

Human Resources - Work Performance Hiring Guidelines

Orange County Public Schools (OCPS) has guidelines in place that are used to review an applicant’s past work performance to determine eligibility for employment. OCPS will take into consideration the nature of the action, as well as the age of the action, when making a determination about eligibility for employment. **Each applicant shall answer the Work Performance Questions based on his/her entire work history.** OCPS conducts a thorough work performance history check with an applicant’s previous employers over the past five (5) years, including, but not limited to: any evaluations; certification issues (previous or pending revocations, suspensions, sanctions, or denials); resignations (i.e. while under investigation, misconduct, in lieu of termination, while on probation or performance improvement plan, mutual agreement, etc.); investigations; discipline/reprimands/suspensions (with or without pay); terminations; reasons for dismissal (including dismissal during a probationary period); non-reappointments (for performance reasons); references, etc.

The following guidelines apply:

Will Not Hire	Review on a Case by Case Basis [^]
<ul style="list-style-type: none"> ● Terminated by OCPS or a Previous Employer for: <ul style="list-style-type: none"> ○ Workers’ Compensation Settlement ○ Misconduct ○ Job abandonment ○ Falsification (if determined willful intent)* within 1 year** ○ Performance within 5 years; must document demonstrated successful work performance thereafter ○ Probationary period within 5 years; must document demonstrated successful work performance thereafter ● OTETA*** positive drug testing ● Non-OTETA positive drug test results within 3 years; any additional occurrence will result in a permanent ineligibility ● Pending Professional Practices cases or on probation 	<ul style="list-style-type: none"> ● Reasons for leaving previous job ● Pending litigation with a previous employer ● References that reflect “no hire” status ● Previous evaluations that are comparable to Effective with Recommendations (ER) or Needs Improvement (NI) ● Professional Practices cases when final ● Previous application concerns <p>[^]This list is not all-inclusive. OCPS reserves the right to make determinations based on individual facts and circumstances.</p>

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

** With respect to falsification, an applicant may be eligible to reapply 1 year after submission of the original application depending on the nature of the falsification.

***Omnibus Transportation Employee Testing Act (OTETA)

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



Employment Services - Criminal Record History Hiring Guidelines

All candidates for employment with OCPS will be fingerprinted and a criminal record history check will be completed. In Florida, the entire criminal record, including any arrest record, is revealed to school districts, including sealed and/or expunged records and military court proceedings.¹ Applicants (including those seeking to be an employee, vendor, or non-paid volunteer) **must disclose** this information even if told differently by a lawyer, judge, or other law enforcement individual. If you were given this information by a judge, then those written instructions would need to be provided to OCPS. Prior criminal records may or may not result in disqualification for employment; however, failure to disclose this information **MAY** disqualify you for employment. Information that must be disclosed includes any offense that occurred **whether as a juvenile or adult**; therefore **all** adult and juvenile offenses must be listed.

An applicant’s criminal history includes any offense for which the applicant posted bail; entered a pre-trial diversion program, pre-trial intervention program, teen or drug court or juvenile program; had adjudication withheld; was convicted or found guilty; was placed on probation; pled guilty or no contest; was jailed or imprisoned; or appeared in court; as a juvenile or adult. In accordance with the Jessica Lunsford Act,² please understand that you must list **all** adult or juvenile misdemeanors, felonies, military court proceedings, or other criminal offenses and/or records. Note: DUI and reckless driving are criminal offenses.

The following guidelines apply:

Will Not Hire:	Will Not Hire if Anyone Had Been Convicted of:	Case by Case Basis:
Statutory felony convictions in FS §1012.315 (1) Any Other Pending Felony Cases (including felonies involving violence disposed with consequences)	Any other adult felony offense within the past 15 years (except those enumerated in FS §1012.315) Juvenile felony offense within the past 5 years (except those enumerated in FS §1012.315)	Any applicant convicted of a felony of more than 15 years (except those convicted of crimes included in FS §1012.315 (1))
Statutory misdemeanor convictions in FS §1012.315 (2) Any Other Pending Misdemeanor Cases	Any other adult misdemeanor offense within the past 5 years (except those enumerated in FS §1012.315) Juvenile misdemeanor offense within the past 5 years (except those enumerated in FS §1012.315)	Any applicant convicted of a misdemeanor of more than 5 years (except those convicted of crimes included in FS §1012.315 (2))
		Arrest(s) or charges for: (1) any crime involving violence (domestic violence, battery, etc.) and/or drug offenses; (2) multiple arrests and/or charges; and/or (3) nature of arrests and/or charges

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

¹ See FS §§943.0585 and 943.059.

² See FS §§1012.465, 1012.467, and 1012.468, which govern the screening of individuals.

NONCRIMINAL JUSTICE APPLICANT'S PRIVACY RIGHTS

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

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

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

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

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

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

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

³ See 28 CFR 50.12(b).

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