

STATE OF ALASKA
DEPARTMENT OF ADMINISTRATION
DIVISION OF PERSONNEL & LABOR RELATIONS
STANDARD OPERATING PROCEDURE

Recruitment
DOPLR-01

V. Evaluation of Convictions

A. Purpose

This section provides guidelines and required procedures for processing applications when the applicant reports a misdemeanor conviction that occurred within the five years before the date of application, or a felony conviction regardless of the date that the conviction occurred.

A conviction may result in an applicant being disqualified for a vacancy. In order to maintain fair and consistent treatment of applicants, it is essential to maintain consistency in the way that applicants with convictions are treated.

B. Scope

All applications are reviewed to determine if the applicant has been convicted of a misdemeanor within the past five years, or a felony regardless of the date of the conviction.

C. Authority

Personnel Rule 2 AAC 07.086	Method of Application
Personnel Rule 2 AAC 07.091	Evaluation of Convictions

D. Overview

Per Personnel Rule 2 AAC 07.086 the State of Alaska requires the reporting of a misdemeanor conviction that occurred within the five years before the date of application, and a felony conviction regardless of the date that the conviction occurred.

Per Personnel Rule 2 AAC 07.091 the applications of individuals convicted of crimes shall be reviewed and the applicant may be disqualified if the offense for which the applicant was convicted is incompatible with the position for which application was made.

E. Procedure

1. Hiring Manager Review

Hiring managers must review all applicants to verify residency (if applicable), minimum qualifications and apply pre-interview screening criteria. All applicants meeting these thresholds should then be reviewed for convictions.

a. Review the agency wide questions for felony and misdemeanor convictions.

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- b. If an applicant answered ‘Yes’ to either or both of these questions request the applicant bring a copy of their judgment at time of interview.
- c. Applicants with convictions should not be excluded from further consideration solely because they have a conviction. There must be a nexus to the duties of the position in order to disqualify an applicant from further consideration.
- d. At the conclusion of the interview process, if the applicant you want to hire has a conviction, send an email with a copy of the judgment to your agency recruitment staff requesting a conviction nexus determination.

2. Human Resource Review

Applications will be reviewed on an individual basis to evaluate if the nature of the conviction(s) relates to the duties identified in the position description of the position being filled.

a. Documents to review

- Applicant’s explanation of the conviction(s) from the agency wide questions relating to felonies and misdemeanors
- A copy of the judgment
- Position Description

➤ Further information, as necessary, may be available in the court file. Documents that may be helpful are the Charging Documents and Conditions of Release. These are public records that may be obtained by contacting the Alaska Court System.

b. Evaluation of convictions – Using the following considerations, outlined in Personnel Rule 2 AAC 07.091, evaluate the conviction(s) to determine if the offense for which the applicant was convicted is incompatible with the position for which application was made:

- the nature and seriousness of the offense;
- the position for which the applicant is applying and the requirements of that position;
- the circumstances under which the offense occurred;
- the age of the applicant at the time the offense was committed;
- whether the offense was an isolated or repeated violation; and
- any aggravating, mitigating, or other facts or circumstances that might have a bearing on the suitability of the applicant for employment in the position sought.

c. For an individual who has been given a Suspended Imposition of Sentence (SIS), evaluate the nature of the conviction, using the SIS as a mitigating factor, as long as the applicant completed all terms of probation.

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- d. Using the relevant documents and considerations, write a brief analysis and recommendation as to whether or not there is a nexus to the position. Forward to the HR Lead for approval.
- e. Once the HR Lead has approved or denied the determination, inform the hiring manager of the determination.
- f. If it is determined there is a nexus to the position, disqualify the applicant and inform the applicant of their rejection reason.

3. Definitions

Nexus – A connection or link that would make the applicant’s conviction incompatible with the duties of the position. To determine if there is a nexus between a conviction and the duties of the position, evaluate the nature of the conviction compared to the duties of the position as outlined in section 2 (b) above.

Suspended Imposition of Sentence – The conviction is set aside in future court proceedings in terms of presumptive sentencing and mandatory sentencing laws. The conviction remains on a person’s record. Thus, although an SIS means the defendant has made a “substantial showing of rehabilitation,” it does not erase the fact of the conviction and the conviction should be considered when determining a nexus to the job duties.

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