

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

**I. ARRESTS/CHARGES**

All employees shall self-report in writing by completing the Self-Reporting Form and submitting it to the Security Clearance Department within forty-eight (48) hours after the employee’s arrest, citation, or charge for any Disqualifying Offense listed in policy 2404, and all felonies or any other crimes that impact the employee’s ability to perform any essential job functions. If the employee is unable to self-report in writing within forty-eight (48) hours to the Security Clearance Department due to incarceration or confinement, the employee shall notify his or her Principal/Department Head within forty-eight (48) hours after the arrest, citation, or charge. This notification may include, but is not limited to, text message, email, phone call, or voicemail. The employee must then notify the Security Clearance Department in writing within forty-eight (48) hours after release from incarceration or confinement. All employees shall also self-report in writing when given a condition of release that impacts his or her continued ability to perform any essential job functions.

In addition, all employees holding a Commercial Driver’s License (CDL), as a condition of employment shall self-report, in writing, to the Security Clearance Department and Transportation Department within forty-eight (48) hours after any citations, arrests, or charges involving Driving Under the Influence (DUI) or Driving While Intoxicated (DWI).

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, 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 may result in disciplinary action, up to and including termination of employment.

### **V. PROCEDURES**

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

- A.** The Security Clearance Department shall review all arrests and related information for compliance with this policy. Additionally, the Security Clearance Department shall independently review online court records pertaining to felony arrests within ten (10) days after the employee’s arrest or release from detention following arrest, whichever is later. Thereafter, the Security Clearance Department shall independently review online court records no less than quarterly to determine whether

any conditions have been imposed that would restrict the employee's continued fitness or ability to perform his/her job(s).

- B. The Security Clearance Department shall document employee arrests for final disposition and conditions that impact his or her continued ability to perform any essential job functions in the approved Safety, Security & Emergency Preparedness (SSEP) software solution.
- C. The Security Clearance Department shall follow due process requirements in implementing corrective action when the conviction/disposition is defined in School Board of Broward County Policy 2404.
- D. The Security Clearance Department may refer the matter to the Professional Standards Committee for corrective action determination, however, that procedure shall not be subject to section 'V' of School Board of Broward County Policy 4.9.
- E. The Security Clearance Department may refer the matter to the Special Investigative Unit (SIU) for investigation of the underlying misconduct. In such case, the investigation shall be subject to section 'V' of School Board of Broward County Policy 4.9.

**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

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