

SUPERCEDED BY HR/Appointments 2014-02



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Date: March 20, 2014
To: Human Resources Officers
Payroll Managers
From: Evelyn Nazario 
Associate Vice Chancellor
Human Resources Management & CO HR Services
Code: TECHNICAL LETTER
HR/Appointments 2014-01
Reference: HR 2014-03
Subject: Requirement to Eliminate Criminal Conviction History Questions from CSU Initial Job Applications

Overview

Audience: Human Resources Officers and/or campus designees responsible for maintaining CSU employment applications and job descriptions.

Action Item: Review and update recruitment-related documents

Affected Employee Group(s)/Units: Job applicants (including current CSU employees) who apply for open positions at the CSU

Summary

This technical letter outlines the detailed action items, along with its associated deadlines, for campuses to complete in order to be in compliance with the new HR policy requirement to eliminate criminal conviction history questions from initial CSU job applications.

Campus Human Resource Directors and/or designees responsible for the recruitment process should review the remainder of this Technical Letter for more information.

[HR 2014-03](#) informed campuses of the new law prohibiting state and local employers from asking job applicants about criminal conviction history until after the employer has determined that the applicant meets the minimum qualifications for the new job. This technical letter details the action items for campuses to complete in order to be in compliance with the new HR policy requirement by July 1, 2014.

Policy Directives/Action Items for Campuses

Step 1: Campuses are to review current job applications, hardcopy or electronic, for all CSU positions (sensitive or non-sensitive) to remove all questions inquiring about the following:

- An applicant's conviction history (e.g., "Have you ever been convicted of a crime?")
- Whether an applicant is currently out on bail, if any
- Whether an applicant has any pending arrests, if any

Step 2: Review and ensure that all recruitment information, job announcements, and position descriptions for sensitive positions that require the successful completion of a criminal background check include language about a background check requirement prior to assuming the position. Sensitive positions are those designated by the University as requiring heightened scrutiny of individuals holding the position, based on potential for harm to children,

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concerns for the safety and security of people, animals, or property, or heightened risk of financial loss to the University or individuals in the university community. Recruiting systems and tools (e.g., Oracle/PeopleSoft and PeopleAdmin) may require updates as well. Additional information regarding CMS baseline/delivered application impact will be provided in a CMS communication.

Step 3: Develop or update, as appropriate, a supplemental application form for applicants that ask about criminal convictions for the following types of positions:

- Sensitive Positions: The new law does not apply to positions that require a criminal background investigation under law, and therefore it is acceptable to provide the supplemental application to candidates in the initial stage of the recruitment process. Campuses are reminded that the new law affects only **when** an employer can ask about an applicant's criminal conviction history; it does not prohibit employers from considering an applicant's criminal conviction history from the hiring process altogether.
- Non-Sensitive Positions: For all other applications, this supplemental application form will be introduced in the **second** stage of the recruitment process, after the initial screening, when it has been determined that the applicant has met the minimum qualifications of the position. For campuses with existing supplemental application forms, the forms may be updated to include these questions. A sample Supplemental Application Form has been provided in Attachment A.

If necessary, HR should consult with respective campus constituents (e.g., campus counsel, IT services) to complete these action items.

DEADLINES

Campus Responsibilities:

- By May 31, 2014: Campuses make an assessment of the current status and make the appropriate changes
 - By May 23, 2014: Campuses provide responses to HR's status report requests
- By June 16, 2014: Campuses are required to send a confirmation of compliance to the Vice Chancellor of HR
- July 1, 2014: All campuses in compliance

Systemwide HR Responsibilities:

- May 9, 2014: Systemwide HR will send out status report requests
- May 26 through June 13, 2014: Systemwide HR will work with campuses to resolve remaining issues
- June 23, 2014 through June 30: Systemwide HR will follow up with campuses who are not yet in compliance

A teleconference will be scheduled to address campus inquiries and discuss policy requirements. Questions should be submitted to tleung@calstate.edu by **Friday, April 4**.

This document is available on the Human Resources Management's Website at <http://www.calstate.edu/HRAdm/memos.shtml>.

EN/tl

Attachment



SAMPLE SUPPLEMENTAL EMPLOYMENT APPLICATION QUESTIONNAIRE

Name: _____
Position Applying to: _____
Date Available: _____
Minimum Salary Acceptable: _____

Most Recent Employer: _____
Name and Title of Immediate Supervisor: _____
Ending Salary: _____
Reason for Leaving: _____

OTHER PERTINENT INFORMATION

Do you have relatives working for the campus to which you are applying to? Yes No

Name(s) _____
Department(s) _____
Relationship(s) _____

If hired, you will be required to furnish proof that you are legally authorized to work in the United States. Can you furnish such proof? Yes No

Have you ever been convicted of any crime as an adult (except traffic violations other than felonies)? A conviction includes a plea, verdict, or finding of guilty, regardless of whether a sentence was imposed by the court. (Note: A conviction will not necessarily disqualify an applicant from employment). The applicant need not provide information about marijuana possession convictions for a violation of Health and Safety Code Section 11357(b) or (c), Section 11360(s), or Section 11364, 11365, or 11550 that occurred more than two years ago.

No
 Yes (Please include separate attachment with type of offense(s), conviction date(s), city and state of conviction(s), final disposition(s), and explanation(s))

APPLICANT STATEMENT

I understand that the California State University <campus name> will verify the statements I have made regarding my academic background, employment history, and any criminal convictions which may be on my record. I give the California State University <campus name> consent to conduct a criminal records check. I authorize my past employers and schools to give the California State University <campus> pertinent work-related information about me. I also understand that all offers of appointment are contingent upon receipt of satisfactory verification of information.

I certify that the answers I have given in my application are true and correct and that I have not knowingly withheld any factors or circumstances. I understand that all answers given on my application for employment are subject to verification and that should I be employed at the California State University <campus name>, any misrepresentation or omission of facts on this application may be sufficient reason for dismissal. If employed, I understand that, except as may be modified by an applicable collective bargaining agreement, and/or California State Statute, my employment may be ended at any time, at the option of either the California State University <campus name> or myself for any reason, with or without advance notice. This understanding cannot be changed, except in writing by the <campus> HR Director or Vice Chancellor of Human Resources.

Signature

Date