

EMPLOYEE SELF-REPORTING RULE-ARRESTS/CHARGES AND FINAL DISPOSITIONS **CRIMINAL PROCEEDINGS**

Authority Florida Statute 231.28

State Board of Education Rule 6B-1.006(5)

Adopted 5/1/01

I. ARRESTS/CHARGES

All ~~personnel~~employees shall self-report in writing to the ~~Director of Professional Standards and Special Investigative Unit~~Security Clearance Department within forty-eight (48) hours ~~of any arrests, citations or charges involving~~after the abuse of a child or the sale and/or possession of a controlled substance or charges involving Sexual Misconduct, Sexual Battery, Possession (includes e-mail transmissions) or Sale of Pornography Involving Minors and Sexual Relations with students. Such notice shall not be considered an admission of guilt nor shall such notice be admissibleemployee's arrest, citation or charge for any purposeDisqualifying Offense listed in policy 2404, and all felonies or any other crimes that impact the employee's ability to perform any proceeding, civil or criminal, administrative or judicial. essential job functions. All ~~personnel~~employees shall also self-report in writing when the employee is given a condition of release that impact his or her continued ability to perform any essential job functions.

In addition, all employees holding a Commercial Driver's (CDL) License, as a condition of employment shall self-report, in writing, to the ~~Executive Director of Professional Standards~~Security Clearance Department and ~~Special Investigative Unit~~Transportation Department within forty-eight (48) ~~of~~hours ~~after any citations, arrests or charges involving Driving Under the Influence (DUI) or driving while intoxicated (DWI).~~

~~In addition, all personnel shall self report, in writing to the Executive Director of Professional Standards & Special Investigative Unit~~Such notice will not be considered an admission of guilt.

II. CRIMINAL PROCEEDINGS

All employees shall self-report in writing all criminal proceedings, and any associated conditions of such proceedings, that impact an employee's ability to perform any essential job functions. This reporting requirement applies regardless of jurisdiction and includes adult and juvenile delinquency proceedings in Florida, another state, another country, or under federal law, including those punishable by a military tribunal.

A. Employees without CDL. For any proceeding involving an employee not required to hold a CDL, who was charged with committing a crime, other than a minor traffic violation, the employee shall self-report, in writing, to the Security Clearance Department within forty-eight (48)

hours after any conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion intervention program, ~~or entering a plea of guilty or Nolo Contendere for any criminal offense other than a minor traffic violation (driving under the influence (DUI) and driving while intoxicated (DWI) convictions are not minor and must be reported)~~ within forty eight (48) hours after final judgement. ~~The Superintendent shall establish and maintain administrative procedures for implementing this policy.~~entering a plea of guilty or nolo contendere, or imposition of a sanction.

B. Employees with CDL. For any proceeding involving an employee required to hold a CDL, who was charged with committing a crime, other than a minor traffic violation, the employee shall self-report, in writing, to the Security Clearance Department and Transportation Department within forty-eight (48) hours after any conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion intervention program, entering a plea of guilty or nolo contendere, or imposition of a sanction.

Note: Driving under the influence (DUI), or driving while intoxicated (DWI), is not a minor traffic violation and must be reported.

III. DEFINITIONS

A. “Convicted” means that there has been a determination of guilt as a result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld, and includes an adjudication of delinquency of a juvenile. Conviction of a similar offense includes, but is not limited to, a conviction by a federal or military tribunal, including courts-martial conducted by the Armed Forces of the United States, and includes a conviction or entry of a plea of guilty or nolo contendere resulting in a sanction in any state of the United States or other jurisdiction.

B. A “sanction” includes, but is not limited to, a fine, probation, community control, parole, conditional release, control release, or incarceration in a state prison, federal prison, private correctional facility, or local detention facility.

IV. FAILURE TO COMPLY

Failure to comply with the self-reporting rule ~~shall~~may result in disciplinary action, up to and including termination of employment.

RULES

- ~~1. When self-reporting an arrest or charge involving child abuse or sale and/or possession of a controlled substance or sexual misconduct, the employee’s written statement shall include name, social security number, date of arrest/charges, specific charges, the arresting agency and employment status.~~

- ~~2. When self-reporting an arrest or charge of DUI/DWI by an employee who holds a Commercial Driver's License (CDL) as a condition of employment, the employee's written statement shall include name, social security number, date of arrest/charges, the arresting agency and employment status.~~
- ~~3. When self-reporting the final judgment of a criminal offense, the employee's written information shall include name, social security number, date of arrest/charge, the arresting agency and a copy of the police report, the court disposition of the case and employment status.~~
- ~~4. Based on a review of all documentation and information related to a criminal offense, the Superintendent shall make his/her recommendation for disciplinary action up to and including termination of employment with the School Board of Broward County.~~

~~Authority: Florida Statute 231.28
State Board of Education Rule 6B-1.006(5)~~

V. PROCEDURES

The Chief Safety and Security Officer shall establish and maintain administrative procedures for implementing this policy.

Authority: §§ 1001.32(2), 1012.315, 1012.32, 1012.321, 1012.33, 1012.335, 1012.465 and 1012.56, Fla. Stat.; Rule 6A-10.081, Florida Administrative Code

Adopted-: 5/1/01

Revised: TBD