

CHAPTER 2 – HUMAN RESOURCE SERVICES

employed. Probationary employees terminated because of their criminal record or failure to meet the requirements of good moral character shall have the right to appeal such decision. The appeal procedure shall be as provided for in the Florida Administrative Procedure Act, Chapter 120, F.S. Good moral character and moral turpitude shall be interpreted in accordance with Florida laws, State Board of Education Rules, related Florida court decisions, and School Board Rules. Prospective employees shall pay the cost of fingerprint processing and shall make such payment before being considered for appointment.

- (6) Hiring guidelines which may disqualify applicants from employment:
- A. Conviction (as defined in Sections 435.04, F.S., and/or 1012.315, F.S.) of a crime of moral turpitude (Section 1012.33, F.S.). Moral turpitude as defined by the District includes, but is not limited to, crimes listed in Sections 435.04, F.S., and/or 1012.315, F.S.
 - B. Two (2) or more misdemeanor charges within the past five (5) years, with final dispositions of guilty or plea of nolo contendere (no contest), regardless of adjudication(s) withheld.
 - C. A criminal history screening which demonstrates irresponsibility in private or social environments. Examples include, but are not limited to, the use of weapons, acts of violence, or patterns of irresponsibility including insufficient funds incidents, shoplifting, petty theft, robbery, loitering, larceny, breaking and entering, immoral conduct, etc.
 - D. Any other felony crime not listed in Sections 435.04, F.S., or 1012.315, F.S., with a final disposition of guilt or plea of nolo contendere (no contest), regardless of adjudication of guilt.
 - E. Enrollment in or failure to successfully complete a pre-trial diversion or intervention program for a disqualifying offense.
 - F. Any unlawful possession, sale, manufacture or association of controlled substances and drug related activities, including prescription forgery, regardless of the date of the incident or level of offense. (Arrests which resulted in dropped charges, dismissal, nolle prosequi, or a not guilty verdict will not disqualify the applicant.)
 - G. More than one (1) DWI, DUI, or BUI conviction. School bus operators cannot have a DUI or DWI conviction, regardless of adjudication(s) withheld.

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- H. Any incidence of violence misdemeanor or felony, with final disposition of guilt or plea of nolo contendere (no contest), regardless of adjudication(s) withheld. Examples include, but are not limited to, battery, aggravated battery or assault, or domestic-related violence.
 - I. Any omission, misrepresentation or falsification of information listed on any employment application or documents related to employment and benefits.
 - J. Noncompliance with the District hiring requirements under Sections 435.04, F.S., 1012.465, F.S., 1012.315, F.S., and 1012.56, F.S. A record clear of disqualifying offenses as defined in Section A above is required for employment and continued employment with the District.
- (7) Applicants who have pending criminal charges for an offense which would disqualify the applicant from employment or who are currently on probation or participating in a program for first-time offenders as a result of the offense will be automatically disqualified from employment until resolution of the charge(s).
 - (8) Offers of employment may be suspended, postponed, or withheld pending final disposition of the charges through the judicial process. Additionally, offenses in which youthful offender status was applied or where adjudication was withheld are considered convictions and shall be used in making employment decisions.
 - (9) All applicants and vendors have the right to appeal before the Human Resources Appeals Committee. The Assistant Superintendent of Human Resource Services or designated representative will select the members of this committee to ensure diversity. The Committee is responsible for following and abiding by all local, state, and federal employment procedures and laws. A second applicant or vendor appeal will be granted only when new facts or additional information has been presented that was not considered in the first appeal hearing.
 - (10) The Superintendent shall review decisions made by the Human Resources Appeals Committee and has the authority to overturn the decisions made by the Committee, excluding appeals from offenses listed in Sections 435.04, F.S., and/or 1012.315, F.S., and/or 1012.467, F.S.
 - (11) Felonies involving breach of public trust and other specified offenses by public officers and employees are subject to forfeiture of rights and benefits under any public retirement system (Section 112.3173, F.S.). Conviction of felonies defined in Section 800.04, F.S., (lewd and lascivious offenses committed upon or in the presence of persons less than 16 years of age) or Chapter 794, F.S., (unlawful sexual activity with certain minors) when committed on or after October 1, 2008 by the employee if the offense occurred through the use of the power, rights, privileges, duties or position on a victim younger than 18, are subject to forfeiture of retirement benefits.