

PROGRAM INSTRUCTION

EOEA-PI-03-01

Ref: EOEA-PI-02-62

To: Aging Services Access Points
Area Agencies on Aging
Councils on Aging
Designated Protective Services Agencies
Interested Parties

From: Jennifer Davis Carey

Date: January 13, 2003

RE: Amended Revised Criminal Offender Record Checks (CORI) Guidelines

In December 2002, the Executive Office of Elder Affairs (Elder Affairs) issued Revised CORI Guidelines (EOEA-PI-02-62) to restate and update our CORI policy and incorporate the new table of offenses only from recent Executive Office of Health and Human Services (EOHHS) regulations. The Guidelines apply to the above-mentioned entities funded by Elder Affairs. They include a list of crimes, conviction or pending charges on which could preclude an individual from obtaining employment or volunteering with an entity providing such services based on the nature, age and/or severity of the offense. The Elder Affairs guidelines strongly recommend that entities adhere to them. However, the final hiring decision rests with the hiring entity.

This Program Instruction re-transmits the Elder Affairs' Revised Guidelines incorporating the new Tables of Offenses based upon the EOHHS regulations with one change based on current Criminal History Systems Board Audit Procedures. ***Please note that on page two of the procedures, the first bullet now states that CHSB procedures require that CORI certified agencies such as ASAPs, AAAs, and COAs need not obtain prior written acknowledgement from employees, volunteers, etc., in order to obtain that person's CORI as part of the agency's employment/volunteer application process where the person is to go into a community-based elder or disabled person setting. However, we believe that the CORI law infers that prospective employees, volunteers, etc., should be told that a CORI will be performed before they can begin work or volunteer, be asked for appropriate information required by CHSB to do the CORI, and, if given, be told that the CORI received by the entity will be reviewed by the entity before a decision is made as to whether they will be hired or can begin volunteering.*** All ASAPs, AAAs and COAs are responsible for informing Elder Affairs' funded providers, contractors and other entities that use the Elder Affairs' of these amended CORI Guidelines. These Guidelines will also be posted on 800ageinfo.com. Please contact Joel Semuels at 617-222-7461 or Joel.Semuels@state.ma.us if you have any questions.

Executive Office of Elder Affairs

Criminal Offender Records Information (CORI) Guidelines 01/02/03

A Criminal Offender Record Information (CORI) check shall be performed on individuals prior to employment, accepting an individual as a volunteer or referring such individual for employment to an elderly or disabled person. All decisions regarding the hiring of an employment candidate, acceptance of a volunteer or referral of an individual to an elder are within the jurisdiction of the hiring entity. The following Guidelines set minimum standards to assist agencies to determine a candidate's appropriateness for employment.

1. The entity must file an application for certification with the Criminal History Systems Board (CHSB), 220 Arlington Street, Suite 2200, Chelsea, MA 02150 (www.state.ma.chsb) and be certified for CORI access. Note: An employer is prohibited from requesting or requiring a person to provide a copy of his or her own criminal record.
2. All CORI certified agencies must follow CHSB Audit Guidelines effective on the date of this Program Instruction which include the following:
 - An ASAP, AAA or COA does not have to obtain a written acknowledgement from new hires, volunteers, etc., who will be providing services to elders in a home or community-based setting (hereinafter referred to as candidates) prior to the entity obtaining CORI on them from CHSB as part of their application process. Follow CHSB guidelines.
 - Access to CORI is limited to the authorized personnel who have signed an Agreement of Non-Disclosure on file with the CHSB;
 - CORI may always be shared with the applicant/volunteer/individual referred for employment to whom it pertains;
 - CORI must not be disseminated to any other person or agency;
 - CORI must be kept separate from any other personnel files. CORI must be secured in a locked file cabinet when not being inspected;
 - CORI may be kept for up to three years for purposes of defending against any employment discrimination action;
 - Only one copy of the CORI is to be kept in the files at any time.

Contact the CORI Unit at CHSB (617-660-4640) with questions on the above Audit Guidelines.

3. Elder Affairs' CORI Policy for the above-mentioned entities funded by Elder Affairs is as follows:

- **Lifetime Presumptive Disqualification:** If the CORI investigation reveals a conviction of any of the crimes listed in Table A attached, has pending charges involving crimes listed in Table A, (e.g. the offense remains open without final resolution), or has any outstanding warrants, it is recommended that the candidate be informed by the hiring authority that (s)he is ineligible for any position which has the potential for contact with elders or disabled persons receiving services.
- **Ten Year Presumptive Disqualification:** If the CORI investigation reveals a conviction of any of the crimes listed in Table B attached, or has pending charges involving crimes listed in Table B, (e.g. the offense remains open without final resolution), it is recommended that the candidate be informed by the hiring authority that (s)he is ineligible for any position which has the potential for contact with elders or disabled persons receiving services, unless ten years or more have passed since the final disposition of the offense.
- **Discretionary Disqualification:** If the CORI Investigation reveals a conviction of any of the crimes listed in Table C attached, or has pending charges involving crimes listed in Table C, (e.g. the offense remains open without final resolution), it is recommended that the hiring authority determine if the candidate poses an unacceptable risk of harm to the persons served by the program within the position sought. In reviewing the candidate's appropriateness for employment given the concerns for client safety, due weight shall be given to the following factors:
 - i. age of conviction;
 - ii. age of candidate at the time of offense;
 - iii. seriousness and specific circumstances of the offense;
 - iv. relationship of the criminal act to the nature of the work to be performed;
 - v. number of offenses;
 - vi. any relevant evidence of rehabilitation or lack thereof;
 - vii. any other relevant information sought by the hiring authority from the police, courts or prosecuting attorneys; or
 - viii. information submitted by the candidate as requested by the hiring authority (e.g. letter from the candidate's probation, parole officer, treating professional or other knowledgeable source).

4. Following the review, the hiring authority shall determine whether to hire the candidate, not hire the candidate or to hire the candidate to either a different position or to the requested position with certain restrictions, including, but not limited to close supervision or limited access to client care areas. The hiring authority shall document in writing by clear and convincing evidence the candidate's appropriateness for employment, given the concern for client safety.

5. Nothing herein shall be construed as preventing the hiring authority from deciding not to hire the candidate for any other reason.

Tables of Offenses

Table A	MGL
A&B, DANGEROUS WEAPON, VICTIM 60 AND OLDER	c.265 § 15A(a)
A&B CHILD W/ INJURY	c.265 § 13J
A&B ON RETARDED PERSON	c.265 § 13F
ADMINISTERING DRUGS/SEX	c.272 § 3
ARMED ASSAULT W/INTENT TO MURDER OR ROB	c.265 § 18(b)
ARMED ASSAULT W/INTENT TO MURDER OR ROB, VICT 60+	c.265 § 18(a)
ARMED ASSAULT, DWELLING, W/FELONY INTENT	c.265 § 18A
ARMED CARJACKING	c.265 § 21A
ARMED ROBBERY	c.265 § 17
ASSAULT W/INTENT TO MURDER OR MAIM	c.265 § 15
ASSAULT W/INTENT TO RAPE	c.265 § 24
ASSAULT W/INTENT TO RAPE CHILD	c.265 § 24B
ATTEMPT ESCAPE OR ESCAPE BY PRISONER OR SEX/DANG	c.268 § 16
ATTEMPT TO MURDER	c.265 § 16
BURNING DWELLING HOUSE	c.266 § 1
DISTRIBUTE CONTROLLED SUBSTAN, MINOR	c.94C § 32F
EXHIBIT POSING CHILD	c.272 § 29A
EXTORTION	c.265 § 25
HOME INVASION	c.265 § 18C
INCEST	c.272 § 17
INDECENT A&B, CHILD 14 OR OVER	c.265 § 13H
INDECENT A&B, CHILD UNDER 14	c.265 § 13B
INDECENT A&B, RETARDED PERSON	c.265 § 13F
INDUCE MINOR TO PROSTITUTION	c.272 § 4A
INTIMIDATION OF WITNESS	c.268 § 13B
KIDNAPPING	c.265 § 26
MALICIOUS EXPLOSION	c.266 § 101

MALICIOUS EXPLOSION	c.266 §101
MANSLAUGHTER, NEGLIGENCE (MINOR/CHILD)	c.265 § 13
MANSLAUGHTER	c.265 § 13
MAYHEM	c.265 §14
MURDER	c.265 § 1
PERJURY	c.268 § 1
RAPE	c.265 §22(b)
RAPE AGGRAVATED	c.265 § 22(a)
RAPE, STATUTORY	c.265 § 23
TRAFFICKING IN COCAINE	c.94C § 32E (b) (4)
TRAFFICKING IN HEROIN	c.94C § 32E (c) (4)
TRAFFICKING IN MARIJUANA	c.94C § 32E (a) (4)
UNNATURAL ACTS W/CHILD UNDER 16	c.272 § 35A
CONSPIRACY TO COMMIT ANY OF ABOVE OFFENSES	
ACCESSORY BEFORE ANY CRIME IN THIS CATEGORY	
ATTEMPTS TO COMMIT ANY CRIME IN THIS CATEGORY	
Table B	MGL
A& B DANGEROUS WEAPON	c.265 § 15A
A&B INTIMIDATION, RACE/COLOR/RELIGION	c.265 § 39(a)
ACCESSORY BEFORE FACT	c.274 § 2
ACCESSORY AFTER FACT(VARIABLE)	c.274 § 4
AID ESCAPE FROM CUSTODY	c.268 § 17
ASSAULT BY DANGEROUS WEAPON	c.265 § 15B(b)
ASSAULT BY DANGEROUS WEAPON, VICTIM 60 AND OLDER	c.265 § 15B(a)
ATTEMPT TO BURN DWELLING HOUSE	c.266 § 5A
ATTEMPT TO COMMIT CRIME (VARIABLE)	c.274 §6

ATTEMPTED EXTORTION	c.265 §25
BOMB SCARE	c.269 § 14
B&E DAY, INTENT COMM FELONY	c.266 § 18
B&E DAY, INTEND COMM FELONY, FEAR	c.266 § 17
B&E NIGHT, BLDG/SHIP/M/V, INTEND COMM FELONY	c.266 § 16
B&E TRUCK, INTEND COMM FELONY	c.266 § 20A
BRIBERY OF A POLICE OFFICER	c.268A § 2
BURGLARY, ARMED	c.266 §14
BURGLARY, UNARMED	c.266 § 15
BURNING BUILDING	c.266 §2
BURNING M/V OR PERSONAL PROPERTY	c.266 § 5
BURNING TO DEFRAUD INSURANCE CO.	c.266 § 10
CARRYING DANGEROUS WEAPON, COMMITTING FELONY	c.269 § 10(b)
CARRYING DANGEROUS WEAPON, SUB OFFENSE	c.269 § 10(d)
CARRYING LOADED RIFLE/SHOTGUN, PUBLIC WAY	c.269 § 12D
CIVIL RIGHTS VIOLATION, BODILY INJURY	c.265 § 37
COMPOUNDING FELONY	c.268 § 36
CONTRIBUTE DELINQUENCY CHILD	c.119 § 63
DELIVER ARTICLES TO INMATE	c.268 § 31
DELIVER DRUGS TO PRISONER	c.268 § 28
DERIVING SUPPORT FROM PROSTITUTE	c.272 § 7
DISTRIBUTING OBSCENE PICTURES	c.272 § 28
DRUG PARAPHENELIA	c.94C § 32I(a)
ENTER W/O BRK, BLDG/SHP/M/V, INT FEL , FEAR	c.266 § 17
ENTER W/O BRK, NIGHT, DWELL, INTEND COMM FELONY	c.266 § 18
ENTICE FEMALE, SEX, INTERCOURSE	c.272 § 2
ESCAPE, FURLOUGH	c.268 § 16
ESCAPE BY PRISONER	c.268 § 16
FALSE INFORMATION FOR GUN PERMIT	c.140 § 129
FORGERY. ALTER PRESCRIPTION	c.94C § 33(b)

FUGITIVE FROM JUSTICE	c.276 § 20A
INDUCE PROSTITUTION	c.272 § 6
INDUCE SEX, MINOR	c.272 § 4
INVOLUNTARY MANSLAUGHTER	c.265 § 13
KIDNAPPING MINOR BY RELATIVE	c.265 § 26A
KIDNAPPING MINOR BY RELATIVE, ENDANGER SAFETY	c.265 § 26A
LARCENY, BANK EMPLOYEE OR OFFICER	c.266 § 52
LARCENY, CONTROLLED SUBSTANCE, FROM AUTHORIZED PERSON	c.94C § 37
LARCENY FIREARM	c.266 § 30
LARCENY, PERSON	c.266 § 25
LARCENY, PERSON 65+	c.266 § 25
MANUFACTURE/DISTRIBUTE CLASS A SUBSTANCE	c.94C § 32
MANUFACTURE/DISTRIBUTE CLASS B SUBSTANCE	c.94C § 32A
MANUFACTURE/DISTRIBUTE CLASS C SUBSTANCE	c.94C § 32B
MANUFACTURE/DISTRIBUTE CLASS D SUBSTANCE	c.94C § 32C
MANUFACTURE/DISTRIBUTE/DISPENSE CLASS B SUBSTANCE	c.94C § 32A
MFG/DIST/DISPENSE CL A W/IN 1000FT SCHOOL	c.94C § 32J
MFG/DIST/DISPENSE CL B W/IN 1000FT SCHOOL	c.94C § 32J
M/V HOMICIDE, NEGLIGENT OPERATION	c.90 § 24G(b)
M/V HOMICIDE, RECKLESS OPERATION	c.90 § 24G(b)
M/V HOMICIDE, UNDER INFLUENCE DRUGS, NEGLIGENT OR RECKLESS	c.90 § 24G(a)
M/V HOMICIDE, UNDER INFLUENCE LIQUOR	c.90 § 24G(b)
M/V HOMICIDE, UNDER INFLUENCE LIQUOR, NEGLIGENT OR RECKLESS	c.90 §24G(b)
OPERATE M/V UNDER INFLUENCE, SERIOUS INJURY	c.90 §24(1)(a)(1)

OPERATE M/V UNDER INFLUENCE, DRUGS, 3 RD OFFENSE	c.90 §24(1)(a)(1)
OPERATE M/V UNDER INFLUENCE, LIQUOR, 3 RD OFFENSE	c.90 §24
POSSESS BURGLARIOUS TOOLS	c.266 § 49
POSS CL A SUB W/INT TO DIST W/INT 1000FT SCHOOL	c.94C § 32J
POSS CL B SUB W/INT TO DIST W/INT 1000FT SCHOOL	c.94C § 32J
POSS CL B SUB W/INT TO DIST/MFG/CULT W/INT 1000FT SCHOOL	c.94C § 32J
POSSESS CLASS A SUBSTANCE	c.94C §34
POSSESS CLASS A SUBSTANCE, INTENT TO DISTRIBUTE	c.94C § 32(a)
POSSESS CLASS B SUBSTANCE	c.94C §34
POSSESS CLASS B SUBSTANCE, INTENT TO DISTRIBUTE	c.94C § 32A(a)
POSSESS CLASS B SUBSTANCE, W/INTENT DIST/MFG	c.94C § 32A
POSSESS CLASS C SUBSTANCE, INTENT TO DISTRIBUTE	c.94C § 32B(a)
POSSESS CLASS C SUBSTANCE, SUB OFFENSE	c.94C §34
POSSESS CLASS D SUBSTANCE, INTENT TO DISTRIBUTE	c.94C § 32C(a)
POSSESS CLASS D SUBSTANCE, SUB OFFENSE	c.94C §34
POSS CLASS D SUB W/INT TO DIST W/INT 1000FT SCHOOL	c.94C §32J
POSSESS CLASS E SUBSTANCE, INTENT TO DISTRIBUTE	c.94C § 32D
POSSESS CONTROLLED SUB W/INTENT DISTRIB, SUB OFF	c.94C § 32(b)
POSSESS FIREARM W/O LICENSE	c.269 §10(h)
POSSESS FIREARM, SERIAL/ID NUM OBLIT	c.269 § 11C
POSSESS FIREARM, SERIAL/ID NUM OBLIT, COMM FELONY	c.269 § 11B
POSSESS INFERNAL MACHINE	c.266 § 102A

POSSESS MACHINE GUN W/O LICENSE	c.269 §10
POSSESS MACHINE GUN OR SAWED OFF SHOT GUN, SUB OFFENSE	c.269 § 10
POSSESS MATTER HARMFUL MINOR	c.272 § 28
POSSESS M/V MASTER KEY	c.266 § 49
POSSESSION SHOTGUN, BARREL UND 18 "SAWED OFF".	c.269 § 10C
POSSESS SHOTGUN, BARREL UND 18 "SAWED OFF, SUB OFF	c.269 § 10D
RECEIVE/BUY STOLEN M/V	c.266 § 28(a)
SELL AMMUNITION W/O LICENSE	c.140 § 122B
SELL OBSCENE LITERATURE, UNDER 18	c.272 § 28
SELL FIREARM W/O LICENSE	c.140 § 128
THROW EXPLOSIVES	c.266 § 102
TRAFFICKING IN COCAINE W/ IN 1000FT SCHOOL	c.94C § 32J
TRAFFICKING IN HEROIN W/ IN 1000FT SCHOOL	c.94C § 32J
TRAFFICKING IN MARIJUANA W/ IN 1000FT SCHOOL	c.94C § 32J
UNARMED ASSAULT, INTENT TO ROB	c.265 § 20
UNARMED ROBBERY	c.265 § 19(b)
UNARMED ROBBERY, VICTIM 60+	c.265 § 19(a)
UNLAWFUL POSSESSION, BOMB	c.148 § 35
UNLAWFUL POSSESSION, FIREARM, COMMISSION FELONY	c.265 § 18B
UNLAWFULLY PLACE EXPLOSIVES	c.266 § 102
UNNATURAL ACTS	c.272 § 35
UTTER FALSE PRESCRIPTION	c.94C § 33
VANDALIZE CHURCH/SYNAGOGUE/CEMETERY	c.266 § 127A
VANDALIZE SCHOOL/CHURCH/EDUCATIONAL BLDG	c.266 § 98
VIOLATE DOMESTIC PROTECTIVE ORDER	c.208 § 34C
VIOLATE STALKING LAW	c.265 § 43(a)
VIOLATION OF PROTECTIVE ORDER (209A)	c.209A § 7

CONSPIRACY TO COMMIT ANY OF ABOVE OFFENSES	
ATTEMPTS TO COMMIT ANY CRIME IN THIS CATEGORY	
ACCESSORY BEFORE ANY CRIME IN THIS CATEGORY	
Table C	
A&B	MGL
A&B ON PUBLIC SERVANT	c.265 § 13A
A&B ON POLICE OFFICER	c.265 § 13D
A&B OR ASSAULT ON CORRECTIONAL OFFICER	c.265 § 13D
ABANDON W/O SUPPORT OF SPOUSE, OR MINOR CHILD	c.127 § 38B
ABANDON M/V	c.273 § 1(1)
ACCOSTING	c.90 § 22B
ADULTERATION ALCOHOLIC BEVERAGE	c.272 § 53
AFFRAY	c.138 § 16
ALIEN IN POSSESS OF FIREARM	c.272 § 53
ANNOYING PHONE CALLS	c.140 § 131H
ASSAULT	c.269 § 14A
ATTEMPT TO INJURE DEPOSITORY OF VALUABLES	c.265 § 13A
B&E, INTEND TO COMM MISDEMEANOR	c.266 § 16
B&E RAILROAD CAR	c.266 § 16A
B&E RECOGNIZANCE VIOLATION	c.266 § 19
BEING PRESENT WHERE HEROIN KEPT	c.276 § 82A
CIVIL RIGHTS VIOLATION, NO BODILY INJURY	c.94C § 35
CREDIT CARD, LARCENY OF	c.265 § 37
CRUELTY TO ANIMALS	c.266 § 37B
DISCHARGING FIREARM, 500FT	c.272 § 77
DISCHARGING WEAPON NEAR HIGHWAY/DWELL. HUN	c.269 § 12E

DISPENSE CONTROLLED SUBSTANCE, NOT REGISTERED	c.131 § 58
DISTRIBUTE CONTROLLED, SUBSTAN W/O PRESCRIPTION	c.94C § 25
ENGAGING IN SEX, PROSTITUTION, “JOHN”	c.94C § 25(1)
ENTER W/O BRK, TRUCK, INTEND COMM FELONY	c.272 § 53A
FAIL TO KEEP RECORDS ON CONTROLLED SUBSTANCE	c.266 § 20A
GAMING, IMPLEMENTS FOUND PRESENT, MANAGER	c.94C § 15
GAMING, IMPLEMENTS FOUND PRESENT, OWNER	c.271 § 17
HOUSE OF ILL FAME	c.271 § 17
ILLEGAL POSSESS CLASS C SUBSTANCE	c.272 § 24
ILLEGAL POSSESS CLASS D SUBSTANCE	c.94C § 34
ILLEGAL POSSESS CLASS E SUBSTANCE	c.94C § 34
INDECENT EXPOSURE	c.94C § 34
LARCENY BY CHECK	c.272 § 53
LARCENY MORE	c.266 § 37
LARCENY IN BLDG, SHIP, VESSEL, OR RR CAR	c.266 §30
LARCENY IN TRUCK/TRAILER	c.266 § 20
LARCENY, M/V OR TRAILER	c.266 § 20B
LEAVE COMM W/O SUPPORT MINOR CHILD OUT OF WDLOCK	c.266 § 28
LEAVE COMM W/O SUPPORT OF SPOUSE & MINOR CHILD	c.273 § 15
LEAVE SCENE AFTER PERSONAL INJURY, M/V	c.273 § 1
LEWD & LASCIVIOUS SPEECH & BEHAVIOR	c.90 § 24(2)(a1/2)(1)
MALICIOUS DESTRUC, PERS/REAL PROP, OVER \$250	c.272 § 53
MANUFACTURE/DISTRIBUTE CLASS E SUBSTANCE	c.266 § 127
NON-SUPPORT OF MINOR CHILD OUT OF WEDLOCK	c.94C § 32D(a)

NON-SUPPORT OF MINOR CHILD(REN)	c.273 § 15
OBSCENE TELEPHONE CALLS	c.273 §1
OBSTRUCT JUSTICE	c.269 § 14A
OPEN & GROSS LEWDNESS	c.268 § 34
OPERATE M/V AFTER LICENSE REVOKED FOR DRUNK DRIVING	c.272 § 16
OPERATE M/V UNDER INFLUENCE, DRUGS	c.90 § 23
OPERATE M/V UNDER INFLUENCE, LIQUOR	c.90 § 24(1)(a)(1)
POSSESS ALTERED FID CARD	c.90 § 24
POSSESS COUNTERFEIT SUBS W/INTENT DISTRIBUTE	c.140 § 131I
POSSESS DANGEROUS WEAPON UNLAWFULLY	c.94C § 32G
POSSESS HYPODERMIC SYRINGE OR NEEDLE	c.269 § 10(b)
POSSESS OBSCENE "PORNOGRAPHIC" MATERIAL	c.94C § 27
PROCURE LIQUOR FOR MINOR	c.272 § 29
PROSTITUTION	c.138 § 34
RECEIVE STOLEN PROPERTY, OVER 250	c.272 § 53A
RIOT	c.266 § 60
SELL/DELIVER ALCOHOLIC BEVERAGES PERSON UNDER 21	c.269 § 1
SOLICITING PROSTITUTE	c.138 § 34
SHOPLIFTING, 3 RD OR SUB OFFENSE	c.272 § 8
SODOMY	c.266 § 30A
TAKING M/V W/O AUTHORITY, STEAL PARTS	c.272 § 34
TELECOMMUNICATIONS FRAUD	c.266 § 28
UNAUTHORIZED USE, CREDIT CARD, OVER \$250	c.166 § 42A
UNLAWFUL POSSESSION, SHOTGUN	c.266 § 37C
UNLAWFULLY OBTAIN CONTROLLED SUBSTANCE	c.140 § 129C
USE M/V, COMMISSION OF FELONY	c.94C § 33
UTTER FORGED INSTRUMENT	c.90 § 24(2)(a)

VIOLATE SUPPORT ORDER	c.267 § 5
VIOLATE SUPPORT ORDER, MINOR CHILD OUT OF WDLCK	c.273 §1
WANTON DESTRUCTION, PERS/REAL PROPERTY	c.273 § 15
WILLFULLY & MALICIOUSLY BURN M/V	c.272 § 73
WILLFULLY & MALICIOUSLY KILL BEAST	c.266 § 127
CONSPIRACY TO COMMIT ANY OF ABOVE OFFENSES	c.266 §112
ATTEMPTS TO COMMIT ANY CRIME IN THIS CATEGORY	
ACCESSORY BEFORE ANY CRIME IN THIS CATEGORY	

Offenses Included

The above offenses include all violations of Massachusetts law or like violation of the law of the United States, or a military, territorial or Indian tribal authority. Nothing herein precludes the hiring authority from considering other criminal convictions not included in Tables A, B, and C in its hiring decisions. The hiring authority shall contact their own legal counsel whenever a CORI investigation reveals an offense that is not included in Tables A, B, and C and it appears similar in seriousness to included offenses. The hiring authority's legal counsel shall determine, taking into account the purposes of these regulations, if the offense is similar to one of the included offenses. If it is determined to be similar, then it shall be considered to be included in the same category as the included offense. If it is determined to be not similar, then it shall be considered for inclusion into the appropriate category.