



## MEMORANDUM

**TO: PROSPECTIVE RECREATION DEPARTMENT EMPLOYEE**

**FROM: BARBARA JONES, DIRECTOR OF RECREATION**

**DATE: November 12, 2009**

To help ensure the safety of all children participating in recreational sports and/or activities sponsored by the City of Berea, we have instituted a new policy wherein any employee in the Recreation Department must undergo a criminal background check.

If you have a conviction for any of the following offenses, you may **not** serve as an employee in the Recreation Department:

1. Aggravated murder
2. Kidnapping
3. Criminal child enticement
4. Rape
5. Sexual battery
6. Corruption of a minor
7. Gross sexual imposition
8. Sexual imposition
9. Importuning
10. Voyeurism
11. Compelling prostitution
12. Promoting prostitution
13. Disseminating matter harmful to juveniles
14. Pandering obscenity
15. Pandering obscenity involving a minor
16. Pandering sexually oriented matter involving a minor
17. Illegal use of minor in nudity-oriented material or performance
18. Aggravated robbery
19. Aggravated burglary
20. Endangering children
21. Contributing to the unruliness or delinquency of a minor
22. Improperly discharging a firearm at or into habitation or school safety zone
23. Corrupting another with drugs

However, an applicant with a conviction for any other offense, other than a minor misdemeanor or other non-criminal infraction **may** be hired if they meet **all** of the following conditions:

1. The victim was **not** under age 18;
2. At least 5 years have elapsed since the applicant was fully discharged, or had the record sealed;
3. The applicant provides written confirmation by a court, parole officer and/or counselor that the applicant has been rehabilitated;

4. The applicant's hiring will not jeopardize in any way the health, safety or welfare of the persons served by the program. The following factors may be considered in determining whether the applicant's hiring will jeopardize the persons served by the program:
  - a. The applicant's age at the time of the offense
  - b. The age and ability of the victim
  - c. The nature and seriousness of the offense
  - d. The circumstances under which the offense was committed
  - e. The degree to which the applicant participated in the offense
  - f. The time elapsed since the applicant was fully discharged from imprisonment, probation and parole
  - g. The likelihood that the circumstances leading to the offense will recur
  - h. Whether the applicant is a recent offender
  - i. The extent to which the position applied for provides an opportunity for the commission of a prohibited offense (see list above)
  - j. The applicant's employment record
  - k. The applicant's efforts at rehabilitation and the results of those efforts
  - l. Whether any criminal proceedings are pending against the defendant
  - m. All other relevant factors