

Introduced by Senator Kelley

January 31, 1996

An act to add Chapter 1.5 (commencing with Section 120) to Division 1 of the Welfare and Institutions Code, relating to counties.

LEGISLATIVE COUNSEL'S DIGEST

SB 1438, as introduced, Kelley. Riverside County employees: hiring requirements.

Existing law requires that a criminal record be obtained for administrators and staff persons having contact with clients of various types of facilities licensed by the State Department of Social Services.

Certain provisions, which were repealed as of January 1, 1996, permitted Riverside County to require that specified prospective county employees be fingerprinted, and to use the fingerprints to obtain a record of criminal convictions for each prospective employee from an appropriate law enforcement agency. Among other things, those provisions specified conditions under which information obtained by the county could be used in making employment decisions, as specified.

This bill would reenact those provisions which were repealed as of January 1, 1996, indefinitely.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 1.5 (commencing with Section
2 120) is added to Division 1 of the Welfare and Institutions
3 Code, to read:

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5 CHAPTER 1.5. RIVERSIDE COUNTY EMPLOYEES

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7 120. (a) Riverside County may require that
8 prospective employees described in subdivision (b) be
9 fingerprinted. In addition, the county may use the
10 fingerprints to obtain a record of criminal convictions for
11 prospective employees described in subdivision (b) from
12 an appropriate law enforcement agency.

13 (b) Subdivision (a) may, at the discretion of the
14 county, apply to any of the following prospective
15 employees:

16 (1) Those whose job assignments include a risk that,
17 through the actions of the prospective employee, the
18 children or adults for whom the county department is
19 responsible could be harmed.

20 (2) Those whose job assignments include a risk that,
21 through the actions of the prospective employee,
22 fraudulent payment of public funds could occur.

23 (c) If the county elects to apply subdivision (a), it shall
24 do so uniformly within every county department and
25 throughout the county.

26 (d) Notwithstanding subdivision (b), subdivision (a)
27 shall not apply to prospective employees covered by
28 Section 1030 of the Government Code.

29 121. (a) Information obtained pursuant to Section
30 120 shall only be used in making employment decisions.

31 (b) In considering information obtained pursuant to
32 Section 120, the county may use only those criminal
33 convictions that are relevant to the job assignment of the
34 prospective employee.

35 (c) If a county, in making its employment decision,
36 intends to utilize any information obtained pursuant to
37 Section 120 concerning a criminal conviction of the
38 prospective employee, the county shall give the



1 prospective employee an opportunity to explain the
2 conviction and shall consider that explanation in the
3 evaluation of the criminal conviction record.

4 122. This chapter shall not be construed as allowing a
5 county to avoid compliance with any requirements of law
6 or regulations.

7 123. If Riverside County elects to implement this
8 chapter, Riverside County shall, on or before March 31,
9 1998, report to the appropriate committees of the
10 Legislature on the implementation of this chapter. The
11 report shall include, but not be limited to, all of the
12 following:

13 (1) The impact upon the protection of children and
14 adults.

15 (2) The impact upon employee fraud.

16 (3) The impact upon employment or retention of
17 employees who are members of minority groups.

