

CHAPTER 13
PERSONNEL

ORDINANCE NO 295

ORDINANCE RELATING TO CRIMINAL HISTORY BACKGROUND FOR APPLICANTS FOR CITY EMPLOYMENT AND CITY LICENSES

BE IT ORDAINED by the Mayor and Council of the City of Chisago City, Chisago County, Minnesota, as follows:

Section 1. That the Chisago City Code shall be amended by adding a new Chapter 13, as follows:

**CHAPTER 13
EMPLOYMENT BACKGROUND CHECKS**

Section 1 APPLICANTS FOR CITY EMPLOYMENT

Purpose: the purpose and intent of this section 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 2.

Section 2 CRIMINAL HISTORY EMPLOYMENT BACKGROUND INVESTIGATIONS:

The Lakes Area Police Department is hereby required, as the exclusive entity within the City, to do a criminal history background investigation on the applicants for the following positions within the city, unless the city's hiring authority concludes that a background investigation is not needed:

Employment positions:

(all regular part-time or full-time employees of the City of Chisago, and other positions that work with children or vulnerable adults)

In conducting the criminal history background investigation in order to screen employment 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 authority, including the City Council, the City Administrator, or other city staff involved in the hiring 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. Chapter 13 regarding the collection maintenance and use of the information. Except for the positions set forth in Minnesota statute's Section 364.09, the city will not reject an applicant for employment on the basis of the applicant's prior conviction unless the crime is directly related to the position of employment sought and the conviction is for a felony, gross misdemeanor, or misdemeanor with a jail sentence. If the City rejects the applicant 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 employment
- D. That all competent evidence of rehabilitation will be considered upon Reapplication.

Section 3. That this ordinance shall take effect upon its passage and publication.

Passed by the City Council of the City of Chisago City this _____ day of _____, 2013.

ATTEST:

Mayor

City Administrator

ORD 295(2/13)