

# County of Alameda

## Conviction History Form

(Return to Evaluation Unit within 3 Business Days – No Exceptions)

**Complete and Return This Form to: Human Resource Services Department, Attention: Evaluation Unit  
Lakeside Plaza Building, 1405 Lakeside Drive, Oakland, CA 94612-4305**

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			

Social Security Number:	Drivers License Number:
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**Important Reminder: You will be asked to submit a copy of this form each time you are being considered for a position. Please retain a copy for your records.**

1. Do any of the following situations apply to you regarding arrests:  YES  No
- I. An arrest for which you are currently out on bail or out on your own recognizance pending trial;
  - II. An arrest under any section of Penal Code Section 290 (i.e., Megan’s Law)
  - III. If you are applying for a position with regular access to patients at a health care facility (as defined in Health and Safety Code Section 1250), you are required to disclose an arrest under any section of Penal Code Section 290; or
  - IV. If you are applying for a position with access to drugs and medication at a health facility (as defined in Health and Safety Code Section 1250), you are required to disclose an arrest under any section of Health and Safety Code Section 11590.
2. Have you been convicted of any crime by any court, including a military court, except as provided below?  YES  No
- A conviction includes a plea, verdict or other finding of guilt. This question includes any conviction for which you have received a pardon. **However, you do not need to disclose any conviction that falls within one of the categories identified below. If you have more than one conviction, and they all fall within one of the categories identified below, you should check “NO” to this question.**
- I. Any record regarding a referral to or participation in any pre-trial or post trial diversion program;
  - II. Any conviction where you have successfully completed a deferred entry of judgment program. *If you are currently participating in a deferred entry of judgment program, you must disclose that conviction;*
  - III. A conviction where the Court has ordered the record sealed, expunged or statutorily eradicated;
  - IV. A conviction for a traffic offense where the fine was less than \$400;
  - V. A misdemeanor conviction for which probation was successfully completed or otherwise discharged and the case has been judicially dismissed under Penal Code Section 1203.4;
  - VI. A conviction that is more than two years old and is for one of the following violations:
    - a. Health & Safety Code Section 11357 (b) or (c), or any statutory predecessor to that section;
    - b. Health & Safety Code Section 11360(c), or any statutory predecessor to that section; or
    - c. Health & Safety Code Sections 11364, 11365, and 11550 as they relate to marijuana prior to January 1, 1976, or any statutory predecessors to those sections; or
    - d. any conviction while a juvenile (under 18 years old), unless the job announcement identifies particular convictions that must be disclosed for that particular classification or position, regardless of age when convicted.

If you answered “yes” to questions 1 or 2, please provide the following information for each arrest or conviction. You may voluntarily provide any explanation that you wish to have considered as part of your application, including any evidence of rehabilitation. If you have more than one arrest or conviction that you must disclose, please use an additional piece of paper and attach it to this form.

CONVICTION DATE: <i>(on or about)</i>	WHERE VIOLATION OCCURRED: <i>(City, County, State)</i>	CIRCUMSTANCES OF ARREST & CONVICTION	SENTENCE & STATUS:

**CERTIFICATION OF APPLICANT (please read carefully):** I hereby certify that all statements made in this Conviction History Form 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 Alameda.

**Date:** \_\_\_\_\_ **Signature of Applicant:** \_\_\_\_\_

## Part II. Frequently Asked Questions

### 1. Why am I being asked for information about my arrest and conviction history?

State and local law require the County of Alameda to consider each applicant's arrest and conviction history in determining that person's qualifications for employment. A conviction includes a plea, verdict or other finding of guilt by a court, including a military court, even if no sentence was imposed. For some County jobs, state or federal law may also require a background check.

### 2. If I have an arrest or conviction in my past, does that automatically rule out County employment?

An arrest or conviction history does not automatically preclude County employment generally. Whether an arrest or conviction will prevent employment in a specific job depends on both the type of arrest or conviction and the job for which you have applied.

For some County jobs, depending on the nature of the work and the work location, state or federal law may bar people with certain convictions from working in those jobs. In its job announcements, the County attempts to identify any convictions that preclude employment in a particular job. If you have a conviction that legally disqualifies you from working in a certain classification or position, then that conviction would preclude County employment in that particular job, but it may not rule out County employment in other classifications or positions.

For jobs where a conviction is not an automatic exclusion, the County looks at arrest and conviction history on a case-by-case basis and evaluates several factors related to the arrest or conviction in determining an applicant's suitability for the job. Those factors include, but are not limited to: (1) the nature and gravity of the offense; (2) the degree to which the arrest or conviction is related to the duties and responsibilities of the job; (3) age when arrested or convicted; (4) the time elapsed since the arrest or conviction; (5) evidence of rehabilitation; and (6) any other mitigating circumstances.

### 3. What arrests and convictions must I disclose?

#### a) Arrests

You must disclose the following arrests:

- I. An arrest for which you are currently out on bail or out on your own recognizance pending trial;
- II. An arrest under any section of Penal Code Section 290 (i.e., Megan's Law);
- III. If you are applying for a position with regular access to patients at a health care facility (as defined in Health and Safety Code Section 1250), you are required to disclose an arrest under any section of Penal Code Section 290; or
- IV. If you are applying for a position with access to drugs and medication at a health facility (as defined in Health and Safety Code Section 1250), you are required to disclose an arrest under any section of Health and Safety Code Section 11590.

#### b) Convictions

Except for those convictions listed in Question/Answer 4. b. below, you must disclose all convictions by any criminal or military court, even if pardoned under California Penal Code Section 4852.16.

Note: applicants for positions as peace officers or for positions with a criminal justice agency (as defined in Penal Code Section 13101) are subject to different disclosure requirements. If you are applying for one of these positions, please consult with the Department of Human Resources.

### 4. Are there any arrests or convictions that I do not need to disclose?

#### a) Arrests

Except as listed in Question/Answer 3.a. above, you do not need to disclose any arrest or detention that did not result in a conviction.

#### b) Convictions

You do not need to disclose the following:

- I. any record regarding a referral to or participation in any pre-trial or post trial diversion program;
- II. any conviction where you have successfully completed a deferred entry of judgment program. If you are currently participating in a deferred entry of judgment program, you must disclose that conviction;
- III. a conviction where the Court has ordered the record sealed, expunged or statutorily eradicated;
- IV. a conviction for a traffic offense where the fine was less than \$400;
- V. a misdemeanor conviction for which probation was successfully completed or otherwise discharged and the case has been judicially dismissed under Penal Code Section 1203.4;
- VI. a conviction that is more than two years old and is for one of the following violations: (i) Health & Safety Code Section 11357 (b) or (c), or any statutory predecessor to that section; (ii) Health & Safety Code Section 11360(c), or any statutory predecessor to that section; or (iii) Health & Safety Code Sections 11364, 11365, and 11550 as they relate to marijuana prior to January 1, 1976, or any statutory predecessors to those sections; or
- VII. any conviction while a juvenile (under 18 years old), unless the job announcement identifies particular convictions that must be disclosed for that particular classification or position, regardless of age when convicted.

### 5. How will the County use my arrest and conviction information?

During the hiring process, the County will review your conviction history form. It will also verify the information on the form by taking and sending your fingerprint to the Department of Justice. If the information provided by you on the form and the information from the Department of Justice is different, then the County will take the steps described in Question/Answer 6 below. If you have applied for a job where certain convictions preclude employment, the County will conduct its review at an early stage of the hiring process. If the County determines that you have a disqualifying conviction, then it will not consider you further for that job. **If you have applied for a job where there is no conviction that would automatically bar employment, the County will not review or consider your arrest and conviction history unless you become a finalist for the job (e.g., your name is referred to a Department from an eligible list).** If the information you provide on this form is verified as accurate, the County will evaluate your arrest and conviction history as explained in Question/Answer 2 above. If the information from you and the Department of Justice is different, then the County will also follow the steps described in Question/Answer 6 below. Generally, the County will not hire any employee until it has completed the arrest and conviction history review process. The County limits disclosure of your arrest and conviction history to a "need to know" basis.

### 6. What if I don't disclose an arrest or conviction that is part of the required disclosure?

If you do not include an arrest or conviction on the conviction history form that you are required to disclose, that nondisclosure may be considered falsification of your application. Generally, if the information on this form and the information from the Department of Justice are different, a representative of the County will meet with you and allow you an opportunity to explain the conflict. Depending on the circumstances, failure to reveal an arrest or conviction that must be disclosed may cause the County not to select you for the job or, if you are already appointed, may lead to termination of your employment. Depending on the circumstances, it may also result in restrictions on future employment with the County.

### 7. What if I am not selected because of my arrest or conviction history?

If you are not selected for a job based on your conviction history, you may appeal the decision to the Civil Service Commission. Appeals may be filed in writing to Director, Human Resource Services, Secretary to the Civil Service Commission, 1405 Lakeside Drive, Oakland, CA, 94612. Appeals must be submitted within five business days following the postmarked mailing date of the notice of rejection.