

Rehabilitation criteria for employees, college interns, subcontractors, volunteers, board presidents, administrators or officers. The individual cannot be employed unless the agency finds and documents that the person has met all of the following conditions:

- (1) Where the offense was a misdemeanor, or would have been a misdemeanor if conviction had occurred under the current criminal code, at least three years have elapsed from the date the prospective employee was fully discharged from any imprisonment or probation arising from the conviction. A prospective employee who has had a misdemeanor record of conviction sealed by a court pursuant to section 2953.32 of the Revised Code are to be considered to have met this condition.
- (2) Where the offense was a felony, at least ten years have elapsed since the person was fully discharged from imprisonment or probation.
- (3) The victim of the offense was not one of the following:
  - (a) A person under the age of eighteen or person sixty years of age or older.
  - (b) A functionally impaired person as defined in section 2903.10 of the Revised Code.
  - (c) An intellectually disabled person as defined in section 5123.01 of the Revised Code.
  - (d) A developmentally disabled person as defined in section 5123.01 of the Revised Code.
  - (e) A person with a mental illness as defined in section 5122.01 of the Revised Code.
- (4) Hiring the prospective employee will not jeopardize in any way the health, safety or welfare of the children the agency serves. The following factors are to be considered in determining whether to hire the prospective employee:
  - (a) The person's age at the time of the offense.
  - (b) The nature and seriousness of the offense.
  - (c) The circumstances under which the offense was committed.
  - (d) The degree to which the person participated in the offense.
  - (e) The time elapsed since the person was fully discharged from imprisonment or probation.
  - (f) The likelihood that the circumstances leading to the offense will recur.
  - (g) Whether the person is a repeat offender.
  - (h) The person's employment record.

Appendix D to rule 5180:2-5-09.1

(i) The person's efforts at rehabilitation and the results of those efforts.

(j) Whether any criminal proceedings are pending against the person.

(k) Whether the person has been convicted of or pleaded guilty to a felony contained in the Revised Code that is not listed in appendix B of this rule, if the felony bears a direct and substantial relationship to the duties and responsibilities of the position being filled.

(l) Any other factors the agency considers relevant.