

ORDINANCE 209

An Ordinance Relating to Criminal History Background Checks for Applicants for City Employment and City Licenses

Be It Ordained by the Mayor and Council of the City of Bird Island, Renville County, Minnesota, as follows:

Section I. Purpose

The purpose and intent of this Ordinance is to establish regulations that will allow law enforcement access to Minnesota's Computerized Criminal History information for specified non-criminal purposes of employment background checks for the positions described in Section II., and for licensing background checks.

Section II. Criminal History Background Investigations

A. Employment

The Bird Island Police Department is hereby required, as the exclusive entity within the City, to do a criminal history background investigation of the applicants for the following positions within the City, unless the City's hiring authority concludes that a background investigation is not needed: All regular part-time or full-time employees of the City, including firefighters, and other positions that work with children or vulnerable adults.

B. City Licenses

The Bird Island Police Department is hereby required, as the exclusive entity within the City, to do a criminal history background investigation on applicants requesting City licenses, as deemed appropriate by the City Administrator.

Section III. Procedure

In conducting the criminal history background investigation in order to screen employment or license applicants, the Police Department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehensions Computerized Criminal History information system in accordance with BCA policy. Any data that is accessed and acquired shall be maintained at the Police Department under the care and custody of the chief law enforcement official or his or her designee. A summary of the results of the Computerized Criminal History data may be released by the Police Department to the hiring or licensing authority, including the City Council, the City Administrator, or other City staff involved in the hiring or licensing process.

Before the investigation is undertaken, the applicant must authorize the Police Department by written consent to undertake the investigation. The written consent must fully comply with the provisions of Minn.Stat.Chap. 13 regarding the collection, maintenance and use of the information. Except for the positions set forth in Minnesota Statutes Section 364.09, the City will not reject an applicant for employment, or a license, on the basis of the applicant's prior conviction unless the crime is directly related to the position of employment, or the license sought, and the conviction is for a felony, gross misdemeanor, or misdemeanor with a jail

sentence. If the City rejects the applicant's request on this basis, the City shall notify the applicant in writing of the following:

- A. The grounds and reasons for the denial.
- B. The applicant complaint and grievance procedure set forth in Minnesota Statutes Section 364.06.
- C. The earliest date the applicant may reapply for the license/employment.
- D. That all competent evidence of rehabilitation will be considered upon reapplication.

Section IV. Effective Date

This Ordinance shall take effect upon its passage and publication.

Passed by the City Council of Bird Island this 12th day of September, 2011.

Mayor Robert Seidl Jr.

City Administrator Deb Lingl