



Staff Implementation Frequently Asked Questions

General Questions

1. What is Senate Bill 791?

On October 7, 2023, Governor Newsom signed Senate Bill (SB) 791 into law, which requests the University to:

- A. Require applicants to disclose any final administrative or judicial decisions issued within the last seven years from the date of submission of an employment application determining that the applicant committed sexual harassment.
- B. Permit applicants to disclose if they have filed an appeal with the previous employer, administrative agency, or court, if applicable.

The University intends to apply the requirements of SB 791 to all final candidates for staff positions, including student employees, who accept a conditional offer of employment.

2. What is Assembly Bill 810?

On September 27, 2024, Governor Newsom signed Assembly Bill (AB) 810 into law, which expands SB 791 with the following requirements for Athletic Head Coach, Athletic Assistant Coach, Athletic Trainer, or Supervising Athletic Trainer positions, and volunteers in an athletic department:

1. Require the final candidate to sign a release form that authorizes the release of information by the applicant's previous employers to the UC location concerning any allegations of misconduct, as defined in the statute.
2. Make a reasonable attempt, using the signed release form, to obtain information from the previous employer concerning any allegations of misconduct. This authorization will permit the UC location to request the release of information, which will then be evaluated to determine the candidate's ability to perform the job duties of the position.

The University intends to apply the process outlined in AB 810 for any final candidates who accept a conditional offer of employment for the following roles: Athletic Head Coach, Athletic Assistant Coach, Athletic Trainer, or Supervising Athletic Trainer positions, and

volunteers in an athletic department. AB 810 also applies to tenure-track/tenured faculty appointments.

3. When does the University of California's implementation of SB 791 and AB 810 take effect?

1. Effective December 1, 2024, the Notification of Employment Misconduct Disclosure is required for all new staff job postings.
2. Effective January 1, 2025:
 - a. Employment Misconduct Disclosure collection is required for final candidates for staff positions who accept a conditional offer of employment for any job posted for recruitment on or after December 1, 2024.
 - b. All final candidates for staff positions must sign a release form if either of the following applies:
 1. They disclose any final administrative or judicial decision(s) determining that they committed misconduct; received notice of any allegations or are currently the subject of any administrative or disciplinary proceedings involving misconduct; have left a position after receiving notice of allegations or while under investigation in an administrative or disciplinary proceeding involving misconduct; or have filed an appeal of a finding of misconduct with a previous employer. Locations may use the signed release form, if needed, to obtain information from previous employers.
 2. They accept a conditional offer of employment for Athletic Head Coach, Athletic Assistant Coach, Athletic Trainer, Supervising Athletic Trainer staff positions, and Volunteers in an athletic department.

4. What populations of staff must comply with SB 791 and AB 810?

For SB 791: All staff, including student workers.

For AB 810: Athletic Head Coach, Athletic Assistant Coach, Athletic Trainer, Supervising Athletic Trainer roles, and Volunteers in an athletic department.

5. What process/tool is UC Riverside using to comply with these new requirements?

UC Riverside has procured the services of TrueScreen, a third-party vendor, to assist us with sending the questionnaires to candidates and retaining the completed questionnaires, release forms, and related documents.

TrueScreen will begin serving our campus in mid-January 2025. Until then, our campus will utilize a manual process using a Qualtrics questionnaire that will be sent out to the candidates.

Notification Within Job Postings on Employment Misconduct Disclosures

1. Where should notification about employment misconduct disclosures be listed in job postings?

The notification is intended to clearly communicate to job seekers the expectations around behavior that contribute to an equitable and inclusive campus culture.

Effective December 1, 2024, one of the following are required:

- A notification about the Employment Misconduct Disclosure requirement must be included in job postings on the UC location's career site.
- A notification must be provided to applicants during the application submission process, alongside other disclosures that applicants are required to read before submitting their application.

2. What is the guidance for situations in which undergraduate student positions do not have job postings or application sites?

UC locations should ensure that student applicants are notified of the Employment Misconduct Disclosure requirement either before or at the time they submit an application for employment.

3. Does the employment misconduct notification need to be on third party job postings or on external job board sites?

Notification is only required on UC employment application sites or required to be provided to the applicant when submitting an employment application.

Disclosure Requirement

4. Can my location change the questions on the Employment Misconduct Disclosure Form?

No. Your location must use the exact language and questions provided.

5. Where in the recruitment process does Employment Misconduct Disclosure occur? SB

791 and AB 810 restrict UC from asking an applicant to disclose, orally or in writing, information concerning any final administrative decision or final judicial decision, including any inquiry about an applicable decision on any employment application, until the UC location has determined that the applicant meets the minimum employment qualifications. UC has decided to apply the requirements of SB 791 & AB 810 to all final candidates for staff positions, including student employees, who accept a conditional offer of employment.

6. Is the disclosure required for internal employees who receive an offer of

employment for a new job?

Yes. Disclosure is required for all internal employee final candidates who have accepted a conditional offer of employment for a new job.

7. Are there different Employment Misconduct Disclosures for SB 791 v. AB 810?

No. The Employment Misconduct Disclosure form is used to comply with both laws. Only one form should be used to capture a final candidate's responses.

8. The final candidate refuses to complete the Employment Misconduct Disclosure questionnaire. Can we still move forward with hiring?

No. Disclosure is required for all final candidates who accept a conditional offer of employment.

Usage of Authorization of Information Release Form

9. Can my location change the questions on the Authorization of Information Release Form?

No. Your location must use the exact language and questions provided.

10. When is it required to use the Authorization of Information Release Form to contact past employers?

- **Required Use:** For all final candidates that accept a conditional offer of employment for Athletic Head Coach, Athletic Assistant Coach, Athletic Trainer, Supervising Athletic Trainer staff positions, and volunteers in an athletic department, UC locations are required to use the signed release form to make a reasonable attempt to obtain information from the previous employer(s) concerning any allegations of misconduct for final candidates, regardless of the finalist's responses in the misconduct disclosure form.
- **Optional Use:** For all final candidates that disclose any final administrative or judicial decision(s) determining that they committed misconduct; received notice of

any allegations or are currently the subject of any administrative or disciplinary proceedings involving misconduct; have left a position after receiving notice of allegations or while under investigation in an administrative or disciplinary proceeding involving misconduct, the signed release form may be used, if needed, to obtain information from previous employers.

11. For AB 810 compliance, can I use the Authorization of Information Release Form to contact the prior employer while the final candidate is in the process of completing the Employment Misconduct Disclosure questionnaire?

Yes. However, it is recommended that previous employers be contacted after the final candidate has completed the Employment Misconduct Disclosure Questionnaire, in case any disclosures require follow-up.

12. What information should I provide to the prior employer to accompany the request for misconduct information?

The final candidate's signed Authorization of Information Release Form.

Obtaining information from previous employers

13. How long should we wait for the employer response?

UC locations that use the signed Authorization of Information Release Form are required to make a reasonable attempt to obtain information from previous employers concerning any allegations of misconduct for final candidates. While each situation is unique, a reasonable attempt to obtain information would generally involve making efforts to contact the employer for one to two weeks (five to 10 business days).

14. Can we move forward in hiring if the past employer has not responded?

The local central Human Resources office reviews and assess all information to make a preliminary decision and when needed, consults with other compliance offices to make a candidate hiring eligibility final decision. The location is required to document all reasonable attempts to contact the prior employer.

Review of Employment Misconduct Disclosures and Information from past employers

15. What factors should I use when reviewing disclosures from the final candidate and information from past employers?

The university will review disclosure responses and information obtained from employers by considering the following relevant factors (but not limited to):

1. The nature and severity of the misconduct at issue, including if the same conduct at issue would have occurred in the UC community, would it have violated UC policy (if it can be determined); and what discipline would be issued. Employees who are terminated for serious misconduct at one UC are generally not immediately eligible for employment in the same position at another UC.
2. When and under what circumstances the conduct at issue occurred;
3. Whether the conduct at issue involved an abuse of power or authority, such as the involvement of subordinate employees, students, or minors;
4. The nature of the position for which the candidate is being considered;
5. The candidate's subsequent conduct and work history;
6. Evidence of rehabilitation; and
7. If criminal history information is obtained, information needs to be evaluated using the [PPSM-21: Selection and Appointment](#) process, which contains legally required steps.

Depending on the central Human Resources office's preliminary decision, the UC location should consult with their Campus Counsel, Title IX, AA/EEO office, Employee and Labor Relations and others for additional review to make a final hiring eligibility decision. The process may include (but is not limited to):

- 1) Request more information from the final candidate related to their disclosure response;
- 2) Use the final candidate's completed Authorization Release of Information Form to reasonably attempt to obtain information from other employers related to the misconduct disclosed by the final candidate; and
- 3) Follow any UC location local procedures.

16. What offices and roles should be involved in the review process?

UCOP recommends that this function is performed by the central Human Resource office and in consultation with the location's Campus Counsel, Title IX/Civil Rights Office, and Affirmative Action /Equal Employment Opportunity offices.

17. Do we have to inform the final candidate of any information we receive from the previous employer?

If a past employer provides information on an incident of misconduct, the final candidate should be informed and allowed to provide information in response. Information received from the previous employer and used for evaluation should generally be made available to the final candidate upon request.

18. Where should employment misconduct disclosures and information from the previous employers be retained? What is the retention time for employment misconduct disclosures records?

Employment misconduct disclosures and information from the previous employers and judicial records should be stored in a confidential file. See [UC Records Retention Schedule](#):

- **Final hired candidate**

Retain records for 5 years after the end of the fiscal year in which the employee separates from the University. (UC Records Retention Policy 0004B4: All Other Employees Employment Records)

- **Final candidates who are not hired or decline a final offer**

Retain records 4 years after the end of the fiscal year in which the specific pre-employment or recruitment activity has ended. (UC Records Retention Policy 0004A: Pre-employment and Recruitment Records)