

## DISQUALIFYING OFFENSES

**Please read this form in its entirety. It is VERY important that you read through all of the information and fill this form out completely.** Please **CIRCLE** any of the offenses listed below from Rule 5123:2-202 that you have been convicted of or pleaded guilty to **or have been found eligible for intervention in lieu of conviction**. You shall disclose to UCM Residential Services any conviction for any offense regardless of the length of time since occurrence or if record has been sealed.

Criminal background checks are completed for all applicants and employees. Effective January 1, 2013, the Ohio Department of Developmental Disabilities issued a new administrative Rule, 5123:2-2-02, stating "There are 5 tiers of disqualifying offenses with corresponding time periods that preclude an applicant from being employed or an employee from remaining employed by a responsible entity and preclude a candidate from receiving supported living certification issued by the department."

**1. Tier one: permanent exclusion – No responsible entity shall employ an applicant or continue to employ an employee, nor shall the department issue supported living certification to a candidate, if the applicant, employee, or candidate has been convicted of or pleaded guilty to any of the following sections of the Revised Code:**

### Criminal

<u>Code #</u>	<u>Offense</u>
2903.01	Aggravated Murder
2903.02	Murder
2903.03	Voluntary Manslaughter
2903.11	Felonious Assault
2903.15	Permitting Child Abuse
2903.16	Failing to provide for a functionally impaired person
2903.34	Patient abuse and neglect
2903.341	Patient Endangerment
2905.01	Kidnapping
2905.02	Abduction
2905.32	Human Trafficking
2905.33	Unlawful Conduct with Respect to Documents
2907.02	Rape
2907.03	Sexual Battery
2907.04	Unlawful sexual conduct with a minor, formerly corruption of a minor
2907.05	Gross sexual imposition
2907.06	Sexual imposition
2907.07	Importuning
2907.08	Voyeurism
2907.12	Felonious sexual penetration
2907.31	Disseminating matter harmful to juveniles
2907.32	Pandering obscenity
2907.321	Pandering obscenity involving a minor
2907.322	Pandering sexually oriented matter involving a minor
2907.323	Illegal use of minor in nudity-oriented material or performance
2909.22	Soliciting/Providing Support for Act of Terrorism
2909.23	Making Terrorist Threat
2909.24	Terrorism
2913.40	Medicaid Fraud
2923.01	Conspiracy, 2923.02 Attempt, or 2923.03 Complicity when the underlying offense is any of the offenses or violations described in the above permanent exclusions codes.

A conviction related to fraud, theft, embezzlement, breach of fiduciary responsibility, or other financial misconduct involving a federal or state-funded program, excluding the disqualifying offenses set forth in section 2913.46 of the Revised Code (illegal use of supplemental nutrition assistance program or women, infants, and children program benefits) or:

A violation of an existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses or violation described in the permanent exclusion codes in this rule.

2. **Tier two: ten-year exclusion** – No responsible entity shall employ an applicant or continue to employ an employee, nor shall the department issue supported living certification to a candidate, for a period of ten years from the date the applicant, employee, or candidate was fully discharged from imprisonment, probation, and parole, if the applicant, employee, or candidate has been convicted of or pleaded guilty to an of the following sections of the Revised Code:

2903.04	Involuntary Manslaughter
2903.041	Reckless Homicide
2905.04	Child Stealing (as it existed prior to July 1, 1996)
2905.05	Criminal child enticement
2905.11	Extortion
2907.21	Compelling prostitution
2907.22	Promoting prostitution
2907.23	Enticement or solicitation to patronize a prostitute, procurement of a prostitute for another
2909.02	Aggravated arson
2909.03	Arson
2911.01	Aggravated Robbery
2911.11	Aggravated Burglary
2913.46	Illegal use of supplemental nutrition assistance program or women, infants, and children program benefits
2913.48	Workers' Compensation Fraud
2913.49	Identity Fraud
2917.02	Aggravated Riot
2923.12	Carrying concealed weapon
2923.122	Illegal conveyance or possession of deadly weapon or dangerous ordinance in a school safety zone, illegal possession of an object indistinguishable from a firearm in a school safety zone
2923.123	Illegal conveyance, possession, or control of deadly weapon or dangerous ordinance into courthouse
2923.13	Having weapons while under disability
2923.161	Improperly discharging a firearm at or into a habilitation or school
2923.162	Discharge of firearm on or near prohibited premises
2923.21	Improperly furnishing firearms to minor
2923.32	Engaging in pattern of corrupt activity
2923.42	Participating in criminal gang
2925.02	Corrupting another with drugs
2925.03	Trafficking in drugs
2925.04	Illegal manufacture of drugs or cultivation of marihuana
2925.041	Illegal assembly or possession of chemicals for the manufacture of drugs
3716.11	Placing harmful objects in food or confection
2923.01	Conspiracy, 2923.02 Attempt, or 2923.03 Complicity when the underlying offense is any of the offenses or violations described in the ten-year exclusions of this rule or;

A violation of an existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses or violations described in the ten-year exclusions of this rule.

3. **Tier three: seven-year exclusion** – No responsible entity shall employ an applicant or continue to employ an employee, nor shall the department issue supported living certification to a candidate, for a period of seven years from the date the applicant, employee, or candidate was fully discharged from imprisonment, probation, and parole, if the applicant, employee, or candidate has been convicted of or pleaded guilty to any of the following sections of the Revised Code:

959.13	Cruelty to animals
959.131	Prohibitions concerning companion animals
2903.12	Aggravated Assault
2903.21	Aggravated menacing
2903.211	Menacing by Stalking
2905.12	Coercion
2909.04	Disrupting Public Services
2911.02	Robbery
2911.12	Burglary
2913.47	Insurance Fraud
2917.01	Inciting to Violence
2917.03	Riot
2917.31	Inducing Panic
2919.22	Endangering Children
2919.25	Domestic Violence

- 2921.03 Intimidation
- 2921.11 Perjury
- 2921.13 Falsification, falsification in the theft offense, falsification to purchase firearm, or falsification to obtain a concealed handgun license
- 2921.34 Escape
- 2921.35 Aiding escape or resistance to lawful authority
- 2921.36 Illegal conveyance of weapons, drugs, or other prohibited items onto grounds of detention facility or institution
- 2925.05 Funding of drug or marijuana trafficking
- 2925.06 Illegal administration or distribution of anabolic steroids
- 2925.24 Tampering with drugs
- 2927.12 Ethnic intimidation
- 2923.01 Conspiracy, 2923.02 Attempt, or 2923.03 Complicity when the underlying offense is any of the offenses or violations described in the seven-year exclusions of this rule or;  
A violation of an existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses or violations described in the seven-year exclusions of this rule.

**4. Tier four: five-year exclusion – No responsible entity shall employ an applicant or continue to employ an employee, nor shall the department issue supported living certification to a candidate, for a period of five years from the date the applicant, employee, or candidate has been convicted of or pleaded guilty to any of the following sections of the Revised Code:**

- 2903.13 Assault
- 2903.22 Menacing
- 2907.09 Public Indecency
- 2907.24 Soliciting after positive human immunodeficiency virus test
- 2907.25 Prostitution
- 2907.33 Deception to obtain matter harmful to juveniles
- 2911.13 Breaking and entering
- 2913.02 Theft
- 2913.03 Unauthorized use of a vehicle
- 2913.04 Unauthorized use of property, computer, cable, or telecommunication property
- 2913.05 Telecommunication fraud
- 2913.11 Passing bad checks
- 2913.21 Misuse of credit cards
- 2913.31 Forgery, forging identification cards
- 2913.32 Criminal simulation
- 2913.41 Defrauding a rental agency or hostelry
- 2913.42 Tampering with Records
- 2913.43 Securing writings by deception
- 2913.44 Personating an officer
- 2913.441 Unlawful display of law enforcement emblem
- 2913.45 Defrauding creditors
- 2913.51 Receiving stolen property
- 2919.12 Unlawful abortion
- 2919.121 Unlawful abortion upon minor
- 2919.123 Unlawful distribution of an abortion-inducing drug
- 2919.23 Interference with Custody
- 2919.24 Contributing to unruliness or delinquency of child
- 2921.12 Tampering with evidence
- 2921.21 Compounding a Crime
- 2921.24 Disclosure of Confidential Information
- 2921.32 Obstructing justice
- 2921.321 Assaulting/Harassing police dog or horse/service animal
- 2921.51 Impersonation of peace officer
- 2925.09 Illegal administration, dispensing, distribution, manufacture, possession, selling, or using any dangerous veterinary drug
- 2925.11 Drug possession other than a minor drug possession offense
- 2925.13 Permitting drug abuse
- 2925.22 Deception to obtain dangerous drugs
- 2925.23 Illegal processing of drug documents
- 2925.36 Illegal dispensing of drug samples

- 2925.55 Unlawful purchase of pseudoephedrine product
- 2925.56 Unlawful sale of pseudoephedrine product
- 2923.01 Conspiracy, 2923.02 Attempt, or 2923.03 Complicity when the underlying offense is any of the offenses or violations described in the five-year exclusions of this rule or;  
A violation of an existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses or violations described in the five-year exclusions of this rule.

**5. Tier five: no exclusion – A responsible entity may employ an applicant or continue to employ an employee, and the department may issue supported living certification to a candidate, if the applicant, employee, or candidate has been convicted of or pleaded guilty to any of the following sections of the Revised Code:**

- 2925.11 Drug possession that is minor drug possession offense
- 2925.14 Illegal use or possession of drug paraphernalia
- 2925.474 Illegal use or possession of marijuana drug paraphernalia or;  
A violation of an existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses or violations described in the no exclusion section of this rule.

**Multiple offenses**

**If an applicant, employee, or candidate has been convicted of or pleaded guilty to multiple disqualifying offenses listed in the ten-year exclusion of this rule, and the seven-year exclusion of this rule, and the five-year exclusion of this rule, the applicant, employee, or candidate is subject to a fifteen-year exclusion period.**

**If an applicant, employee, or candidate has been convicted of or pleaded guilty to multiple disqualifying offenses listed in the seven-year exclusion of this rule, and the five-year exclusion of this rule, the applicant, employee, or candidate is subject to a ten-year exclusion period.**

**If an applicant, employee, or candidate has been convicted of or pleaded guilty to multiple disqualifying offenses listed in the five-year exclusion of this rule, the applicant, employee, or candidate is subject to a seven-year exclusion period.**

A valid motor operator’s license and driving record prepared by the bureau of motor vehicles must be obtained by UCM Residential Services if the duties of the position require transport of individuals or to operate the responsible entity’s vehicles for any other purpose. **A person having six or more points on his or her driving record is prohibited from transporting individuals.**

Furthermore, employees are **required to report** any criminal charges, arrests, indictments, convictions, or any motor vehicle violations **within 14 calendar days of employment or violation** to any Human Resources representative or the Human Resources Director. Failure to report violations according to Ohio Department of Developmental Disabilities administrative Rule 5123:2-2-02, or changes in driving status may result in termination of employment with UCM Residential Services.

**I attest I have not been convicted of or pleaded guilty to a disqualifying offense. If I have, it has been identified on the form. Please circle any of the above offenses listed in Rule 5123:2-202 that you have been convicted of or pleaded guilty to. I shall disclose to UCM Residential Services a conviction for any offense that has been sealed.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name