

**DEPARTMENT OF PUBLIC WORKS MANAGEMENT MANUAL**

**Personnel  
Directive**

Subject: BACKGROUND CONVICTION  
CHECK

***ADOPTED BY THE BOARD OF PUBLIC WORKS, CITY OF LOS ANGELES***

June 20, 2007

PERSONNEL DIRECTIVE NO. 51

BACKGROUND

The Personnel Department has a background conviction check program whereby all new regular employees hired from an open eligible list are to be fingerprinted prior to completion of their probationary period (preferably at the beginning of their employment). However, the Board of Public Works has issued instructions that all new hires into the Department, including exempt and hiring hall personnel, are to be fingerprinted prior to being placed on the payroll. The fingerprints are submitted to the State Department of Justice to obtain employees' conviction records. Personnel Department staff will use this information to determine whether or not, based on the conviction record (or failure to admit to conviction on his/her employment application), the employee should be disqualified from City service.

The Personnel Department is unable to process fingerprint checks for all candidates on all eligible lists. Employing bureaus should follow this procedure only for those candidates who have been selected for employment. The Personnel Department does review, prior to certification, any conviction records, which candidates disclose on their Civil Service applications.

PROCEDURE

1. The employing Bureau will contact the Personnel Department's Candidate Background Checking Unit at (213) 847-9340 to arrange for a date and time for fingerprinting.
2. It is the responsibility of each employing Bureau to ensure that the employee is fingerprinted as scheduled. Failure to appear may result in the employee's disqualification.

As a follow-up measure to determine that the employee has kept the scheduled appointment, the Candidate Background Checking Unit will send a list of those employees who did or did not report for fingerprinting to the Office of Management-Employee Services, Employment Services Division. Employment Services will notify the affected Bureaus of any employees who failed to keep their fingerprinting appointments. The Bureau shall immediately schedule another appointment for the employee.

3. The employee should take a valid form of identification, preferably one with a photograph such as a driver's license or City ID, and a signed authorization slip (copy attached) to the Personnel Department's Candidate Background Checking Unit, Room 235, 700 East Temple Street, prior to the scheduled fingerprint appointment.

4. After being fingerprinted, the Personnel Department will return the completed authorization slip to the employee. The employee will return the completed authorization slip to the Bureau's personnel section who will transmit it to the Liaison Services Division, Office of Management-Employee Services (OMES), Room 1805, 200 North Spring Street, Stop 505, for retention in the employee's folder.
5. Personnel Department staff will review any convictions to determine if the record merits disqualification of the employee. The majority of Department of Justice information is received within one week. However, an increasing number of cases are resulting in "30-day delays". Because of these delayed results, it is important that Bureaus start this process early. Candidates should be notified that delays may occur; that their job offers are tentative until they clear background; and that they will not be placed on payroll until fingerprint results are cleared. The Personnel Department will **immediately** notify the appropriate OMES liaison analyst if the conviction could present an immediate problem on the job. In all other cases of conviction records, the employee and the OMES liaison analyst will be notified in writing. The liaison analyst will notify the employing Bureau if the employee is disqualified.
6. Employees who are disqualified have one week from the date of notification to appeal their disqualification. Appeals must be submitted in writing to the Personnel Department, Administrative Services Division, Room 380, 700 East Temple Street.

**THE DEPARTMENT OF PUBLIC WORKS WILL NOT TAKE ANY ACTION TO TERMINATE AN EMPLOYEE WHO HAS AN APPEAL IN PROCESS UNLESS ADVISED BY THE PERSONNEL DEPARTMENT TO DO SO.**

7. The OM-ES liaison analyst will contact the employing Bureau should it become necessary to terminate an employee.
8. The affected Bureau shall provide an opportunity for the employee to respond to the charges outlined in the recommendation for probationary termination.
9. The OMES liaison analyst will prepare a Form Gen. 77, *Notice of Discharge, Suspension or Probationary Termination*, on which the cause of action shall state "Conviction record does not meet City standards," or "Failure to admit complete conviction record," or both as recommended by the Personnel Department, and will submit it as a personnel transaction before the Bureau Director.
10. After the personnel transaction is approved by the Bureau Director, the Form Gen. 77, *Notice of Discharge, Suspension or Probationary Termination* is signed by the Departmental Personnel Officer, Office of Management-Employee Services and the OMES liaison analyst will transmit it to the appropriate bureau of service on the employee. If personal service is not possible, the employee's copy can be mailed to the last known address by certified mail.
11. The affected bureau will prepare a Personnel Action form and transmit it to Employment Services Division where a Form Gen. 41, *Payroll/Personnel Change Document*, will be prepared terminating the employee.

Subsequent Conviction Checks

The Personnel Department will be notified by the Department of Justice of any subsequent convictions of employees who have been fingerprinted and will, in turn, notify the OMES liaison analyst when such information appears to have job-related significance.

References: Ordinance 149124, dated December 15, 1976  
Personnel Department Memorandum (July 23, 1985)