

TO BE RESCINDED

173-9-05 **Conditional employment.**

(A) Pursuant to division (F) of section 173.27 of the Revised Code and division (H) of section 173.394 of the Revised Code, a responsible entity shall only hire an applicant before obtaining a criminal records check report if:

- (1) The responsible entity reviewed the free databases, as rule 173-9-03 of the Administrative Code requires, and the free database reviews do not disqualify the applicant;
- (2) The responsible entity hires the applicant on a conditional basis;
- (3) The responsible entity initiates the process of obtaining a criminal records check no later than five business days after the applicant begins conditional employment; and,
- (4) The applicant provides the responsible entity with a completed fingerprint impression sheet before the commencement of the applicant's conditional employment.

(B) Termination of conditionally-hired applicants:

- (1) The responsible entity shall terminate the applicant's employment if the responsible entity does not receive a criminal records check report from BCII within the period ending sixty days after the responsible entity requested it from BCII; or,
- (2) Regardless of when the results of the criminal records check are obtained, if the results indicate that the applicant was convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense, the responsible entity shall terminate the applicant's employment unless the responsible entity is able and willing to hire the applicant under the terms of rule 173-9-07 of the Administrative Code.

(C) If the conditionally-hired applicant deceived the responsible entity about the facts regarding his or her criminal records, the termination of the applicant's conditional employment is just cause for discharge under division (D)(2) of section 4141.29 of the Revised Code.

Replaces: 173-9-05

Effective:

R.C. 119.032 review dates: 01/14/2014

Certification

Date

Promulgated Under: 119.03

Statutory Authority: 173.01, 173.02, 173.27, 173.38, 173.391, 173.392; Sections 305(a)(1)(C) and 712(a)(5)(D) of the Older Americans Act of 1965, 79 Stat. 210, 42 U.S.C. 3001, as amended in 2006; 45 C.F.R. 1321.11 (10-01-2013 edition).

Rule Amplifies: 173.27, 173.38; 42 C.F.R. 460.68(a), 460.71(a)(1), 460.71(a)(2) (10-01-2013 edition).

Prior Effective Dates: 173-9-05: 01/01/2013. 173-9-01: 03/04/1997 (Emer.), 07/31/1997, 04/17/2003, 01/01/2008, 02/15/2009, 08/11/2011. 173-14-14: 07/11/1991, 12/27/2001, 12/28/2006, 02/15/2009.