

RESOLUTION 15-19

A RESOLUTION ADOPTING A BACKGROUND CHECK POLICY FOR THE CITY OF SCAPPOOSE.

WHEREAS, the City of Scappoose Municipal Code authorizes the City Council to adopt, by resolution, personnel rules for the City which may include such items as procedures for hiring; and


WHEREAS, the Code allows a criminal background check to be conducted on applicants for employee and volunteer positions with the City through the Law Enforcement Data System (LEDS); and

WHEREAS, the City Council wishes to adopt a consistent policy governing the use of criminal background checks for certain volunteer applicants as well as prospective employees.

NOW THEREFORE BE IT RESOLVED, the Council hereby adopts the attached Background Check Policy for the City of Scappoose.

PASSED AND ADOPTED by the Scappoose City Council this 21st day of September, 2015, and signed by me and the City Recorder in authentication of its passage.

CITY OF SCAPPOOSE, OREGON



Scott Burge, Mayor

Attest:



Susan M. Reeves, MMC, City Recorder

City of Scappoose
Background Check Policy

1. Purpose and Authority. Pursuant to Chapter 2.48 of the Scappoose Municipal Code, rules and policies related to personnel may be adopted and amended by resolution of the City Council, and the City desires to adopt a policy regarding the use of background checks in the hiring process. In addition, Chapter 2.52 addresses the City's rules for criminal background checks for certain volunteer opportunities. This policy is intended to help protect the health and welfare of the public, City residents, employees, and volunteers.

2. Covered Positions. Applicants for Covered Positions in the City are subject to criminal background checks. A Covered Position is any staff or volunteer position with the City whose duties and responsibilities involve:
 - a. Regular contact with, or control over, a child or children, elderly, or physically or mentally challenged persons of any age.

 - b. Direct access to City funds or finances.

 - c. A participant in the Police Department's Citizen Academy.

3. Background Investigations.
 - a. All applicants for Covered Positions with the City will be required to consent to a criminal background check as a condition of employment or volunteering with the City.

 - b. A member of the Scappoose Police Department trained and authorized to perform criminal background checks through the Law Enforcement Data System (LEDS), and not otherwise involved in the hiring decision, will conduct the criminal history background check. The Scappoose Police Department will report to the City Manager, or his or her designee, that the applicant's records indicate "no criminal record" or "criminal record."

 - c. If the applicant's record is reported as indicating a "criminal record," the Scappoose Police Department will request a written criminal history report from the Oregon State Police Identification Services Section. The Police Department will make the received criminal offender information available to the City Manager, or his or her designee, for consideration in determining the suitability of the applicant for the employment or volunteer position.

4. Determination of Suitability. The City shall not exclude an applicant from a Covered Position with the City solely because the applicant has any criminal record. In making a

final fitness determination about an applicant, the City shall consider the factors listed below in relation to information obtained in connection with the criminal background check, and any false statement made by the applicant. The City will consider:

- a. Whether the applicant has been arrested, pled nolo contendere (or no contest) to, been convicted of, found guilty except for insanity (or a comparable disposition) of, or has a pending indictment for a crime;
 - b. The nature of any crime;
 - c. The facts that support the arrest, conviction, finding of guilty except for insanity, or pending indictment;
 - d. The facts that indicate the applicant made a false statement;
 - e. The relevance, if any, of a crime or of a false statement made by the applicant to the specific requirements of the applicant's proposed position or services; and
 - f. The following intervening circumstances, to the extent that they are relevant to the responsibilities and circumstances of the services for which the fitness determination is being made, including, but not limited to, the following:
 - i. The passage of time since the commission or alleged commission of a crime;
 - ii. The age of the applicant at the time of the commission or alleged commission of a crime;
 - iii. The likelihood of a repetition of offenses or of the commission of another crime;
 - iv. The subsequent commission of another crime;
 - v. Whether a conviction has been set aside or pardoned, and the legal effect of setting aside the conviction or of a pardon.
5. Rights of Applicant. The City will not release the actual background investigative report to an applicant. However, the City may issue a summary and source of the negative information that it relied upon to deny employment or volunteer opportunity. The applicant may obtain a copy of the reports from the originating state or federal agency and challenge the accuracy and completeness of any information maintained by that agency.

6. Criminal Background Check Records Retention and Disclosure.

- a. All records relating to the criminal background investigation, including consent forms, documents indicating the presence or absence of a criminal record, or related documentation, shall be retained and destroyed in a manner consistent with the City's document retention standards.
- b. Such records of applicants selected as an employee or volunteer will be treated as a confidential employment record, and maintained separately from the primary personnel file. Access to such records shall be limited to only those authorized persons who, in performing their official duties, need to know the information contained in the records.