

Public safety and/or law enforcement (e.g., Deputy Sheriff, Safety Police Officer, Probation Officer, Public Health Investigator, Environmental Health Specialist).

- | | |
|---|---|
| ☐ Assault | ☐ Kidnapping |
| ☐ Drug or Narcotics Offenses | ☐ Robbery |
| ☐ Embezzlement | ☐ Theft |
| ☐ Forgery | ☐ Threat |
| ☐ Fraud | ☐ Weapons Offense |
| ☐ Homicide | ☐ Sex offenses which involve victims (e.g., rape, child molestation) |
| | ☐ Other (Explain) |
| ☐ Human Trafficking | |
| ☐ Intoxication | |

☐ **Work Function #5**

Access to confidential or classified information, including criminal history information (e.g., Departmental Human Resources Manager, Welfare Fraud Investigator, Psychiatric Social Worker).

- | | |
|---|--|
| ☐ Assault | ☐ Perjury |
| ☐ Computer Crimes | ☐ Receiving Stolen Property |
| ☐ Drug or Narcotics Offenses | ☐ Robbery |
| ☐ Extortion | ☐ Theft |
| ☐ Forgery | ☐ Threat |
| ☐ Fraud | ☐ Weapons Offense |
| ☐ ID Theft | ☐ Other (Explain) |

☐ **Work Function #2**

Direct or indirect access to funds or negotiable instruments (e.g., Assistant Deputy Director, Chief Investment Officer, Finance Manager, Portfolio Manager, Deputy Purchasing Agent, Cashier).

- | | |
|---|--|
| ☐ Assault | ☐ Robbery |
| ☐ Bribery | ☐ Theft |
| ☐ Drug or Narcotics Offenses | ☐ Embezzlement |
| ☐ Threat | ☐ Weapons offense |
| ☐ Forgery | ☐ Other (Explain) |
| ☐ Fraud | |
| ☐ Received stolen property | |

☐ **Work Function #4**

Access to or charge of drugs or narcotics (e.g., Pharmacist, Pharmacist Technician, Pharmacy Helper, Physician, Registered Nurse).

- | | |
|---|--|
| ☐ Assault | ☐ Robbery |
| ☐ Drug or Narcotics Offenses | ☐ Theft |
| ☐ Embezzlement | ☐ Threat |
| ☐ Forgery | ☐ Weapons offense |
| ☐ Fraud | ☐ Other (Explain) |
| ☐ Received stolen property | |

☐ **Work Function #6**

Oversight, or protection of County, public, or private property (e.g., Estate Property Custodian or Golf Course Manager, Warehouse Manager).

- | | |
|---|--|
| ☐ Assault | ☐ Theft |
| ☐ Drug or Narcotics Offenses | ☐ Threat |
| ☐ Embezzlement | ☐ Weapons offense |
| ☐ Received stolen property | ☐ Other (Explain) |
| ☐ Robbery | |

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COUNTY OF LOS ANGELES – DEPARTMENT OF HUMAN RESOURCES

INDIVIDUALIZED ASSESSMENT/REASSESSMENT FORM FAIR CHANCE TRACKING SYSTEM

ADDITIONAL INDIVIDUALIZED ASSESSMENT FACTORS

Identify the particular facts and circumstances of each conviction that is linked to the “Work Functions” of the position.

Date of Assessment (mm/dd/yyyy):					
Conviction Date	Gravity of Offense	Offense Occurred Date	Sentence Completion Date	Single Incident	Numerous Incidents
	☐ Incarcerated ☐ Placed on probation ☐ Fined \$ _____ ☐ Community Service ☐ Suspended Sentence ☐ Granted certificate of Rehabilitation (date): _____ ☐ Pardoned (date): _____ ☐ Other _____	Date: _____ ____ year(s) ____ month(s) ____ days(s)	Date: _____ ____ year(s) ____ month(s) ____ days(s)		
	☐ Incarcerated ☐ Placed on probation ☐ Fined \$ _____ ☐ Community Service ☐ Suspended Sentence ☐ Granted certificate of Rehabilitation (date): _____ ☐ Pardoned (date): _____ ☐ Other _____	Date: _____ ____ year(s) ____ month(s) ____ days(s)	Date: _____ ____ year(s) ____ month(s) ____ days(s)		

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PART II. PRELIMINARY ASSESSMENT DECISION

Acceptable

- ☐ No Job Nexus.
☐ Job Nexus exists but mitigated by other relevant factors.

Unacceptable

- ☐ Job Nexus exists for candidate. Mailed/e-mailed **Notice of Preliminary Decision and Opportunity for Applicant's Response on (mm/dd/yyyy): _____**.
☐ Job Nexus exists for current employee – *Contact DHR Civil Service Advocacy Division and/or County Counsel's Labor & Employment Division for consultation on further administrative action required, if any.*

PART III. REASSESSMENT (WRITTEN RESPONSE INFORMATION)

Date of Notice of Preliminary Decision and Opportunity for Applicant's Response (mm/dd/yyyy): _____

Did candidate/employee Respond Timely? ☐ Yes ☐ No

Date of Response (mm/dd/yyyy): _____

Evidence challenging the accuracy of the conviction history report:

- ☐ Proof case was judicially dismissed ☐ Proof case was expunged ☐ Proof case was pardon
☐ Other: _____

Evidence of rehabilitation or mitigating circumstances:

- ☐ Counselor letter ☐ Clergy letter ☐ Parole Officer Letter ☐ Supervisor's Letter
☐ Probation Officer Letter ☐ Job Training Certificate ☐ Rehabilitation Certification
☐ Counseling Certification ☐ Other: _____

Date Reassessment Completed (mm/dd/yyyy): _____

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PART IV. FINAL DECISION

Acceptable

- ☐ No Job Nexus.
- ☐ Job Nexus exists, but mitigated by other relevant factors.

Unacceptable

- ☐ Job Nexus exists and not mitigated by other relevant factors. Mailed/e-mailed **Notice of Final Decision to Rescind Contingent Employment Offer on (mm/dd/yyyy):_____**.
- ☐ Job Nexus exists and not mitigated by other relevant factors. Employee is **not** suitable to continue in current position and/or County employment per Civil Service Rule 18.031. (**NOTE:** Contact DHR Civil Service Advocacy Division and/or County Counsel's Labor & Employment Division for consultation on further administrative action required, if any.)
- ☐ Other (Explain)_____

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INDIVIDUALIZED ASSESSMENT/REASSESSMENT FORM
FAIR CHANCE TRACKING SYSTEM

PART V. CERTIFICATION

Human Resources

Analysis completed by:

Name & Title Human Resources Analyst	Telephone Number	Date	Signature

Analysis approved by (Departmental Human Resources Manager or Designee):

Approval Level 1	Telephone Number	Date	Signature

Approval Level 2 (if applicable)	Telephone Number	Date	Signature

COMMENTS/NOTES REGARDING DECISION:

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Hire Decision

Was the candidate/employee hired or did the candidate/employee remain employed?

- ☐ Yes, Date hire (mm/dd/yyyy): _____.
☐ No, Date of Determination (mm/dd/yyyy): _____.

If No* is selected after the employee/candidate cleared the individualized re-assessment:

- Indicate the reason employee or candidate was not hired during or after the assessment.
 - ☐ Employee/Candidate resigned
 - ☐ Employee/Candidate withdrew
 - ☐ Employee/Candidate declined the position
 - ☐ Employee/Candidate did not pass Medical Examination
 - ☐ Employee/Candidate did not pass another step in the hiring process
 - ☐ Other: _____

AUTHORITIES

- **DHR Policies, Procedures, and Guidelines No. 501**
- **DHR Policies, Procedures, and Guidelines No. 514**
- **DHR Policies, Procedures, and Guidelines No. 524**
- **Civil Service Rule 18**

CONFIDENTIAL INFORMATION

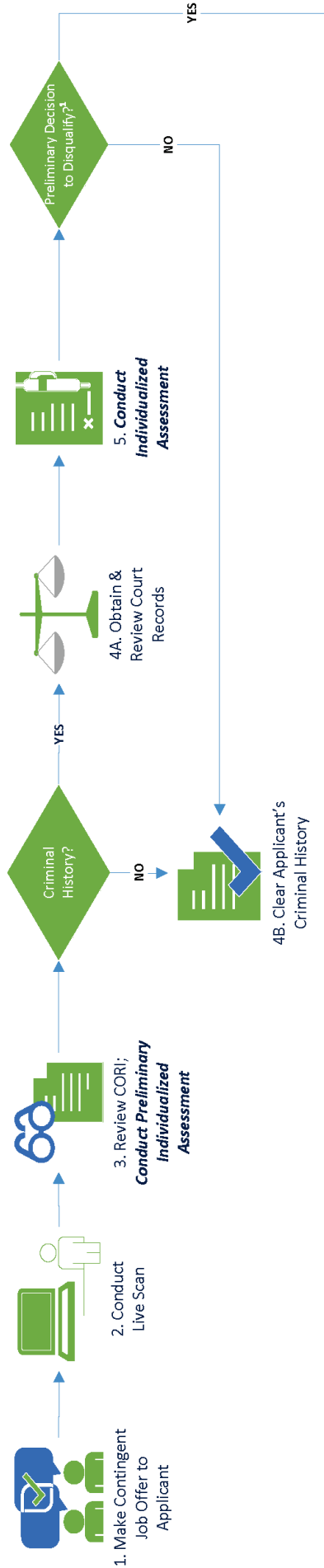
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Criminal Background Flowchart - Process

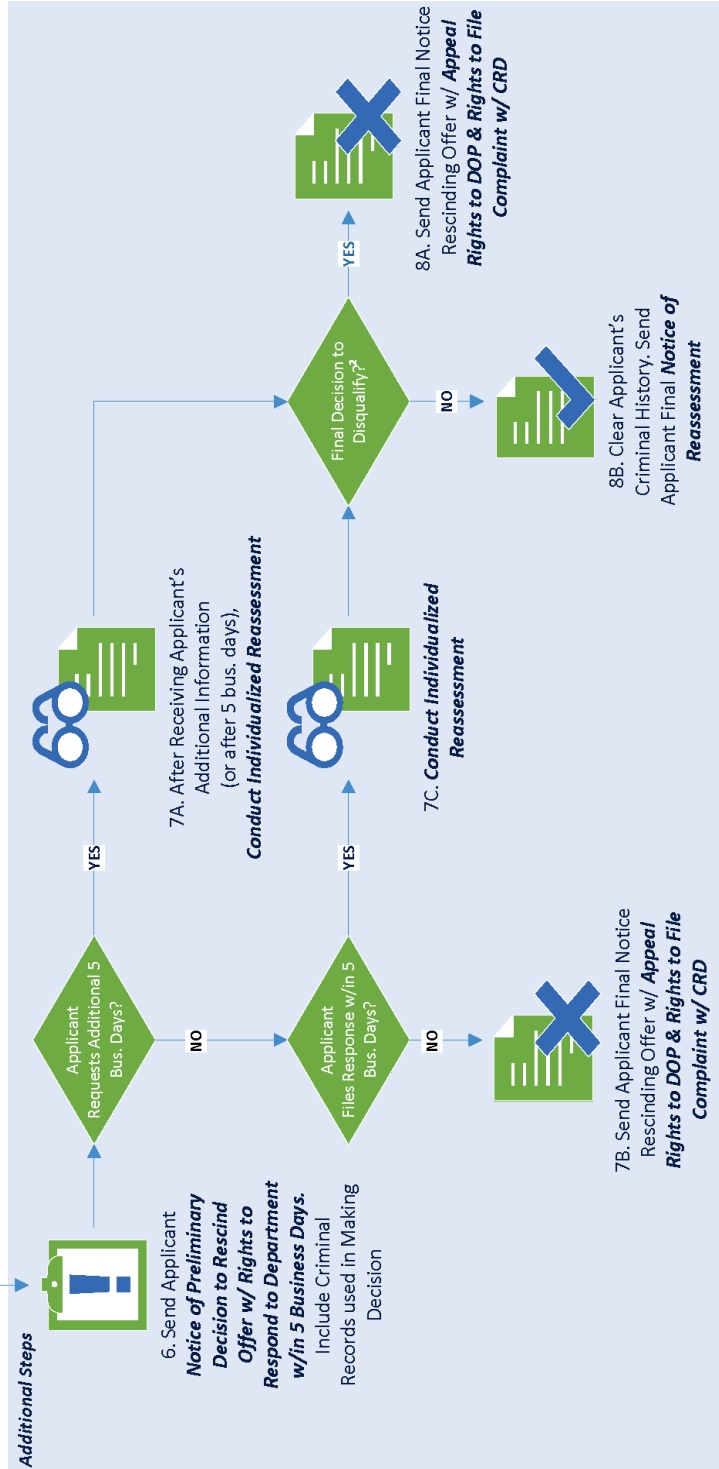


¹Factors to consider should include:

- Nature and gravity of the offense or conduct.
- Time that has passed since the offense or conduct and completion of the sentence.
- Nature of the job held or sought.

²Factors to consider should include:

- Evidence challenging the accuracy of the conviction history report that forms the basis for rescinding the offer.
- Evidence of rehabilitation or mitigating circumstances.



Department Letterhead

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NOTICE OF PRELIMINARY DECISION AND OPPORTUNITY FOR APPLICANT'S RESPONSE

Date

Candidate Name
XXXX Drive Street
Los Angeles, CA 90010

Dear Mr./Ms. XXXXXX:

Based on the results of your criminal history background check, the County of Los Angeles Department of XXXXXXXX (Department) has made a preliminary (non-final) decision to rescind the conditional offer of employment you received for the position of _____.

This preliminary decision was made after conducting an Initial Individualized Assessment of your criminal history compared with the duties and responsibilities for the position of _____. The attached criminal history report and court records detail the following conviction(s), which serve as the basis for the Department's preliminary decision to rescind the conditional offer of employment.

We determined your criminal history is incompatible with the position because [reference the included assessment form or describe the link between the specific aspects of the criminal history with risks inherent in the duties of the position in the chart below].

CONVICTION(S) CONSIDERED	CONNECTION TO JOB FUNCTION
[List conviction(s)]	[Describe the link between the specific aspects of the criminal history with risks inherent in the duties of the position]

You have the right to respond to this notice before the decision becomes final. You may submit evidence challenging the accuracy of your criminal history report, evidence and extent of rehabilitation, or other mitigating circumstances. The department will consider any and all additional information you choose to submit and make a final decision based on a reassessment of any information submitted.

Your request for reassessment must be made **in writing** and must be submitted to **[department contact and e-mail and mailing address]** **within five (5) business days** from the postmark date on the envelope in which this notice was mailed or from the date this notice was sent electronically:

To ensure your response is considered timely, please include a copy of the postmarked envelope you received with this notice with your response (if applicable).

If you need additional time to obtain evidence or information to support your request, you may submit a request for an extension in writing as directed above, after which you will be given an additional 10 business days to respond.

Examples of information you may present to support your request for reassessment include but are not limited to the following:

- Current or former participation in self-improvement efforts including certificates of enrollment, participation, or completion, for example, schooling/education, job/vocational training, counseling, community service, and/or rehabilitation programs (e.g., alcohol or drug treatment programs) including in-custody programs.
- Successful completion or compliance with the terms and conditions of your parole or probation (inability to pay fines, fees, and restitution due to indigence will not be considered as non-compliance with the terms and conditions of parole and/or probation).
- Employment or character references, or letters of recommendation from people who know you, such as letters from current or former teachers, counselors or case managers, supervisors, co-workers, community leaders, parole or probation officers, or others who know you.
- Evidence that you were not convicted of one or more of the offenses or that the conviction record is inaccurate.
- The facts or circumstances surrounding your offense or conduct.
- Your age when the conduct occurred.
- Explanation of how prior events or conditions, such as homelessness, coercive conditions, trauma, domestic or dating violence, sexual assault, stalking, human trafficking, duress, intimate physical or emotional abuse, or untreated substance abuse or mental illness contributed to the offense or conduct.
- The likelihood that similar conduct will recur.
- Evidence showing you are seeking employment and/or held gainful employment (including performing similar work) after your conviction with no known incidents of additional criminal conduct.

- The length and consistency of your employment history before and after the offense or conduct and/or since the conviction or completion of sentence.
- Whether you are bonded under a federal, state, or local bonding program.
- Any other evidence or documents demonstrating fitness for the position based on rehabilitation or mitigating circumstances.

In lieu of presenting your request for reassessment in writing, you may choose to orally present any evidence of rehabilitation and/or mitigating circumstances in-person, virtually, or over the phone. Should you choose this option, you must notify the Department **in writing within five (5) business days from receipt of this notice, as directed above.**

The Department will then contact you and schedule a mutually convenient date and time within 10 business days of the request to present your case.

If the Department receives your response in a timely manner, the Department will consider all provided information before making a final decision. You will be notified in writing of the Department's final decision based on all of the information received.

If you have questions or require additional information about this notification, please contact [Department Contact Name], at (xxx) xxx-xxxx, and/or [Contact e-mail address].

Sincerely,

Name

Departmental Human Resources Manager

Attachments

(x)

Department Letterhead

IMPORTANT: This form seeks only to collect additional relevant information that allows an opportunity to provide evidence or documentation regarding the accuracy of your criminal history report; evidence of rehabilitation or mitigating factors surrounding your criminal history to reassess your compatibility for this position.

Position Applying for: (Exact Title)					
Last Name		First Name		Middle Initial	
Other Name(s) Used:					
Street Address		Apt. No.		Home Telephone Number () -	
City	State	Zip Code	Alternate Telephone Number () -		
E-mail Address					
REASON(S) FOR CHALLENGING PRELIMINARY ASSESSMENT:					
☐ I am challenging the accuracy of the criminal history report.					
Conviction Date	Violation Code	Conviction Type	Court Disposition	Type of Error	Evidence of Current Status (e.g., <i>judicially dismissed, pardoned, exempted etc.</i>)
☐ I ask that you consider the following evidence demonstrating rehabilitation.					
SAMPLE					
CERTIFICATION OF APPLICANT (please read carefully): I hereby certify that all statements made are true and complete to the best of my knowledge. I understand that any false, incomplete or incorrect statement, regardless of when discovered, may result in my disqualification or dismissal from employment with the County of Los Angeles.					
Date: _____ Signature of Candidate: _____					

Please attach additional pages if necessary.

Department Letterhead

CONFIDENTIAL

Date:

Applicant Name
XXXX Drive Street
Los Angeles, CA 90010

Dear Mr./Ms. XXXXXX:

NOTICE OF RESTORATION OF CONDITIONAL EMPLOYMENT OFFER

On ____[DATE]____, the County of Los Angeles Department of XXXXXXXXX (Department) notified you of its preliminary decision to rescind the conditional offer of employment you received for the position of _____. You were informed of your right to respond before the decision became final and that you would be notified in writing of the Department's final decision based on all the information submitted timely.

On [DATE], the Department received your response, which the Department has reviewed and considered.

Based on all the information reviewed by the Department, the Department is restoring the conditional offer of employment you received for the position of _____. Our [Human Resources Office] will contact you with information regarding next steps.

Thank you for your interest in employment with our Department. If you have any questions or require additional information, please contact [Department Contact Name], at (xxx) xxx-xxxx.

Sincerely,

Name
Departmental Human Resources Manager

Department Letterhead

CONFIDENTIAL

Date:

Applicant Name
XXXX Drive Street
Los Angeles, CA 90010

Dear Mr./Ms. XXXXXX:

NOTICE OF FINAL DECISION TO RESCIND CONDITIONAL EMPLOYMENT OFFER BASED ON DISQUALIFYING CONVICTION(S)

On [DATE], the County of Los Angeles Department of XXXXXXXXX (Department) notified you of its preliminary decision to rescind the conditional offer of employment you received for the position of _____. You were informed of your right to respond before the decision became final and that you would be notified in writing of the Department's final decision based on all the information submitted timely.

To date, the Department has not received a response from you. You have also not informed the Department that you require additional time to gather evidence to respond to the preliminary decision to rescind the conditional offer of employment.

Therefore, the Department has made a final decision to rescind the conditional offer of employment you received for the position of _____. You may appeal the Department's decision as indicated below.

APPEAL RIGHTS:

If you believe an error was made in determining your eligibility for the position based on the criminal history information, you may file an appeal with the Director of Personnel/Department of Human Resources (DHR). The appeal must be in writing and provide specific facts and information demonstrating where an error was made and reasons why the error should be corrected. Any appeal that fails to contain such information will be denied as insufficient. The DHR-Appeals Program must receive the appeal at <https://eappeals.lacounty.gov> within 10 business days from the postmarked date on the envelope in which this notice was mailed, or from the date this notification was sent electronically.

For technical support related to online appeal submissions go to <http://apps.hr.lacounty.gov/eAppeal/>.

If you believe there has been a violation of the County Fair Chance Policies <link to BOS Policy>, you may file a complaint with the County Equity Oversight Panel (CEOP).

Complaints may be filed online at www.ceop.lacounty.gov/complaint-system, or via e-mail at ceop@bos.lacounty.gov, or by telephone at (213) 974-9868 or (213) 620-9282.

You also have the right to file a complaint with the California Civil Rights Department (CRD). For assistance on how to submit a complaint with CRD, please visit their website at <https://calcivilrights.ca.gov/complaintprocess/>, or you may contact them as follows:

- By Telephone: Communication Center at 800-884-1684 (voice), 800-700-2320 (TTY) or California's Relay Service at 711
- By E-mail: contact.center@calcivilrights.ca.gov
- By Mail: CRD Headquarters, 2218 Kausen Drive, Suite 100, Elk Grove, CA 95758.

We thank you for your interest in employment with our Department.

Sincerely,

Name

Departmental Human Resources Manager

Department Letterhead

CONFIDENTIAL

Date:

Applicant Name
XXXX Drive Street
Los Angeles, CA 90010

Dear Mr./Ms. XXXXXX:

NOTICE OF FINAL DECISION TO RESCIND CONDITIONAL EMPLOYMENT OFFER BASED ON DISQUALIFYING CONVICTION(S)

On [DATE], the County of Los Angeles Department of XXXXXXXXX (Department) notified you of its preliminary decision to rescind the conditional offer of employment you received for the position of _____. You were informed of your right to respond before the decision became final and that you would be notified in writing of the Department's final decision based on all the information submitted timely.

On [DATE], the Department received your response. The Department has reviewed and considered your response.

Following careful consideration of the information provided, the Department has made a final decision to rescind the conditional offer of employment you received for the position of _____.

The final decision to rescind your conditional offer was based on [reference included assessment form or provide explanation of why additional documentation was insufficient in this particular case, and/or describe the link between the specific aspects of the criminal history with risks inherent in the duties of the position].

Note that this decision is applicable to this County position. Your name may remain on the eligible list for consideration for other County positions. If you are on different eligible lists, your name may also remain on those eligible lists or registers.

You may appeal the Department's decision as indicated below,

Applicant's Name

DATE

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APPEAL RIGHTS:

If you believe an error was made in determining your eligibility for the position based on the criminal history information, you may file an appeal with the Director of Personnel/Department of Human Resources (DHR). The appeal must be in writing and provide specific facts and information demonstrating where an error was made and reasons why the error should be corrected. Any appeal that fails to contain such information will be denied as insufficient. The DHR-Appeals Program must receive the appeal at <https://eappeals.lacounty.gov> within 10 business days from the postmarked date on the envelope in which this notice was mailed or from the date this notice was sent electronically.

For technical support related to online appeal submissions go to <http://apps.hr.lacounty.gov/eAppeal/>.

If you believe there has been a violation of the County Fair Chance Policies <link to BOS Policy>, you may file a complaint with the County Equity Oversight Panel (CEOP).

Complaints may be filed online at www.ceop.lacounty.gov/complaint-system, or via e-mail at ceop@bos.lacounty.gov, or by telephone at (213) 974-9868 or (213) 620-9282.

You also have the right to file a complaint with the California Civil Rights Department (CRD). For assistance on how to submit a complaint with CRD, please visit their website at <https://civildrights.ca.gov/complaintprocess/>, or you may contact them as follows:

- By Telephone: Communication Center at 800-884-1684 (voice), 800-700-2320 (TTY) or California's Relay Service at 711
- By E-mail: contact.center@civildrights.ca.gov
- By Mail: CRD Headquarters, 2218 Kausen Drive, Suite 100, Elk Grove, CA 95758.

We thank you for your interest in employment with our Department.

Sincerely,

Name

Departmental Human Resources Manager



PPG 514 – DESIGNATION OF SENSITIVE POSITIONS AND CONVICTION HISTORY ASSESSMENTS

Frequently Asked Questions

1. The County is a Fair Chance employer. What does that mean?

In adherence to State law (i.e., the Fair Chance Act) and County policy, the County generally restricts inquiries about and consideration of an applicant's criminal history before making a conditional job offer. This means the County will not, with few exceptions, restrict applicants with a criminal history from applying or ask questions about an applicant's criminal history during the interview process.

If a County department receives criminal history information about an applicant through the post-offer background check (i.e., Live Scan), the department must conduct an individualized assessment to determine whether there is an adverse relationship between the conviction(s) listed and the position sought. An applicant must also be given the opportunity to respond to the department's decision to rescind the conditional offer based on the identified criminal history, if applicable.

2. Is the County required to conduct criminal background checks for all County positions?

No. The County's background check process as stated within PPG 514 is in alignment with State law and the Board of Supervisors' policy on Fair Chance. Unless an exemption applies, the County does not require its departments to conduct criminal background checks or inquire regarding an applicant's criminal history for all County positions. Rather, departments may conduct criminal background checks only for positions designated as "sensitive," and only after a conditional offer of employment is made.

Sensitive positions are positions that require a heightened level of review that when related to the essential job functions of such positions, may pose a significant potential risk to the public, County Workforce, and/or the resources or systems of the County when performed by persons who have a criminal history incompatible with those duties (whether those persons are employees of the County, volunteers, or perform those services pursuant to a contract).

3. How does the County define a conviction?

A conviction includes a plea, verdict, or another finding of guilt by a court, including a military court, of any felony or misdemeanor provided the person has been placed on probation, fined, imprisoned, or paroled because of the conviction.

4. What is an individualized assessment?

An individualized assessment is a reasoned, evidence-based analysis that is completed in writing, to determine if an applicant's criminal history (if any) has a direct, adverse, and



negative relationship to the specific job duties of the position applied for that justify denying the applicant the position.

5. What positions are exempt from the County's Fair Chance policies?

The following positions are exempt from the County's Fair Chance policies:

- A position for which a department is required by any State, federal, or local law or regulation to:
 - Conduct a criminal history background check;
 - Inquire regarding criminal history; or
 - Restrict employment based on criminal history.
- A position for which a department is prohibited by any State, federal, or local law or regulation from employing a person with a specific criminal history.
- Positions within a criminal justice agency, as defined by Penal Code Section 13101. This refers to an agency at any level of government that performs as its principal functions, activities which either:
 - Relate to the apprehension, prosecution, adjudication, incarceration, or correction of criminal offenders; or
 - Relate to the collection, storage, dissemination, or usage of criminal offender record information.

6. Do volunteers and contract personnel also require a Live Scan and individualized assessment?

Volunteers and contract personnel are required to undergo a Live Scan and individual assessment/reassessment if they are going to be assigned to sensitive positions or functions (for example, if they will have remote access to medical and criminal history information).

Volunteers and contract personnel who are not assigned to sensitive positions or functions should not need a Live Scan. Such non-sensitive assignments may include contracts that relate to commodity agreements (e.g., supplies and equipment acquisitions, and deliveries), office equipment repair, short-term and/or supervised consultant or professional services (e.g., training), construction or Job Order Contracting (JOC), and facilities services (e.g., landscaping, pest control, asbestos abatement, and waste removal).

7. What factors does the hiring department consider in assessing criminal history with the position applied for?

A department will consider the following factors in its initial individualized assessment and reassessment of known criminal history:

- Nature and gravity of the offense or conduct.



- The context in which the offense occurred.
- Time that has passed since the conviction and completion of a sentence.
- Nature of job held or sought.
- Evidence of rehabilitation or mitigating circumstances voluntarily submitted in writing or orally by the applicant or another party at the applicant's request (see question 8).
- Whether the applicant has a license, certificate, authorization, or any other similar credential from a licensing, regulatory, or other government agency or board required for the position; if so, a rebuttable presumption exists that such applicant's criminal history is not directly, adversely, and negatively related to the specific duties of the job.
- The number of offenses for which the individual was convicted, provided the convictions show a nexus to the specific job duties of the position.
- Evidence challenging the accuracy of the criminal history report that forms the basis for rescinding a conditional offer of employment.
- The level of potential risk and impact posed to the department, the County, and members of the public based on the individual's documented criminal history when compared to mitigating factors.

8. What information may applicants submit to show proof of rehabilitation or mitigating circumstances?

If applicants receive a preliminary notice that their conditional offer is being rescinded, they may submit a variety of information to show proof of rehabilitation or mitigating circumstances. Below are examples of the types of evidence and documents that can be submitted to a hiring department:

- The length and consistency of employment history before and after the conviction or completion of sentence.
- Evidence showing the applicant is seeking employment and/or held gainful employment (including performing similar work) after their conviction with no known incidents of additional criminal conduct.
- Current or former participation in self-improvement efforts (including certificates of enrollment, participation, or completion); for example, schooling/education, job/vocational training, counseling, community service, and/or rehabilitation programs (e.g. alcohol or drug treatment programs) including in-custody programs;
- Whether the applicant is bonded under a federal, State, or local bonding program.
- Successful completion, or compliance with the terms and conditions of parole and/or probation (inability to pay fines, fees, and restitution due to indigence cannot be considered as non-compliance with terms and conditions of parole and/or probation).
- Employment or character references, or letters of recommendation from people who know



them, such as letters from current or former teachers, counselors, case managers, supervisors, co-workers, community leaders, parole or probation officers, or others who know the applicant.

- Evidence that they were not convicted of one or more of the offenses or that the conviction record is inaccurate.
- Facts or circumstances surrounding the offense or conduct, showing that the conduct was less serious than the conviction seems.
- Age of the applicant when the conduct occurred.
- Explanation of how prior events or conditions, such as homelessness, coercive conditions, trauma, domestic or dating violence, sexual assault, stalking, human trafficking, duress, intimate physical or emotional abuse, or other similar factors contributed to the conduct.
- Whether a disability, including but not limited to a past drug addiction or mental impairment, contributed to the conduct, and if so, whether the likelihood of harm arising from similar conduct can be sufficiently mitigated or eliminated by a reasonable accommodation, or if the disability has been mitigated or eliminated by treatment or otherwise.
- The likelihood of recurrence of similar conduct.
- Any other evidence or documents demonstrating fitness for the position based on rehabilitation or mitigating circumstances.

9. May applicants orally present their evidence of rehabilitation or mitigating circumstances after receiving a preliminary notice of rescission?

Yes, upon an applicant's request, they must be allowed the opportunity to orally present evidence of rehabilitation or mitigating circumstances to the hiring department. The meeting must be conducted within 10-business days and should be documented (e.g., the meeting may be recorded). The meeting can be conducted in person, virtually, or over the phone and applicants should be allowed to submit any documentation to support their assertions regarding rehabilitation or mitigating circumstances (departments may also request such documentation if not proactively submitted by the applicant).

10. Can a department rescind a conditional job offer because of an arrest that has not yet gone to trial?

A hiring department should evaluate an unresolved arrest (i.e., an arrest for which the applicant is out on bail or on their own recognizance pending trial) using the same individualized assessment applicable to convictions. Depending on the circumstances, the hiring department may choose to pause further onboarding actions and hold the item pending the final disposition of the criminal charge(s), and/or attempt to investigate the conduct on which the arrest was based. Departments must follow all individualized assessment and notice procedures that are applicable to convictions prior to rescinding a conditional offer



based on an unresolved arrest. Moreover, departments should consult their assigned County Counsel prior to rescinding a job offer due to an unresolved arrest.

Note: If an applicant is referred to a pre-trial or post-trial diversion program, until that program has been completed and the underlying pending charges or conviction have been dismissed, sealed, or eradicated, departments may consider the conviction or pending charges.

11. If an applicant's criminal history shows a conviction for an offense matching one listed within the policy with a nexus to specific work functions, does it mean the applicant is automatically disqualified from employment?

The specific Penal Code violations listed within the *Evaluating Nexus to Sensitive Positions* section of PPG 514 are intended as examples only to help departments assess a candidate's suitability more effectively for employment when evaluating the potential nexus of criminal history to specific job functions. Departments may not "automatically" disqualify an applicant simply because their criminal history reveals the same offense as that listed within the policy. Departments are still required to conduct an individualized assessment to evaluate if the criminal history has a direct, adverse, and negative bearing on the applicant's ability to perform the duties and responsibilities of the position applied for.

Many factors should be taken into consideration before rescinding a conditional offer of employment, including, among others, the nature and gravity of the conviction, the time passed since the conviction, and the circumstances of the offense or conduct. In other words, simply because a conviction initially appears to show a "nexus" to a particular job, it does not mean the candidate cannot be hired.

12. Do all applicant notices of preliminary and final job rescission have to include information on why the job was rescinded?

Yes. The requirement for all preliminary and final notices of job rescission to applicants are stated within PPG 514 and are aligned with State law and the Board of Supervisors Policy on Fair Chance hiring. Hence, as part of the stated requirements, all such notices must also include either a copy of the *Individualized Assessment/Reassessment Form* or a detailed explanation of the risks inherent within the applicant's criminal history as related to the specific duties of the position applied for. Providing this information increases applicant transparency and helps clarify why a job was rescinded. Furthermore, for all preliminary notices, the information may assist applicants to submit relevant evidence of rehabilitation or mitigating circumstances prior to a final hiring decision; for all final notices, the information could help determine how the applicant may proceed after a final decision has been made.

For additional information and specific template language pertaining to these requirements, see **Attachment C** for a sample of the *Notice of Preliminary Decision and Opportunity for Applicant's Response*, and **Attachment G** for a sample of the *Notice of Final Decision to Rescind Conditional Employment Offer Based on Disqualifying Conviction(s)*.



13. If a department decides to rescind a conditional offer for an applicant, is it acceptable to fill the vacancy before a final decision is made?

An applicant must be allowed the minimum timeframe (i.e., at least five-business days) to respond to a *Notice of Preliminary Decision and Opportunity for Applicant's Response*. If within five business days, the applicant requests an extension to dispute the accuracy of the criminal history report or to submit evidence of rehabilitation and/or mitigating circumstances, the department must wait at least another 10-business days for the applicant to submit such evidence. The vacancy can only be filled after the department has issued the *Notice of Final Decision to Rescind Conditional Employment Offer Based on Disqualifying Convictions* in accordance with the policy.

14. What are the recommended timelines for departments to respond to applicants after an assessment/reassessment?

As a best practice, departments are to review Criminal Offender Record Information (CORI) and begin their individualized assessments within **48 hours** of receiving Live Scan results. If court records are required for a criminal history review based on the Live Scan results, departments are encouraged to complete the individualized assessment within **five-business days** of receiving the court records. Once the individualized assessment is completed and if the department decides to rescind the preliminary conditional offer, the applicant should be promptly notified.

Departments should communicate with applicants regarding any undue delays in the background check process, or delays regarding any decisions to rescind conditional offers of employment either on a preliminary or final basis. Applicants may also directly communicate with relevant departmental staff for a status on their live scan and/or background check.

15. How can an applicant contest a final rescission of a conditional job offer because of their criminal history?

An applicant may contest the department's final decision by filing an appeal with the Department of Human Resources within 10-business days of when the *Notice of Final Decision to Rescind Conditional Employment Offer Based on Disqualifying Conviction(s)* was issued. Appeals are to be filed online at <https://eappeals.lacounty.gov>.

If an applicant believes there was a violation of the County's Fair Chance Policies, they may file a complaint with the County Equity Oversight Panel (CEOP) at <https://ceop.lacounty.gov/complaint-system>, via e-mail at ceop@bos.lacounty.gov, or over the phone at (213) 974-9868 or (213) 620-9282.

16. Where can more information about the County's Fair Chance hiring process be found?

More information about the County's Fair Chance employment process, including an overview of the program, Fair Chance hiring data, how to apply for a job, and other helpful resources



Los Angeles County
DEPARTMENT OF

Human Resources



APPENDIX 2

can be found on the Department of Human Resources website at <https://hr.lacounty.gov/fairchanceemployer>.

The full legislative text of the law on the Fair Chance Act can be located by clicking [here](#) or by copying and pasting the following link in your browser:

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=12952.

HRDS\PPGs\PPGs 514 & 524\Attachment IV - FAQs for PPG 514.docx"



County of Los Angeles
Department of Human Resources
POLICIES, PROCEDURES, AND GUIDELINES

Subject: DESIGNATION OF SENSITIVE POSITIONS AND CONVICTION HISTORY ASSESSMENTS	Policy Number: 514	Pages: 16
	Effective Date: November 26, 2024	
	Approved By: 	

PURPOSE

Los Angeles County (County) is a *Fair Chance* employer. Hence, in accordance with the State of California's Fair Chance Act and Board of Supervisors (Board) Policy No. 9.035 on making hiring and employment decisions for persons with a criminal history, the purpose of this policy is to ensure fair and equitable access to employment opportunities within the County by providing uniform guidelines County departments must follow when inquiring into and considering criminal history information in connection with employment, and in the designation of sensitive positions.

This policy and procedure provides guidance to departments regarding when and how an applicant's criminal history information is obtained and considered in the hiring process.

POLICY

Unless an exemption applies, applicants, which includes persons applying for employment with the County and current employees applying for a different position within the County, shall not be asked to provide any criminal history information until **after** a department makes a conditional offer of employment. Moreover, County departments shall only conduct criminal background checks or inquire regarding criminal history for positions that are designated as sensitive.

Departments shall consider a sensitive position as any that meets the criteria as defined below in the "Designation of Sensitive Positions" section. Sensitive positions are those that require a heightened level of review, that when related to the essential job functions of such positions, may pose a significant potential risk to the public, County workforce, and/or the resources or systems of the County when performed by persons who have a criminal history incompatible with those duties (whether those persons are employees of the County, volunteers, or perform those services pursuant to a contract).

Furthermore, each Department Head shall remain in compliance with the Fair Chance provisions of State law and Board Policy. Departments are responsible for advancing the County's position as a Fair Chance employer by basing an Initial Individualized

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Assessment (a.k.a. “Individualized Assessment”) of past criminal history on the specific job duties and essential functions of the position sought.

Departments shall not proceed with an offer of employment for a person in a sensitive position if the Initial Individualized Assessment of past criminal history determines that a prior conviction(s) has a direct, adverse, and negative bearing on the individual’s ability to perform the duties of the position.

Definitions

- *Applicant* – An individual who submits an application or similar document for County employment. This includes an existing County employee who has requested or applied for a different position (e.g., promotion, reassignment, or transfer) within any County department.
- *Background Check* – The act of reviewing confidential and public information regarding a person’s history. Employers commonly perform background checks to: (1) ensure an individual is who they say they are, and (2) determine whether the individual has a history (such as criminal activity) indicating unsuitability for the position in question.
- *Criminal Offender Record Information (CORI)* – State and federal summary criminal background information identified through fingerprint submission to the State DOJ. It is confidential information disseminated to applicant agencies authorized by California statute for the purposes of employment, licensing, certification, and volunteer clearances. The history lists arrest information such as the date, the charges, and the final disposition. The history also lists all convictions, including the date of the conviction, the charges, the sentence, and whether the crime was a felony or misdemeanor.
- *Initial Individualized Assessment* – A reasoned, evidence-based determination of whether an applicant’s criminal history has a direct and adverse relationship with the specific duties of the job applied that justify denying the applicant the position.
- *Live Scan* – A computer-based process that captures digitized fingerprint images and applicant data and electronically transmits fingerprint images and data to centralized computers at the DOJ.
- *Reassessment* – A secondary assessment performed following receipt of information provided by an applicant in response to a notice of preliminary decision to rescind a conditional offer of employment.

Prohibited Activities

Unless an exemption applies as detailed below, it is prohibited for the County or any of its departments to do any of the following:

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- Inquire into or consider a conviction more than seven (7) years old measured from the date of disposition. This restriction will not apply to positions that: provide services to or supervise minors, dependent adults¹, or persons 65 years of age or older; or relate to the administration of, or eligibility for, public funds or benefits.
- Seek any additional criminal history information from the applicant, including through a criminal history questionnaire (e.g. CCHQ) or similar document, prior to receiving the criminal background check report. A department **must** provide a copy of the criminal background check report to the applicant before seeking or discussing any criminal history information with the applicant. Departments cannot disqualify applicants solely based on discrepancies between inquiries and the DOJ's CORI or court records.
- Inquire into, consider, disseminate, distribute, or require disclosure of an applicant's criminal history before making a conditional offer of employment.
- Consider any criminal history information voluntarily raised by an applicant prior to issuing a conditional offer of employment.
- End a job interview or reject an application based on criminal history information provided by the applicant or learned from any other source prior to issuing a conditional offer of employment.
- Inquire into, consider, distribute, or disseminate information about:
 - An offense other than a felony or misdemeanor (e.g., infractions) except when such offense is included in an applicant's driving record and driving is an essential job function.
 - An arrest not followed by a conviction, except in circumstances as permitted in paragraph (1) of subdivision (a) and subdivision (f) of section 432.7 of the California Labor Code. This paragraph does not prohibit an inquiry into an unresolved arrest.
 - An applicant's referral to, or participation in, a pretrial or post-trial diversion program or a deferral of judgment program, unless participation in such program is presented by the applicant as evidence of rehabilitation or a mitigating circumstance as part of the Initial Individualized Assessment or Reassessment².
 - Convictions that have been sealed, dismissed, expunged, rendered inoperative, invalidated, or statutorily eradicated pursuant to law; or any conviction for which the applicant has received a full pardon or certificate of

¹ As defined in Welfare and Institutions Code Section 15610.23

² Until a pretrial or post-trial diversion program is completed, and the underlying pending charges or conviction dismissed, sealed, or eradicated, departments may still consider the conviction or pending charges after a conditional offer is made.

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rehabilitation.

- An arrest, detention, processing, diversion, supervision, adjudication, or court disposition that occurred while the person was subject to the process and jurisdiction of the juvenile court.
- Any conviction for decriminalized conduct including the noncommercial use and cultivation of cannabis.
- Fill the position sought by the applicant before the minimum time period has elapsed for the applicant to respond to the preliminary decision to rescind the conditional offer of employment (i.e., five [5] business days) or, if the applicant has responded, before the department has issued a final notice to rescind the conditional offer.
- Rescind a conditional offer of employment based solely on a delay in receiving an applicant's criminal background check report that was requested by the department, unless the department can demonstrate undue hardship in operations if it continued to hold the position pending receipt of the background check report, and 10-business days have passed after the department's request of the report.
- Refuse to accept additional evidence provided by the applicant or another party at the applicant's request; require applicants to submit specific types of documentary evidence of rehabilitation or mitigating circumstances; require disclosure of status as a survivor of dating/domestic violence, sexual assault, stalking, or other comparable statuses; require the production of medical records and/or disclose the existence of a disability or diagnosis.
- Interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right provided under Government Code Section 12952.

Exemptions

This policy does not apply to positions for which a department is required by any State, federal, or local law or regulation to conduct criminal history background checks, inquire regarding criminal history, or restrict employment based on criminal history, or where the department is prohibited by any State, federal, or local law or regulation from employing a person with a specific criminal history. Such positions include, but are not limited to, positions within any department that is considered a "criminal justice agency," as the term is defined by Penal Code Section 13101³.

Furthermore, nothing prohibits a department from asking an applicant, prior to a conditional offer, questions regarding the applicant's lived experience in incarceration or

³ Criminal justice agencies within the County include the Alternate Public Defender, District Attorney, Probation, Public Defender, and Sherriff.

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with the criminal justice system, provided it is a job requirement or desired job qualification for the position.

GUIDELINES

The County is authorized to access State and federal-level CORI for purposes of employment in sensitive positions, including placement of volunteers and contract personnel. Fingerprinting for the background check will be conducted using Live Scan to capture and electronically transmit fingerprints to the DOJ and the FBI.

Designation of Sensitive Positions

Criminal history background information may only be secured for new hires, rehires, reinstatements, current employees who transfer or are promoted to sensitive positions, as well as volunteers and contract personnel placed in sensitive positions. DHR Policies, Procedures, and Guidelines No. 524, entitled *Live Scan Procedures*, provides an overview of the background check process for various County functions and should be consulted for further guidance.

All departments shall maintain a list of all sensitive positions, including volunteer and contract positions designated for criminal background checks. The list of sensitive positions and justification for such designations must be approved by DHR and is subject to periodic audit for compliance with the County's Fair Chance Policies. To assist departments, DHR has established the following categories based on positions with similar work functions:

- Positions involving the care, oversight, or protection of persons (e.g., minors, dependent adults, and those 65 years old and over) through contact with such persons (e.g., Children's Social Worker, Home Nursing Attendant, Juvenile Crew Instructor, Deputy Public Guardian).
- Positions with direct or indirect access to funds or negotiable instruments (e.g., Assistant Deputy Director, Chief Investment Officer, Finance Manager, Portfolio Manager, Deputy Purchasing Agent, Cashier).
- Positions involving public safety and/or law enforcement (e.g., Deputy Sheriff, Safety Police Officer, Probation Officer, Public Health Investigator, Environmental Health Specialist).
- Positions with access to or charge of drugs or narcotics (e.g., Pharmacist, Pharmacist Technician, Pharmacy Helper, Physician, Registered Nurse).
- Positions with access to confidential or classified information, including criminal history information (e.g., Departmental Human Resources Manager, Welfare Fraud Investigator, Eligibility Worker, Psychiatric Social Worker).

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- Positions involving the oversight, or protection of County, public, or private property (e.g., Estate Property Custodian or Golf Course Manager, Warehouse Manager).

Each department may establish additional categories of sensitive positions based on this policy, with the approval of the Director of Personnel.

Volunteers and Contract Personnel:

Volunteers and contract personnel who have sensitive positions or assignments, including those having remote access to medical and criminal history information via electronic means, are subject to a criminal background check. However, volunteers and contract personnel who are not assigned to sensitive positions or functions are not subject to a criminal background check. Such non-sensitive positions may include contracts that relate to commodity agreements (e.g., supplies and equipment acquisitions, and deliveries), office equipment repair, short-term and/or supervised consultant or professional services (e.g., training), construction or Job Order Contracting (JOC), and facilities services (e.g., landscaping, pest control, asbestos abatement, and waste removal).

Background Check Exemptions:

This policy does not require criminal background checks for the following:

- Election workers who work fewer than 15 days per election.
- Minors.
- Volunteers who work fewer than three (3) days for each event or period of service.
- Elected officials.

Documenting Designated Sensitive Positions:

The following information is required to be submitted upon request to the Director of Personnel on all designated sensitive positions:

- Listing of all classifications;
- Organizational unit where such positions work; and
- Documentation regarding prior approval.

The following information is required to be on file with the DHRM of the department for each position:

- Title of position;
- Duties of position;

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- Offenses which, depending on the individual case, may raise concerns about the individual's compatibility with the responsibilities of the position; and
- A sufficient description of the relationship between the offense(s) and job duties that justifies the criminal history background check.

Compliance with these procedures is subject to audit by the DOJ and DHR. DHR will assist departments with any questions regarding the confidentiality and security of criminal history information. Any questions regarding policies and procedures for placing persons in sensitive positions should be referred to DHR.

Departments must also identify and report to DHR, an appropriate subject matter expert responsible for the review and approval of job nexus evaluations as related to the specific duties and responsibilities of the vacant position requiring an Initial Individualized Assessment. DHR's Individualized Assessment Fair Chance Tracking System shall be the primary method through which designated employees are maintained.

Evaluating Nexus to Sensitive Positions

The following list shows examples of Penal Code offenses that may have a nexus to the specific work functions of a position. This list shall be used only as a guideline to help determine which offenses may be related to the duties of certain positions.

1. Function – Care, Oversight, or Protection of Persons Through Contact with Such Persons

- Assault
- Forgery
- Intoxication
- Receiving Stolen Property
- Human Trafficking
- Sex Offenses Involving Victims (e.g., Rape, Child Molestation)
- Drug or Narcotics Offenses⁴
- Fraud
- Kidnapping
- Robbery
- Embezzlement
- Homicide
- Manslaughter
- Theft

2. Function – Direct or Indirect Access to Funds or Negotiable Instruments

- Bribery
- Fraud
- Receiving Stolen Property
- Embezzlement
- Theft
- Forgery
- Robbery

3. Function – Public Safety or Law Enforcement

- Assault
- Forgery
- Drug or Narcotics Offenses⁴
- Fraud
- Embezzlement
- Homicide

⁴ Exceptions: Non-felony convictions for possession of marijuana (not possession with intent to distribute), and decriminalized conduct relating to the noncommercial use and cultivation of cannabis.

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- Intoxication
- Human Trafficking
- Sex Offenses Involving Victims (e.g., Rape, Child Molestation)
- Kidnapping
- Robbery
- Theft

4. Function – Access to or Charge of Drugs or Narcotics

- Drug or Narcotics Offenses⁴
- Fraud
- Receiving Stolen Property
- Embezzlement
- Robbery
- Forgery
- Theft

5. Function – Access to Confidential or Classified Information Including Criminal History Information

- Extortion
- Perjury
- Theft
- Forgery
- Receiving Stolen Property
- Fraud
- Robbery

6. Function – Charge of County, Public, or Private Property

- Embezzlement
- Theft
- Receiving Stolen Property
- Robbery

Hiring Standards

After making a conditional offer of employment, please refer to the “Steps Involved When Conducting Initial Individualized Assessments of Criminal History” in the “Procedures” section below.

If an applicant has a criminal history, departments must conduct an Initial Individualized Assessment before rescinding an offer based on such history. As such, no criminal history shall be automatically disqualifying without first conducting the Initial Individualized Assessment and, if necessary, a Reassessment. The assessment should examine whether the criminal history has a direct, adverse, and negative bearing on the applicant’s ability to perform the specific duties of the job applied for and must consider any mitigating factors, including, but not limited to evidence and extent of rehabilitation, and the time that has passed since the criminal conviction.

An Initial Individualized Assessment and/or Reassessment, if necessary, must be conducted prior to the effective date of appointment. The applicant’s appointment shall be effective after a conditional offer of employment has been extended and contingent upon the results of the background check (which includes the Initial Individualized Assessment/Reassessment) and medical evaluation (where required). No new employee may begin employment nor may any current employee’s new appointment be considered final until the results of the background check are obtained and reviewed by the appropriate hiring authority. All new contract personnel and volunteers may not begin

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their assignments until the results of the background check are obtained and reviewed by the appropriate persons or entities.

A department cannot rescind a conditional offer of employment based on a delay in receiving a criminal history report requested from any source unless the department can demonstrate that it would have suffered an undue burden in its operations if it continued to hold the position open pending receipt of the criminal history report, and 10-business days have passed after the date the department requested the report.

Initial Individualized Assessment/Reassessment Criteria

Persons with criminal history may still be placed in a sensitive position for which they qualify. Each case should be individually assessed and/or reassessed and evaluated based on criteria including, but not limited to:

- Nature and gravity of the offense, which may include, but is not limited to:
 - The specific personal conduct of the applicant that resulted in the conviction;
 - Whether the harm was to property or people;
 - The degree or severity of the harm or offense; and
 - The permanence of the harm or offense.
- The context in which the offense occurred including:
 - The facts or circumstances surrounding the offense or conduct;
 - The age of the applicant when the conduct occurred;
 - Whether homelessness, coercive conditions, trauma, domestic or dating violence, sexual assault, stalking, human trafficking, duress, intimate physical or emotional abuse, or other similar factors contributed to the conduct; and
 - Whether a disability, including but not limited to, a past drug addiction or mental impairment contributed to the conduct, and if so, whether the likelihood of harm arising from similar conduct could be sufficiently mitigated or eliminated by a reasonable accommodation or whether the disability has been mitigated or eliminated by a treatment or otherwise⁵.
- Time that has passed since the conviction and completion of sentence, which may include, but is not limited to:
 - The amount of time passed since the conduct underlying the conviction, which may significantly predate the conviction itself; and

⁵ Departments shall not inquire about an applicant's disability nor inquire whether the applicant was addicted to drugs or alcohol at the time of the offense. Such information may only be considered upon voluntary disclosure by the applicant.

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- If the conviction led to incarceration, the amount of time passed since the applicant's release from incarceration.
- Nature of job held or sought including, but not limited to:
 - The specific duties and functions of the position;
 - Whether the circumstances leading to the conduct for which the conviction occurred or that is the subject of an unresolved arrest is likely to recur in the position; and
 - Whether the type or degree of harm that resulted from the conviction is likely to occur in the position.
- Evidence of rehabilitation or mitigating circumstances voluntarily submitted in writing or orally by the applicant or another party at the applicant's request, including, but not limited to:
 - The length and consistency of employment history before and after the offense or conduct and/or since the conviction or completion of sentence;
 - Evidence showing the applicant is seeking employment and/or held gainful employment (including performing similar work) after their conviction with no known incidents of additional criminal conduct;
 - Current or former participation in self-improvement efforts (including certificates of enrollment, participation, or completion), for example, schooling/education, job/vocational training, counseling, community service, and/or rehabilitation programs (e.g., alcohol or drug treatment programs), including in-custody programs;
 - Whether the applicant is bonded under a federal, state, or local bonding program;
 - Successful completion or compliance with the terms and conditions of parole and/or probation (inability to pay fines, fees, and restitution due to indigence shall not be considered noncompliance with the terms and conditions of parole and/or probation);
 - Employment or character references or letters of recommendation from current or former teachers, counselors, case managers, supervisors, co-workers, community leaders, parole or probation officers, or others who know the applicant; and
 - Any other evidence or documents demonstrating fitness for the position based on rehabilitation or mitigating circumstances.
- The number of offenses for which the individual was convicted, provided the convictions show a nexus to the specific job duties of the position.

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- Evidence challenging the accuracy of the criminal history report that forms the basis for rescinding a conditional offer of employment.
- The level of potential risk and impact posed to the department, the County, and members of the public based on the individual's documented criminal history when compared to mitigating factors.
- If the applicant has a license, certificate, authorization, or any other similar credential from a licensing, regulatory, or other government agency or board required for the position, a rebuttable presumption exists that such applicant's criminal history is not directly, adversely, and negatively related to the specific duties of the job.

PROCEDURES

Steps Involved When Conducting Initial Individualized Assessments of Criminal History

Departments shall use the *Individualized Assessment/Reassessment Form* (Attachment A), developed by DHR, for details on how to perform and document Initial Individualized Assessments of criminal history for applicants for employment. Except in rare situations, departments should use the digitized version of this form found on the County's official system of record (i.e., the Individualized Assessment Fair Chance Tracking System).

The following are steps involved in the review of criminal history (please refer to the flow chart in Attachment B):

1. After making a conditional offer of employment, schedule the applicant for Live Scan.
2. Conduct the Live Scan.
3. Review CORI and begin an Initial Individualized Assessment utilizing the *Individualized Assessment/Reassessment Form* (Attachment A). If the CORI reveals that the individual does not have a criminal history, proceed with established hiring procedures. If the CORI reveals that the individual has a criminal history, proceed to step 4.
4. If determined necessary, based on the convictions listed, obtain and review court records for all criminal history information reported on the CORI. In situations where court records are unavailable, the department should document its good faith attempt to obtain the records and consult with County Counsel if they plan to take adverse action (e.g., rescind a conditional offer of employment).

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Please note: In accordance with PPG 501, with limited exceptions, departments cannot consider convictions that have been exempted by a valid court order or judicially dismissed or pardoned pursuant to law. This includes but is not limited to Penal Code Sections 1203.4, 1203.45, and 1210.1. Court records should not be reviewed for any conviction that the law or the County's Fair Chance policies prohibits departments from considering.

5. Complete an Initial Individualized Assessment utilizing the *Individualized Assessment/Reassessment Form* (Attachment A). Incorporate departmental and County hiring standards in policy when conducting the assessment.

If the Initial Individualized Assessment reveals that the individual's criminal history does not provide a basis for rescinding a conditional offer of employment, proceed with established hiring procedures.

If the Initial Individualized Assessment results in a determination that the individual's criminal history justifies issuance of a notice of preliminary decision to rescind the conditional offer of employment, proceed to step 6.

6. Expeditiously send the individual a *Notice of Preliminary Decision and Opportunity for Applicant's Response* (Attachment C). The letter must be sent via certified mail and contain the following:
 - a. Notice of the disqualifying conviction(s) that form the basis for the preliminary decision to rescind the conditional offer, and either a copy of the *Individualized Assessment/Reassessment Form* or a detailed explanation of how those convictions are related to the job duties;
 - b. A copy of all criminal history information and/or other information or documentation relating to the applicant's criminal history used as the basis to disqualify the applicant (e.g., CORI, Minute Orders, Internet searches, news articles, etc.); and
 - c. An explanation of the applicant's right to respond to the preliminary notice before a final decision is made and the deadline for responding. The explanation shall inform the applicant that the response may include the voluntary submission of evidence challenging the accuracy of the criminal history report that was the basis for rescinding the offer, evidence of rehabilitation or mitigating circumstances, or both. To assist the individual, the department should include a sample form (see Attachment D).

The *Notice of Preliminary Decision and Opportunity for Applicant's Response* must allow the individual at least five (5) business days from the date of receipt of the notice to respond in writing or orally (i.e., in-person, virtually, or over the phone) before the department makes a final determination.

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If, within the five (5) business days, the applicant notifies the department of their need for additional time to (1) dispute the accuracy of the criminal history information used as the basis for the preliminary decision to rescind the offer and that they are taking specific steps to obtain evidence supporting that assertion, and/or (2) they require additional time to obtain evidence of rehabilitation or mitigating circumstances, the department shall provide an extension of an additional 10 business days for the applicant to respond to the notification. If the applicant chooses to present information orally, the meeting must be documented and take place within 10 business days from the date of the request.

Steps Involved When Conducting Individualized Criminal History Reassessments

7. After receipt of any additional information, whether in writing or orally, the department must conduct an individualized Reassessment. The Reassessment must include a review of any evidence submitted. A Reassessment must be conducted based on the factors identified within the "Initial Individualized Assessment/Reassessment Criteria" section.

If the department determines following the Reassessment that the conditional offer should not be rescinded, send the *Notice of Restoration of Conditional Employment Offer* (Attachment E) and proceed with established hiring procedures.

If the reassessment results in a decision to rescind a conditional offer of employment, proceed to step 8.

If an applicant does not submit a response within the allotted time and does not request additional time for such a response, the department can proceed with a final decision to rescind the conditional offer of employment, as noted in step 8.

Final Decision to Rescind a Conditional Offer of Employment and Appeal Rights

8. Once a final decision has been made to rescind a conditional offer of employment because of an applicant's criminal history, the department must send a separate written notice via certified mail to the applicant rescinding the conditional offer of employment by utilizing the *Notice of Final Decision to Rescind Conditional Employment Offer Based on Disqualifying Convictions* (Attachment F or G).

The following appeal rights language must be included in the department's final notice:

- *If you believe an error has been made in determining your eligibility for the position based on the criminal history information, you may file an appeal with the Director of Personnel/Department of Human Resources (DHR). The appeal must be in writing and provide specific facts and information demonstrating where an error was made and reasons why the error should be corrected. Any appeal that fails to contain such information will be denied as insufficient.*

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- *The DHR-Appeals Program must receive the appeal at <https://eappeals.lacounty.gov> within 10 business days from the postmarked date on the envelope in which this notice was mailed or from the date this notice was sent electronically.*
- *For technical support related to online appeal submissions, go to <http://apps.hr.lacounty.gov/eAppeal>.*
- *If you believe there has been a violation of the [County Fair Chance Policies](#), you may file a complaint with the County Equity Oversight Panel (CEOP).*
 - *Complaints may be filed online at <https://ceop.lacounty.gov/complaint-system/>, via e-mail at ceop@bos.lacounty.gov, or over the phone at (213) 974-9868 or (213) 620-9282.*
- *You also have the right to file a complaint with the California Civil Rights Department (CRD). For assistance on how to submit a complaint with CRD, please visit their website at <https://civildrights.ca.gov/complaintprocess>, or you may contact them at:*
 - *Communication Center at (800) 884-1684 (voice) or (800) 700-2320 (TTY) or California's Relay Service at 711*
 - *Email: contact.center@civildrights.ca.gov*
 - *Mailing address:*
CRD Headquarters
2218 Kausen Drive, Suite 100
Elk Grove, CA 95758

If the department provides the final notice more than 30-calendar days after the applicant submitted information challenging the results of the Initial Individualized Assessment, the department must also provide a written explanation in that final notice justifying why the final decision was not made within 30-calendar days.

9. For applicants whose conditional offers of employment are rescinded based on criminal history information, their name should remain on the eligible list or register in consideration for other positions that may have different job nexus criteria. For example, an applicant on an eligible list who is disqualified for a Driving Under the Influence (DUI) conviction for a driver position may still be considered for a position where driving is not an essential function of the position.

Although some classifications are shared by several departments, any Initial Individualized Assessment of an applicant must be conducted based on the specific factors relevant to the position in the hiring department. Since an Initial Individualized Assessment by one department would not follow the applicant to another department,

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the applicant's name should remain on the eligible list or register for consideration by other departments.

Recordkeeping

Departments are responsible for maintaining records of all Initial Individualized Assessments/Reassessments. Departments will use the County's system of record (i.e., the Individualized Assessment Fair Chance Tracking System) to enter and store electronic records of the assessments.

Privacy Issues

California law requires criminal history information be released only to those persons with a legitimate need to know and only at the time they require such knowledge. Further, unauthorized disclosure of criminal history information is punishable as a crime.

AUTHORITIES

- November 10, 1998, Resolution of the Board of Supervisors declaring its intention to provide for the access of criminal history information for employment in sensitive positions.
- August 4, 2009, Resolution of the Board of Supervisors providing authority to expand access to summary criminal history information at the State and local level to the federal level for employment purposes.
- March 12, 2013, Board of Supervisors approval regarding the expansion of the criminal background check program to include recommendations from the Live Scan Feasibility Report.
- July 11, 2017, Resolution of the Board of Supervisors to develop a Fair Chance Ordinance establishing guidelines on reducing employment barriers to applicants with criminal history.
- January 25, 2022, Resolution of the Board of Supervisors supporting the recruitment of justice-involved individuals to ensure equitable consideration and hiring of such individuals.
- February 28, 2023, Resolution of the Board of Supervisors directing the issuance of a Fair Chance Ordinance implementing provisions of the Fair Chance Act.
- February 6, 2024, Agenda Item 2, "Increasing Fair Chance Hiring Throughout Los Angeles County."
- Board Policy No. 9.035, *County Fair Chance Policy*.
- Appendix 1 of Title 5 of the County Code; Civil Service Rules 6.04 and 6.07.

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- California Government Code Section 12952.
- California Code of Regulations, Title 2 Section 11017.1.
- California Labor Code Section 432.7.
- California Penal Code Sections: 1203.4, 1203.45, 1210.1, 11102.2, 11105, 11105.2, 11140, 11142, 11143, 13101, 13300.
- California Welfare and Institutions Code section 16501.
- Policies, Procedures, and Guidelines 501, Sealed Records and Convictions Protected from Disclosure by Valid Court Orders.
- Policies, Procedures, and Guidelines No. 524, *Live Scan Procedures*.

DATE ISSUED/REVIEW DATE

Original Issue Date: Memo issued on November 25, 1998

Review Date: Memo issued on November 2, 2007

Review Date: October 1, 2018

Review Date: November 26, 2024



COUNTY OF LOS ANGELES – DEPARTMENT OF HUMAN RESOURCES
INDIVIDUALIZED ASSESSMENT/REASSESSMENT FORM
FAIR CHANCE TRACKING SYSTEM

PART I. PRELIMINARY INDIVIDUALIZED ASSESSMENT

A. REASON FOR INDIVIDUALIZED ASSESSMENT (Per DHR PPG 514)

- | | |
|---|---|
| ☐ New Hire to Sensitive Position | ☐ Reinstatement to Sensitive Position |
| ☐ Promotion to Sensitive Position | ☐ Volunteer in Sensitive Position |
| ☐ Interdepartmental Transfer to Sensitive Position | ☐ Contract Personnel in Sensitive Position |
| ☐ Intradepartmental Transfer to Sensitive Position | ☐ Subsequent Arrest/Conviction |

B. CANDIDATE/EMPLOYEE INFORMATION

Last Name:		First Name:	
Middle Name:		Date of Birth:	
Mailing Address:		City:	
State:		Zip Code:	
Employee Number:		Volunteer/Contract Personnel Number:	

C. POSITION INFORMATION

Department Name:		Dept. #:	
Division:		Section:	
Classification Title:		Item #:	
Exam Number:		Date of Conditional Offer:	
Date Live Scan was Scheduled:		Date Live Scan was Conducted:	
DOJ/FBI revealed conviction history:	☐ Yes ☐ No (End Assessment)	Employee/Candidate Withdrew or Resigned after Live Scan conducted: ☐ Yes	

D. DOJ RELATED INFORMATION

Date of DOJ Report:		Date of FBI Report:		Date DOJ/FBI Results Reviewed:	
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E. COURT RECORD INFORMATION

Conviction Date	Violation Code	Violation Title	Conviction Type	Court Name	Sentence Imposed	Nexus to Work Functions
			☐ Infraction ☐ Misdemeanor ☐ Felony ☐ Other: _____ ☐ Infraction ☐ Misdemeanor ☐ Felony ☐ Other: _____			
			☐ Infraction ☐ Misdemeanor ☐ Felony ☐ Other: _____ ☐ Infraction ☐ Misdemeanor ☐ Felony ☐ Other: _____			

If no court documents were obtained to verify conviction(s) reported by DOJ/FBI, were the court records:

☐ Archived ☐ Destroyed ☐ Other, Explain: _____

F. PRELIMINARY INDIVIDUALIZED ASSESSMENT

Does the preliminary conviction history information obtained cover/impact the “Work Functions” listed below?

☐ No, Proceed to Part II & Part V. ☐ Yes, select the offense(s) listed on the DOJ report.

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ASSESSMENT OF WORK FUNCTIONS

☐ **Work Function #1**

Care, oversight, or protection of persons (e.g., minors, dependent adults, and those 65 years old and over) through contact with such persons (e.g., Children's Social Worker, Home Nursing Attendant, Juvenile Crew Instructor, Deputy Public Guardian).

- | | |
|---|---|
| ☐ Assault | ☐ Kidnapping |
| ☐ Drug or Narcotics Offenses | ☐ Manslaughter |
| ☐ Embezzlement | ☐ Robbery |
| ☐ Elder/Child Abuse | ☐ Receiving Stolen Property |
| ☐ Forgery | ☐ Theft |
| ☐ Fraud | ☐ Threat |
| ☐ Homicide | ☐ Weapons Offense |
| ☐ Human Trafficking | ☐ Sex offenses which involve victims (e.g., rape, child molestation) |
| | ☐ Other (Explain) |
| ☐ Intoxication | |

☐ **Work Function #3**

Public safety and/or law enforcement (e.g., Deputy Sheriff, Safety Police Officer, Probation Officer, Public Health Investigator, Environmental Health Specialist).

- | | |
|---|---|
| ☐ Assault | ☐ Kidnapping |
| ☐ Drug or Narcotics Offenses | ☐ Robbery |
| ☐ Embezzlement | ☐ Theft |
| ☐ Forgery | ☐ Threat |
| ☐ Fraud | ☐ Weapons Offense |
| ☐ Homicide | ☐ Sex offenses which involve victims (e.g., rape, child molestation) |
| | ☐ Other (Explain) |
| ☐ Human Trafficking | |
| ☐ Intoxication | |

☐ **Work Function #5**

Access to confidential or classified information, including criminal history information (e.g., Departmental Human Resources Manager, Welfare Fraud Investigator, Psychiatric Social Worker).

- | | |
|---|--|
| ☐ Assault | ☐ Perjury |
| ☐ Computer Crimes | ☐ Receiving Stolen Property |
| ☐ Drug or Narcotics Offenses | ☐ Robbery |
| ☐ Extortion | ☐ Theft |
| ☐ Forgery | ☐ Threat |
| ☐ Fraud | ☐ Weapons Offense |
| ☐ ID Theft | ☐ Other (Explain) |

☐ **Work Function #2**

Direct or indirect access to funds or negotiable instruments (e.g., Assistant Deputy Director, Chief Investment Officer, Finance Manager, Portfolio Manager, Deputy Purchasing Agent, Cashier).

- | | |
|---|--|
| ☐ Assault | ☐ Robbery |
| ☐ Bribery | ☐ Theft |
| ☐ Drug or Narcotics Offenses | ☐ Embezzlement |
| ☐ Threat | ☐ Weapons offense |
| ☐ Forgery | ☐ Other (Explain) |
| ☐ Fraud | |
| ☐ Received stolen property | |

☐ **Work Function #4**

Access to or charge of drugs or narcotics (e.g., Pharmacist, Pharmacist Technician, Pharmacy Helper, Physician, Registered Nurse).

- | | |
|---|--|
| ☐ Assault | ☐ Robbery |
| ☐ Drug or Narcotics Offenses | ☐ Theft |
| ☐ Embezzlement | ☐ Threat |
| ☐ Forgery | ☐ Weapons offense |
| ☐ Fraud | ☐ Other (Explain) |
| ☐ Received stolen property | |

☐ **Work Function #6**

Oversight, or protection of County, public, or private property (e.g., Estate Property Custodian or Golf Course Manager, Warehouse Manager).

- | | |
|---|--|
| ☐ Assault | ☐ Theft |
| ☐ Drug or Narcotics Offenses | ☐ Threat |
| ☐ Embezzlement | ☐ Weapons offense |
| ☐ Received stolen property | ☐ Other (Explain) |
| ☐ Robbery | |

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ADDITIONAL INDIVIDUALIZED ASSESSMENT FACTORS

Identify the particular facts and circumstances of each conviction that is linked to the “Work Functions” of the position.

Date of Assessment (mm/dd/yyyy):					
Conviction Date	Gravity of Offense	Offense Occurred Date	Sentence Completion Date	Single Incident	Numerous Incidents
	☐ Incarcerated ☐ Placed on probation ☐ Fined \$ _____ ☐ Community Service ☐ Suspended Sentence ☐ Granted certificate of Rehabilitation (date): _____ ☐ Pardoned (date): _____ ☐ Other _____	Date: _____ ____ year(s) ____ month(s) ____ days(s)	Date: _____ ____ year(s) ____ month(s) ____ days(s)		
	☐ Incarcerated ☐ Placed on probation ☐ Fined \$ _____ ☐ Community Service ☐ Suspended Sentence ☐ Granted certificate of Rehabilitation (date): _____ ☐ Pardoned (date): _____ ☐ Other _____	Date: _____ ____ year(s) ____ month(s) ____ days(s)	Date: _____ ____ year(s) ____ month(s) ____ days(s)		

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PART II. PRELIMINARY ASSESSMENT DECISION

Acceptable

- ☐ No Job Nexus.
☐ Job Nexus exists but mitigated by other relevant factors.

Unacceptable

- ☐ Job Nexus exists for candidate. Mailed/e-mailed **Notice of Preliminary Decision and Opportunity for Applicant's Response on (mm/dd/yyyy): _____**.
☐ Job Nexus exists for current employee – *Contact DHR Civil Service Advocacy Division and/or County Counsel's Labor & Employment Division for consultation on further administrative action required, if any.*

PART III. REASSESSMENT (WRITTEN RESPONSE INFORMATION)

Date of Notice of Preliminary Decision and Opportunity for Applicant's Response (mm/dd/yyyy): _____

Did candidate/employee Respond Timely? ☐ Yes ☐ No

Date of Response (mm/dd/yyyy): _____

Evidence challenging the accuracy of the conviction history report:

- ☐ Proof case was judicially dismissed ☐ Proof case was expunged ☐ Proof case was pardon
☐ Other: _____

Evidence of rehabilitation or mitigating circumstances:

- ☐ Counselor letter ☐ Clergy letter ☐ Parole Officer Letter ☐ Supervisor's Letter
☐ Probation Officer Letter ☐ Job Training Certificate ☐ Rehabilitation Certification
☐ Counseling Certification ☐ Other: _____

Date Reassessment Completed (mm/dd/yyyy): _____

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PART IV. FINAL DECISION

Acceptable

- ☐ No Job Nexus.
- ☐ Job Nexus exists, but mitigated by other relevant factors.

Unacceptable

- ☐ Job Nexus exists and not mitigated by other relevant factors. Mailed/e-mailed **Notice of Final Decision to Rescind Contingent Employment Offer on (mm/dd/yyyy):_____**.
- ☐ Job Nexus exists and not mitigated by other relevant factors. Employee is **not** suitable to continue in current position and/or County employment per Civil Service Rule 18.031. (**NOTE:** Contact DHR Civil Service Advocacy Division and/or County Counsel's Labor & Employment Division for consultation on further administrative action required, if any.)
- ☐ Other (Explain)_____

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PART V. CERTIFICATION

Human Resources

Analysis completed by:

Name & Title Human Resources Analyst	Telephone Number	Date	Signature

Analysis approved by (Departmental Human Resources Manager or Designee):

Approval Level 1	Telephone Number	Date	Signature

Approval Level 2 (if applicable)	Telephone Number	Date	Signature

COMMENTS/NOTES REGARDING DECISION:

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Hire Decision

Was the candidate/employee hired or did the candidate/employee remain employed?

- ☐ Yes, Date hire (mm/dd/yyyy): _____.
- ☐ No, Date of Determination (mm/dd/yyyy): _____.

If No* is selected after the employee/candidate cleared the individualized re-assessment:

- Indicate the reason employee or candidate was not hired during or after the assessment.
 - ☐ Employee/Candidate resigned
 - ☐ Employee/Candidate withdrew
 - ☐ Employee/Candidate declined the position
 - ☐ Employee/Candidate did not pass Medical Examination
 - ☐ Employee/Candidate did not pass another step in the hiring process
 - ☐ Other: _____

AUTHORITIES

- **DHR Policies, Procedures, and Guidelines No. 501**
- **DHR Policies, Procedures, and Guidelines No. 514**
- **DHR Policies, Procedures, and Guidelines No. 524**
- **Civil Service Rule 18**

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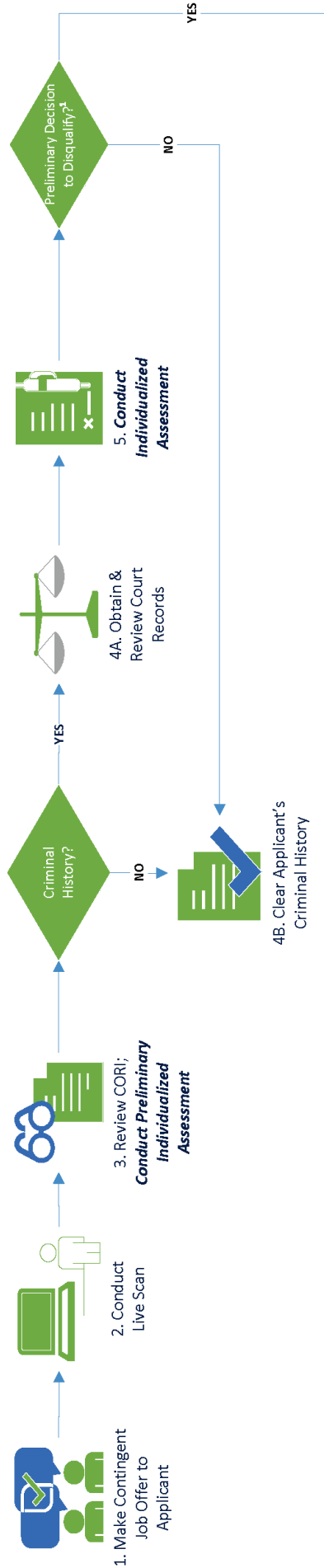
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Criminal Background Flowchart - Process

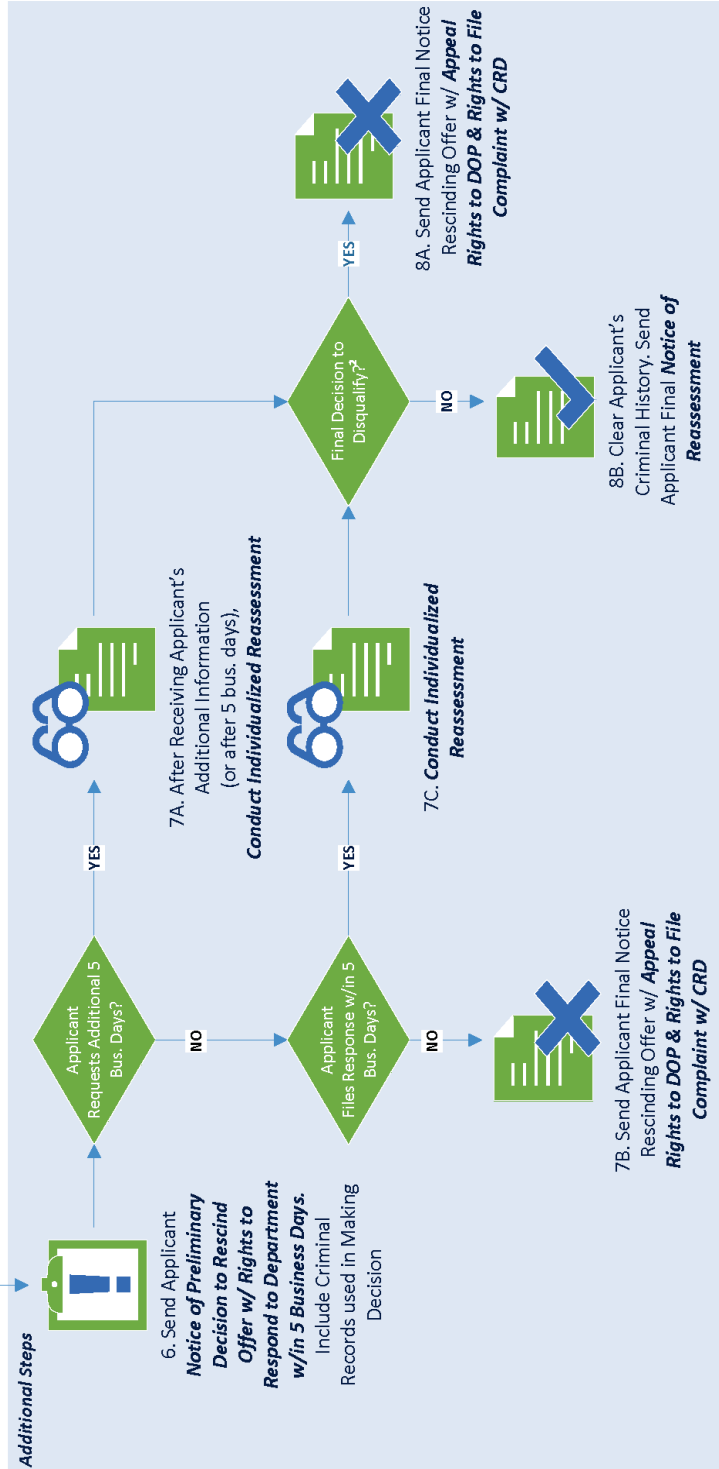


¹Factors to consider should include:

- Nature and gravity of the offense or conduct.
- Time that has passed since the offense or conduct and completion of the sentence.
- Nature of the job held or sought.

²Factors to consider should include:

- Evidence challenging the accuracy of the conviction history report that forms the basis for rescinding the offer.
- Evidence of rehabilitation or mitigating circumstances.



Department Letterhead

CONFIDENTIAL

NOTICE OF PRELIMINARY DECISION AND OPPORTUNITY FOR APPLICANT'S RESPONSE

Date

Candidate Name
XXXX Drive Street
Los Angeles, CA 90010

Dear Mr./Ms. XXXXXX:

Based on the results of your criminal history background check, the County of Los Angeles Department of XXXXXXXX (Department) has made a preliminary (non-final) decision to rescind the conditional offer of employment you received for the position of _____.

This preliminary decision was made after conducting an Initial Individualized Assessment of your criminal history compared with the duties and responsibilities for the position of _____. The attached criminal history report and court records detail the following conviction(s), which serve as the basis for the Department's preliminary decision to rescind the conditional offer of employment.

We determined your criminal history is incompatible with the position because [reference the included assessment form or describe the link between the specific aspects of the criminal history with risks inherent in the duties of the position in the chart below].

CONVICTION(S) CONSIDERED	CONNECTION TO JOB FUNCTION
[List conviction(s)]	[Describe the link between the specific aspects of the criminal history with risks inherent in the duties of the position]

You have the right to respond to this notice before the decision becomes final. You may submit evidence challenging the accuracy of your criminal history report, evidence and extent of rehabilitation, or other mitigating circumstances. The department will consider any and all additional information you choose to submit and make a final decision based on a reassessment of any information submitted.

Your request for reassessment must be made **in writing** and must be submitted to **[department contact and e-mail and mailing address]** **within five (5) business days** from the postmark date on the envelope in which this notice was mailed or from the date this notice was sent electronically:

To ensure your response is considered timely, please include a copy of the postmarked envelope you received with this notice with your response (if applicable).

If you need additional time to obtain evidence or information to support your request, you may submit a request for an extension in writing as directed above, after which you will be given an additional 10 business days to respond.

Examples of information you may present to support your request for reassessment include but are not limited to the following:

- Current or former participation in self-improvement efforts including certificates of enrollment, participation, or completion, for example, schooling/education, job/vocational training, counseling, community service, and/or rehabilitation programs (e.g., alcohol or drug treatment programs) including in-custody programs.
- Successful completion or compliance with the terms and conditions of your parole or probation (inability to pay fines, fees, and restitution due to indigence will not be considered as non-compliance with the terms and conditions of parole and/or probation).
- Employment or character references, or letters of recommendation from people who know you, such as letters from current or former teachers, counselors or case managers, supervisors, co-workers, community leaders, parole or probation officers, or others who know you.
- Evidence that you were not convicted of one or more of the offenses or that the conviction record is inaccurate.
- The facts or circumstances surrounding your offense or conduct.
- Your age when the conduct occurred.
- Explanation of how prior events or conditions, such as homelessness, coercive conditions, trauma, domestic or dating violence, sexual assault, stalking, human trafficking, duress, intimate physical or emotional abuse, or untreated substance abuse or mental illness contributed to the offense or conduct.
- The likelihood that similar conduct will recur.
- Evidence showing you are seeking employment and/or held gainful employment (including performing similar work) after your conviction with no known incidents of additional criminal conduct.

- The length and consistency of your employment history before and after the offense or conduct and/or since the conviction or completion of sentence.
- Whether you are bonded under a federal, state, or local bonding program.
- Any other evidence or documents demonstrating fitness for the position based on rehabilitation or mitigating circumstances.

In lieu of presenting your request for reassessment in writing, you may choose to orally present any evidence of rehabilitation and/or mitigating circumstances in-person, virtually, or over the phone. Should you choose this option, you must notify the Department **in writing within five (5) business days from receipt of this notice, as directed above.**

The Department will then contact you and schedule a mutually convenient date and time within 10 business days of the request to present your case.

If the Department receives your response in a timely manner, the Department will consider all provided information before making a final decision. You will be notified in writing of the Department's final decision based on all of the information received.

If you have questions or require additional information about this notification, please contact [Department Contact Name], at (xxx) xxx-xxxx, and/or [Contact e-mail address].

Sincerely,

Name

Departmental Human Resources Manager

Attachments

(x)

Department Letterhead

IMPORTANT: This form seeks only to collect additional relevant information that allows an opportunity to provide evidence or documentation regarding the accuracy of your criminal history report; evidence of rehabilitation or mitigating factors surrounding your criminal history to reassess your compatibility for this position.

Position Applying for: (Exact Title)					
Last Name		First Name		Middle Initial	
Other Name(s) Used:					
Street Address		Apt. No.		Home Telephone Number () -	
City	State	Zip Code	Alternate Telephone Number () -		
E-mail Address					
REASON(S) FOR CHALLENGING PRELIMINARY ASSESSMENT:					
☐ I am challenging the accuracy of the criminal history report.					
Conviction Date	Violation Code	Conviction Type	Court Disposition	Type of Error	Evidence of Current Status (e.g., judicially dismissed, pardoned, exempted etc.)
☐ I ask that you consider the following evidence demonstrating rehabilitation.					
SAMPLE					
CERTIFICATION OF APPLICANT (please read carefully): I hereby certify that all statements made are true and complete to the best of my knowledge. I understand that any false, incomplete or incorrect statement, regardless of when discovered, may result in my disqualification or dismissal from employment with the County of Los Angeles.					
Date: _____ Signature of Candidate: _____					

Please attach additional pages if necessary.

Department Letterhead

CONFIDENTIAL

Date:

Applicant Name
XXXX Drive Street
Los Angeles, CA 90010

Dear Mr./Ms. XXXXXX:

NOTICE OF RESTORATION OF CONDITIONAL EMPLOYMENT OFFER

On ____[DATE]____, the County of Los Angeles Department of XXXXXXXXX (Department) notified you of its preliminary decision to rescind the conditional offer of employment you received for the position of _____. You were informed of your right to respond before the decision became final and that you would be notified in writing of the Department's final decision based on all the information submitted timely.

On [DATE], the Department received your response, which the Department has reviewed and considered.

Based on all the information reviewed by the Department, the Department is restoring the conditional offer of employment you received for the position of _____. Our [Human Resources Office] will contact you with information regarding next steps.

Thank you for your interest in employment with our Department. If you have any questions or require additional information, please contact [Department Contact Name], at (xxx) xxx-xxxx.

Sincerely,

Name
Departmental Human Resources Manager

Department Letterhead

CONFIDENTIAL

Date:

Applicant Name
XXXX Drive Street
Los Angeles, CA 90010

Dear Mr./Ms. XXXXXX:

NOTICE OF FINAL DECISION TO RESCIND CONDITIONAL EMPLOYMENT OFFER BASED ON DISQUALIFYING CONVICTION(S)

On [DATE], the County of Los Angeles Department of XXXXXXXXX (Department) notified you of its preliminary decision to rescind the conditional offer of employment you received for the position of _____. You were informed of your right to respond before the decision became final and that you would be notified in writing of the Department's final decision based on all the information submitted timely.

To date, the Department has not received a response from you. You have also not informed the Department that you require additional time to gather evidence to respond to the preliminary decision to rescind the conditional offer of employment.

Therefore, the Department has made a final decision to rescind the conditional offer of employment you received for the position of _____. You may appeal the Department's decision as indicated below.

APPEAL RIGHTS:

If you believe an error was made in determining your eligibility for the position based on the criminal history information, you may file an appeal with the Director of Personnel/Department of Human Resources (DHR). The appeal must be in writing and provide specific facts and information demonstrating where an error was made and reasons why the error should be corrected. Any appeal that fails to contain such information will be denied as insufficient. The DHR-Appeals Program must receive the appeal at <https://eappeals.lacounty.gov> within 10 business days from the postmarked date on the envelope in which this notice was mailed, or from the date this notification was sent electronically.

For technical support related to online appeal submissions go to <http://apps.hr.lacounty.gov/eAppeal/>.

If you believe there has been a violation of the County Fair Chance Policies <link to BOS Policy>, you may file a complaint with the County Equity Oversight Panel (CEOP).

Complaints may be filed online at www.ceop.lacounty.gov/complaint-system, or via e-mail at ceop@bos.lacounty.gov, or by telephone at (213) 974-9868 or (213) 620-9282.

You also have the right to file a complaint with the California Civil Rights Department (CRD). For assistance on how to submit a complaint with CRD, please visit their website at <https://calcivilrights.ca.gov/complaintprocess/>, or you may contact them as follows:

- By Telephone: Communication Center at 800-884-1684 (voice), 800-700-2320 (TTY) or California's Relay Service at 711
- By E-mail: contact.center@calcivilrights.ca.gov
- By Mail: CRD Headquarters, 2218 Kausen Drive, Suite 100, Elk Grove, CA 95758.

We thank you for your interest in employment with our Department.

Sincerely,

Name

Departmental Human Resources Manager

Department Letterhead

CONFIDENTIAL

Date:

Applicant Name
XXXX Drive Street
Los Angeles, CA 90010

Dear Mr./Ms. XXXXXX:

NOTICE OF FINAL DECISION TO RESCIND CONDITIONAL EMPLOYMENT OFFER BASED ON DISQUALIFYING CONVICTION(S)

On [DATE], the County of Los Angeles Department of XXXXXXXXX (Department) notified you of its preliminary decision to rescind the conditional offer of employment you received for the position of _____. You were informed of your right to respond before the decision became final and that you would be notified in writing of the Department's final decision based on all the information submitted timely.

On [DATE], the Department received your response. The Department has reviewed and considered your response.

Following careful consideration of the information provided, the Department has made a final decision to rescind the conditional offer of employment you received for the position of _____.

The final decision to rescind your conditional offer was based on [reference included assessment form or provide explanation of why additional documentation was insufficient in this particular case, and/or describe the link between the specific aspects of the criminal history with risks inherent in the duties of the position].

Note that this decision is applicable to this County position. Your name may remain on the eligible list for consideration for other County positions. If you are on different eligible lists, your name may also remain on those eligible lists or registers.

You may appeal the Department's decision as indicated below,

Applicant's Name

DATE

Page 2

APPEAL RIGHTS:

If you believe an error was made in determining your eligibility for the position based on the criminal history information, you may file an appeal with the Director of Personnel/Department of Human Resources (DHR). The appeal must be in writing and provide specific facts and information demonstrating where an error was made and reasons why the error should be corrected. Any appeal that fails to contain such information will be denied as insufficient. The DHR-Appeals Program must receive the appeal at <https://eappeals.lacounty.gov> within 10 business days from the postmarked date on the envelope in which this notice was mailed or from the date this notice was sent electronically.

For technical support related to online appeal submissions go to <http://apps.hr.lacounty.gov/eAppeal/>.

If you believe there has been a violation of the County Fair Chance Policies <link to BOS Policy>, you may file a complaint with the County Equity Oversight Panel (CEOP).

Complaints may be filed online at www.ceop.lacounty.gov/complaint-system, or via e-mail at ceop@bos.lacounty.gov, or by telephone at (213) 974-9868 or (213) 620-9282.

You also have the right to file a complaint with the California Civil Rights Department (CRD). For assistance on how to submit a complaint with CRD, please visit their website at <https://civildrights.ca.gov/complaintprocess/>, or you may contact them as follows:

- By Telephone: Communication Center at 800-884-1684 (voice), 800-700-2320 (TTY) or California's Relay Service at 711
- By E-mail: contact.center@civildrights.ca.gov
- By Mail: CRD Headquarters, 2218 Kausen Drive, Suite 100, Elk Grove, CA 95758.

We thank you for your interest in employment with our Department.

Sincerely,

Name

Departmental Human Resources Manager



PPG 514 – DESIGNATION OF SENSITIVE POSITIONS AND CONVICTION HISTORY ASSESSMENTS

Frequently Asked Questions

1. The County is a Fair Chance employer. What does that mean?

In adherence to State law (i.e., the Fair Chance Act) and County policy, the County generally restricts inquiries about and consideration of an applicant's criminal history before making a conditional job offer. This means the County will not, with few exceptions, restrict applicants with a criminal history from applying or ask questions about an applicant's criminal history during the interview process.

If a County department receives criminal history information about an applicant through the post-offer background check (i.e., Live Scan), the department must conduct an individualized assessment to determine whether there is an adverse relationship between the conviction(s) listed and the position sought. An applicant must also be given the opportunity to respond to the department's decision to rescind the conditional offer based on the identified criminal history, if applicable.

2. Is the County required to conduct criminal background checks for all County positions?

No. The County's background check process as stated within PPG 514 is in alignment with State law and the Board of Supervisors' policy on Fair Chance. Unless an exemption applies, the County does not require its departments to conduct criminal background checks or inquire regarding an applicant's criminal history for all County positions. Rather, departments may conduct criminal background checks only for positions designated as "sensitive," and only after a conditional offer of employment is made.

Sensitive positions are positions that require a heightened level of review that when related to the essential job functions of such positions, may pose a significant potential risk to the public, County Workforce, and/or the resources or systems of the County when performed by persons who have a criminal history incompatible with those duties (whether those persons are employees of the County, volunteers, or perform those services pursuant to a contract).

3. How does the County define a conviction?

A conviction includes a plea, verdict, or another finding of guilt by a court, including a military court, of any felony or misdemeanor provided the person has been placed on probation, fined, imprisoned, or paroled because of the conviction.

4. What is an individualized assessment?

An individualized assessment is a reasoned, evidence-based analysis that is completed in writing, to determine if an applicant's criminal history (if any) has a direct, adverse, and



negative relationship to the specific job duties of the position applied for that justify denying the applicant the position.

5. What positions are exempt from the County's Fair Chance policies?

The following positions are exempt from the County's Fair Chance policies:

- A position for which a department is required by any State, federal, or local law or regulation to:
 - Conduct a criminal history background check;
 - Inquire regarding criminal history; or
 - Restrict employment based on criminal history.
- A position for which a department is prohibited by any State, federal, or local law or regulation from employing a person with a specific criminal history.
- Positions within a criminal justice agency, as defined by Penal Code Section 13101. This refers to an agency at any level of government that performs as its principal functions, activities which either:
 - Relate to the apprehension, prosecution, adjudication, incarceration, or correction of criminal offenders; or
 - Relate to the collection, storage, dissemination, or usage of criminal offender record information.

6. Do volunteers and contract personnel also require a Live Scan and individualized assessment?

Volunteers and contract personnel are required to undergo a Live Scan and individual assessment/reassessment if they are going to be assigned to sensitive positions or functions (for example, if they will have remote access to medical and criminal history information).

Volunteers and contract personnel who are not assigned to sensitive positions or functions should not need a Live Scan. Such non-sensitive assignments may include contracts that relate to commodity agreements (e.g., supplies and equipment acquisitions, and deliveries), office equipment repair, short-term and/or supervised consultant or professional services (e.g., training), construction or Job Order Contracting (JOC), and facilities services (e.g., landscaping, pest control, asbestos abatement, and waste removal).

7. What factors does the hiring department consider in assessing criminal history with the position applied for?

A department will consider the following factors in its initial individualized assessment and reassessment of known criminal history:

- Nature and gravity of the offense or conduct.



- The context in which the offense occurred.
- Time that has passed since the conviction and completion of a sentence.
- Nature of job held or sought.
- Evidence of rehabilitation or mitigating circumstances voluntarily submitted in writing or orally by the applicant or another party at the applicant's request (see question 8).
- Whether the applicant has a license, certificate, authorization, or any other similar credential from a licensing, regulatory, or other government agency or board required for the position; if so, a rebuttable presumption exists that such applicant's criminal history is not directly, adversely, and negatively related to the specific duties of the job.
- The number of offenses for which the individual was convicted, provided the convictions show a nexus to the specific job duties of the position.
- Evidence challenging the accuracy of the criminal history report that forms the basis for rescinding a conditional offer of employment.
- The level of potential risk and impact posed to the department, the County, and members of the public based on the individual's documented criminal history when compared to mitigating factors.

8. What information may applicants submit to show proof of rehabilitation or mitigating circumstances?

If applicants receive a preliminary notice that their conditional offer is being rescinded, they may submit a variety of information to show proof of rehabilitation or mitigating circumstances. Below are examples of the types of evidence and documents that can be submitted to a hiring department:

- The length and consistency of employment history before and after the conviction or completion of sentence.
- Evidence showing the applicant is seeking employment and/or held gainful employment (including performing similar work) after their conviction with no known incidents of additional criminal conduct.
- Current or former participation in self-improvement efforts (including certificates of enrollment, participation, or completion); for example, schooling/education, job/vocational training, counseling, community service, and/or rehabilitation programs (e.g. alcohol or drug treatment programs) including in-custody programs;
- Whether the applicant is bonded under a federal, State, or local bonding program.
- Successful completion, or compliance with the terms and conditions of parole and/or probation (inability to pay fines, fees, and restitution due to indigence cannot be considered as non-compliance with terms and conditions of parole and/or probation).
- Employment or character references, or letters of recommendation from people who know



them, such as letters from current or former teachers, counselors, case managers, supervisors, co-workers, community leaders, parole or probation officers, or others who know the applicant.

- Evidence that they were not convicted of one or more of the offenses or that the conviction record is inaccurate.
- Facts or circumstances surrounding the offense or conduct, showing that the conduct was less serious than the conviction seems.
- Age of the applicant when the conduct occurred.
- Explanation of how prior events or conditions, such as homelessness, coercive conditions, trauma, domestic or dating violence, sexual assault, stalking, human trafficking, duress, intimate physical or emotional abuse, or other similar factors contributed to the conduct.
- Whether a disability, including but not limited to a past drug addiction or mental impairment, contributed to the conduct, and if so, whether the likelihood of harm arising from similar conduct can be sufficiently mitigated or eliminated by a reasonable accommodation, or if the disability has been mitigated or eliminated by treatment or otherwise.
- The likelihood of recurrence of similar conduct.
- Any other evidence or documents demonstrating fitness for the position based on rehabilitation or mitigating circumstances.

9. May applicants orally present their evidence of rehabilitation or mitigating circumstances after receiving a preliminary notice of rescission?

Yes, upon an applicant's request, they must be allowed the opportunity to orally present evidence of rehabilitation or mitigating circumstances to the hiring department. The meeting must be conducted within 10-business days and should be documented (e.g., the meeting may be recorded). The meeting can be conducted in person, virtually, or over the phone and applicants should be allowed to submit any documentation to support their assertions regarding rehabilitation or mitigating circumstances (departments may also request such documentation if not proactively submitted by the applicant).

10. Can a department rescind a conditional job offer because of an arrest that has not yet gone to trial?

A hiring department should evaluate an unresolved arrest (i.e., an arrest for which the applicant is out on bail or on their own recognizance pending trial) using the same individualized assessment applicable to convictions. Depending on the circumstances, the hiring department may choose to pause further onboarding actions and hold the item pending the final disposition of the criminal charge(s), and/or attempt to investigate the conduct on which the arrest was based. Departments must follow all individualized assessment and notice procedures that are applicable to convictions prior to rescinding a conditional offer



based on an unresolved arrest. Moreover, departments should consult their assigned County Counsel prior to rescinding a job offer due to an unresolved arrest.

Note: If an applicant is referred to a pre-trial or post-trial diversion program, until that program has been completed and the underlying pending charges or conviction have been dismissed, sealed, or eradicated, departments may consider the conviction or pending charges.

11. If an applicant's criminal history shows a conviction for an offense matching one listed within the policy with a nexus to specific work functions, does it mean the applicant is automatically disqualified from employment?

The specific Penal Code violations listed within the *Evaluating Nexus to Sensitive Positions* section of PPG 514 are intended as examples only to help departments assess a candidate's suitability more effectively for employment when evaluating the potential nexus of criminal history to specific job functions. Departments may not "automatically" disqualify an applicant simply because their criminal history reveals the same offense as that listed within the policy. Departments are still required to conduct an individualized assessment to evaluate if the criminal history has a direct, adverse, and negative bearing on the applicant's ability to perform the duties and responsibilities of the position applied for.

Many factors should be taken into consideration before rescinding a conditional offer of employment, including, among others, the nature and gravity of the conviction, the time passed since the conviction, and the circumstances of the offense or conduct. In other words, simply because a conviction initially appears to show a "nexus" to a particular job, it does not mean the candidate cannot be hired.

12. Do all applicant notices of preliminary and final job rescission have to include information on why the job was rescinded?

Yes. The requirement for all preliminary and final notices of job rescission to applicants are stated within PPG 514 and are aligned with State law and the Board of Supervisors Policy on Fair Chance hiring. Hence, as part of the stated requirements, all such notices must also include either a copy of the *Individualized Assessment/Reassessment Form* or a detailed explanation of the risks inherent within the applicant's criminal history as related to the specific duties of the position applied for. Providing this information increases applicant transparency and helps clarify why a job was rescinded. Furthermore, for all preliminary notices, the information may assist applicants to submit relevant evidence of rehabilitation or mitigating circumstances prior to a final hiring decision; for all final notices, the information could help determine how the applicant may proceed after a final decision has been made.

For additional information and specific template language pertaining to these requirements, see **Attachment C** for a sample of the *Notice of Preliminary Decision and Opportunity for Applicant's Response*, and **Attachment G** for a sample of the *Notice of Final Decision to Rescind Conditional Employment Offer Based on Disqualifying Conviction(s)*.



13. If a department decides to rescind a conditional offer for an applicant, is it acceptable to fill the vacancy before a final decision is made?

An applicant must be allowed the minimum timeframe (i.e., at least five-business days) to respond to a *Notice of Preliminary Decision and Opportunity for Applicant's Response*. If within five business days, the applicant requests an extension to dispute the accuracy of the criminal history report or to submit evidence of rehabilitation and/or mitigating circumstances, the department must wait at least another 10-business days for the applicant to submit such evidence. The vacancy can only be filled after the department has issued the *Notice of Final Decision to Rescind Conditional Employment Offer Based on Disqualifying Convictions* in accordance with the policy.

14. What are the recommended timelines for departments to respond to applicants after an assessment/reassessment?

As a best practice, departments are to review Criminal Offender Record Information (CORI) and begin their individualized assessments within **48 hours** of receiving Live Scan results. If court records are required for a criminal history review based on the Live Scan results, departments are encouraged to complete the individualized assessment within **five-business days** of receiving the court records. Once the individualized assessment is completed and if the department decides to rescind the preliminary conditional offer, the applicant should be promptly notified.

Departments should communicate with applicants regarding any undue delays in the background check process, or delays regarding any decisions to rescind conditional offers of employment either on a preliminary or final basis. Applicants may also directly communicate with relevant departmental staff for a status on their live scan and/or background check.

15. How can an applicant contest a final rescission of a conditional job offer because of their criminal history?

An applicant may contest the department's final decision by filing an appeal with the Department of Human Resources within 10-business days of when the *Notice of Final Decision to Rescind Conditional Employment Offer Based on Disqualifying Conviction(s)* was issued. Appeals are to be filed online at <https://eappeals.lacounty.gov>.

If an applicant believes there was a violation of the County's Fair Chance Policies, they may file a complaint with the County Equity Oversight Panel (CEOP) at <https://ceop.lacounty.gov/complaint-system>, via e-mail at ceop@bos.lacounty.gov, or over the phone at (213) 974-9868 or (213) 620-9282.

16. Where can more information about the County's Fair Chance hiring process be found?

More information about the County's Fair Chance employment process, including an overview of the program, Fair Chance hiring data, how to apply for a job, and other helpful resources



Los Angeles County
DEPARTMENT OF

Human Resources



APPENDIX 1

can be found on the Department of Human Resources website at <https://hr.lacounty.gov/fairchanceemployer>.

The full legislative text of the law on the Fair Chance Act can be located by clicking [here](#) or by copying and pasting the following link in your browser:
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=12952.

HRDS\PPGs\PPGs 514 & 524\Attachment IV - FAQs for PPG 514.docx"

DMV MAINFRAME DRIVING RECORD CHECKLIST

Registrar-Recorder/County Clerk (RR/CC) DRIVING CRITERIA:

DISQUALIFYING FACTORS MAY INCLUDE BUT ARE NOT LIMITED TO: FELONY CONVICTIONS, CERTAIN JOB-RELATED MISDEMEANOR CONVICTIONS, CERTAIN SERIOUS TRAFFIC CONVICTIONS OR PATTERNS OF TRAFFIC VIOLATIONS (E.G., 1 OR MORE MOVING VIOLATIONS WITHIN THE PAST 12 MONTHS TO 3 YEARS, FAILURE TO APPEAR, AT-FAULT ACCIDENTS, AND DRIVING UNDER THE INFLUENCE), ILLEGAL USE OF CERTAIN CONTROLLED SUBSTANCES, TO NAME SOME.

CLEARANCE CHECKLIST:

DESCRIPTION		YES	NO	ACTION
LICENSE STATUS: INVALID				IF YES, NOT QUALIFIED
EXPIRATION DATE BEFORE EMPLOYMENT END DATE				IF YES, NOT QUALIFIED
RESTRICTIONS – EXCEPT: 1. WEARING CORRECTIVE LENSES, AND/OR 2. CLASS B: WITHOUT AIR BRAKES				IF YES, NOT QUALIFIED
LICENSE SUSPENDED				IF YES, NOT QUALIFIED
SINGLE-POINT INFRACTIONS/VIOLATIONS	2 OR MORE IN THE PAST 12 MONTHS			IF YES, NOT QUALIFIED
TWO-POINT INFRACTIONS/VIOLATIONS	1 OR MORE IN THE PAST 3 YEARS			IF YES, NOT QUALIFIED
DRIVING UNDER INFLUENCE	1 OR MORE IN THE PAST 3 YEARS			IF YES, NOT QUALIFIED
HIT AND RUN	ANY INSTANCE OF FAILING TO STOP AFTER AN ACCIDENT			IF YES, NOT QUALIFIED

DESCRIPTION		YES	NO	ACTION
ACCIDENTS	ANY ACCIDENTS WITHIN THE PAST 2 YEARS			IF YES, REVIEW ACCIDENT WITH SUPERVISOR TO IDENTIFY EXCESSIVE MISCONDUCT.
FAIL-TO-PAY	FAILURE TO PAY FEE OR FINE			IF YES, NOT QUALIFIED
FAIL-TO-APPEAR	FAILURE TO APPEAR FOR A COURT DATE			IF YES, NOT QUALIFIED



LOS ANGELES COUNTY REGISTRAR-RECORDER/COUNTY CLERK

DEAN C. LOGAN

Registrar-Recorder/County Clerk

POLICIES, PROCEDURES, AND GUIDELINES

Title: APPROPRIATE WORKPLACE ATTIRE

Policy #: A3-25

Prepared By: Human Resources Division

Effective Date: 8/14/2014

This policy supersedes Directive A3-25, Dated 4/15/2010.

POLICY:

This policy establishes departmental standards and guidelines on appropriate workplace attire and professional appearance in concert with the Department of Human Resources' countywide policy on Professional Appearance in the Workplace (PPG 512).

SCOPE:

This policy covers all departmental employees. It is the County of Los Angeles' expectation and requirement that employees maintain a professional appearance in the workplace.

GUIDELINES:

These guidelines on professional appearance are intended to:

- Foster respect and earn the confidence of members of the public (customers), vendors and fellow employees.
- Promote a positive work environment and limit distractions.
- Ensure safety and security while working.

Employees are expected to comply with the following standards regarding appropriate workplace attire:

- Employees shall present a neat, clean and professional appearance in their performance of duties at all times based on the employee's assignment and/or work location.

- Employees must dress in a manner that will not hinder their ability to effectively complete their work assignments, including consideration of the communities served, customer expectations, business needs or standards of the Department and the employee's safety.
- Employees are expected to practice personal hygiene that does not interfere with the public and/or co-workers in their work environment.
- Employees should be mindful of, and dress appropriately for, special events, meetings, and appointments with customers.
- Official photo identification badges and uniforms (where applicable) shall be worn in the performance of County business and in all County facilities in order to identify employees as legitimate County representatives.
- Employees shall abide by specific dress requirements intended to ensure job-related safety such as when operating equipment or machinery, working with potentially dangerous chemicals, or for public health consideration.

Employees are prohibited from wearing the following:

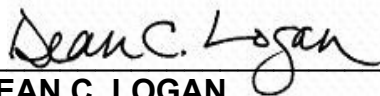
- T-shirts (Exception - With approval from management, employees may wear T-shirts for County or Department-sponsored events).
- Clothing that may create a hostile or uncomfortable work environment, such as sexually suggestive cartoons, pictures or words.
- Denim pants or jean-style pants of any color (except for employees working in warehousing job assignments at the Election Operations Center, the Supply Store Warehouse, including parking staff, and Printing Services Unit).
- Pants below the waistline or low-rise pants showing undergarments.
- Low front tops, halter tops, and bare midriffs.
- Flip-flop style sandals.
- Athletic wear e.g., gym or sweatpants, leggings, jogging outfits, shorts, spandex, sports jerseys or baseball caps.
- Torn, frayed or ripped clothing.
- Excessively tight fitting, short and/or oversized (baggy) garments.

- Excessive number of earrings (maximum number of two per ear; no other facial jewelry piercings are allowed).
- Visible tattoos (tattoos must be reasonably covered at all times).

The Department practices business-casual Fridays, in which jeans and tennis shoes that are appropriate for the workplace are permitted. However, business-casual clothes should be clean, pressed or wrinkle-free, and without holes. Appropriate denim jeans, dresses, skirts, shirts, vests, jackets, or pants must not be faded, frayed, ripped, torn, over-sized or have logos.

Exceptions to this policy may be made for County or Department-sponsored events, special occasions, seasonal weather changes and business-casual days, or based on requests for reasonable accommodation (e.g., religious, cultural or disability).

Employees who report to work and are not in compliance with this policy may be sent home to change and return to work, using their own time, unless some other remedy can be arranged for appropriate attire, such as an employee putting on a jacket.



DEAN C. LOGAN
Registrar-Recorder/County Clerk

AUTHORITY:

- County Code, Title 5 Personnel, Section 5.72.010 - Suitable clothing to be worn
- County of Los Angeles - Employee Handbook, Section C, Performance Expectations
- Department of Human Resources PPG 512 - Professional Appearance in the Workplace

POLICY REVIEW DATE:

Issue Date: April 15, 2010
Review Date: August 14, 2014

RESOURCE GUIDE:

N/A