
808.31 SUBJECT: CRIMINAL CONVICTIONS

:1 OBJECTIVE:

To establish City Policy and guidelines for hiring applicants and/or retaining current City employees that have been convicted of crimes. This procedure applies to all City employees except sworn Civil Service personnel.

:2 AUTHORITY:

This procedure adopted by City Council September 15, 2003.

:3 DIRECTION:

Human Resources Division Manager, as an appointed official, serves at the pleasure of the Mayor, and receives direction through the General Administration Department Director.

:4 METHOD OF OPERATION:

As a term and condition of employment, employees must notify their Division Manager or Office Head within one (1) working day of any conviction for a crime. (For purposes of this policy, conviction includes pleading guilty, or nolo contendere, regardless of adjudication.) Failure to comply will result in disciplinary action, up to, and including termination. The Division Manager will immediately notify the Human Resources Division Manager of the conviction. Determination of which crimes will affect initial or continued employment will be evaluated by the Human Resources Division and the Office of Legal Affairs; each situation will be considered on an individual, case-by-case basis, with attention being given to the nature and seriousness of the crime, the time elapsed from the conviction date, circumstances, job description, and job location. Below are listed some general guidelines which will be used, but are not necessarily all-inclusive.

A. Family Parks & Recreation Permitting & Code Enforcement

All employees of Family Parks & Recreation, Permitting & Code Enforcement who have the potential for close contact with children during their job assignments at the City's parks and recreation facilities will be disqualified from employment if they have pled guilty or nolo contendere or been adjudicated guilty of any of the crimes listed in Section 435.04, also listed on Exhibit "A" attached.

Similarly, inspectors who may, as part of their job duties, be required to go into a private home or business shall be disqualified from employment if they have been convicted of any of the crimes listed on Exhibit "A."

B. Security Positions

All employees who are responsible for the protection and security of City property or people or who provide crowd management services shall be disqualified from employment if they have been convicted of the following types of crimes.

1. Violent Crimes
2. Sexual Battery

3. Sale, Trafficking in, or conspiracy to sell or traffic in a controlled substance under Chapter 893, Florida Statutes.
4. Possession of a controlled substance
5. Theft
6. Robbery
7. Fraud
8. Embezzlement
9. Any felony within the last five (5) years or any felony or first-degree misdemeanor if underlying conduct is job related.

C. Positions that handle or collect City funds/money

Convictions for the following crimes will disqualify someone for employment with the City in any position that collects or handles City funds or money (e.g. box office personnel and cashiers):

1. Sale, trafficking in, or conspiracy to sell or traffic in a controlled substance under Chapter 893, Florida Statutes.
2. Possession of a controlled substance.
3. Theft.
4. Robbery.
5. Fraud.
6. Embezzlement.
7. Any other felony or misdemeanor evidencing dishonesty (uttering a forged document, etc.).

D. Isolated Positions/Shifts

Convictions for the following types of crimes will disqualify someone from employment with the City in any position that due to the nature and location of the position requires work in isolated places or shifts without or with limited supervision:

1. Violent crimes.
2. Sexual battery.
3. Sale, trafficking in, or conspiracy to sell or traffic in a controlled substance under Chapter 893, Florida Statutes.
4. Possession of a controlled substance.
5. Theft.
6. Robbery.

These guidelines are not all inclusive. All pre-applicant and post-employment convictions will be reviewed by the Human Resources Division and the Office of Legal Affairs in consultation with the supervisory department management and will be considered on a case-by-case basis for conformance to Florida law and

consideration for the protection and best interests of the citizens and employees of the City of Orlando.

:5 FORMS:

None.

:6 COMMITTEE RESPONSIBILITIES:

None.

:7 REFERENCE:

This procedure adopted by City Council March 11, 1996, Item 3 KK; amended April 3, 2000, Item 2PPP; amended September 15, 2003; re-formatted only April 2004.

:8 EFFECTIVE DATE:

This procedure effective September 5, 2003.

EXHIBIT “A”

PROHIBITED CRIMES UNDER FLORIDA STATUTES:

Section 782.04, relating to murder.

Section 782.07, relating to manslaughter.

Section 782.071, relating to vehicular homicide.

Section 782.09, relating to killing of an unborn child by injury to the mother.

Section 784.021, relating to aggravated assault.

Section 784.045, relating to aggravated battery.

Section 787.01, relating to kidnapping.

Section 787.02, relating to false imprisonment.

Section 794.011, relating to sexual battery.

Section 796, relating to prostitution.

Section 798.02, relating to lewd and lascivious behavior.

Section 800, relating to lewdness and indecent exposure.

Section 806.01, relating to arson.

Section 812, relating to theft, robbery, and related crimes, if the offense was a felony.

Section 826.04, relating to incest.

Section 827.03, relating to aggravated child abuse.

Section 827.05, relating to negligent treatment of children.

Section 827.071, relating to sexual performance by a child.

Section 415.111, relating to adult abuse, neglect, or exploitation of aged or disabled persons.

Chapter 847, relating to obscene literature.

Section 784.011, relating to assault, if the victim of the offense was a minor.

Section 783.03, relating to battery, if the victim of the offense was a minor.

Chapter 893, relating to drug abuse prevention and control, only if the offense was a felony or if any other involved in the offense was a minor

Section 817.563, relating to fraudulent sale of controlled substances, only if the offense was a felony.

Section 794.041, relating to prohibited acts of persons in familial or custodial authority.