

AGENDA ITEM FOR ADMINISTRATIVE MEETING () Discussion only
(X) Action

FROM (DEPT/ DIVISION): County Counsel

SUBJECT: Employment Ordinance Amendment

<p>Background:</p> <p>The law regarding the criminal history checks of applicants for employment has changed since the county first adopted its policy in 1995. Criminal history checks are now only performed when the applicant has received a conditional offer of employment. Changes are proposed to the ordinance adopting the policy to conform with the law and with current practice.</p> <p>The Board held the first reading of the ordinance on July 9, 2018. The ordinance is before for the second reading.</p>	<p>Requested Action:</p> <p>(1) Conduct public hearing on second reading of Ordinance No. 2018-03; (2) Adopt Ordinance No. 2018-03</p>
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ATTACHMENTS: Proposed Ordinance

*****For Internal Use Only*****

Checkoffs:

- () Dept. Heard (copy)
- () Human Resources (copy)
- () Fiscal
- (X) Legal (copy)
- () (Other - List:)

To be notified of Meeting:
Jennifer Blake

Needed at Meeting:

Scheduled for meeting on: August 22, 2018

Action taken:

Follow-up:

THE BOARD OF COMMISSIONERS OF UMATILLA COUNTY

STATE OF OREGON

In the Matter of Amending)
Criminal History Record Check) ORDINANCE NO. 2018-03
Policy, Ordinance No. 95-09,)
codified at Chapter 34)

WHEREAS on November 22, 1995, the Board of Commissioners adopted Ordinance No. 95-09, Establishing Criminal History Record Check Policies Concerning Applicants for Employment and Appointed Volunteers;

WHEREAS the laws regarding the use of criminal history record checks have changed since 1995, and the ordinance requires updating.

NOW, THEREFORE the Board of Commissioners of Umatilla County ordains that the Ordinance No. 95-09, codified in Chapter 34, Umatilla County Code of Ordinance, dated November 22, 1995, shall be amended as follow (deleted words are ~~struck through~~ and added words are *italicized and underlined*):

§ 34.01 FINDINGS.

(A) In order for the county government to operate effectively, persons selected for employment or as a public service volunteer with the county must have the highest degree of citizen and public trust and confidence.

(B) All county employees and public service volunteers represent the county to its citizens. Many county employees and volunteers have responsibilities to regulate and maintain public health and safety. Most county employees have the ability and authority to bind the county contractually, have access to public funds and property, and possess access to privileged and proprietary information submitted to the county in confidence.

§ 34.02 CRIMINAL OFFENDER INFORMATION CHECK REQUIRED.

~~All applicants for~~ *All finalists for positions upon conditional offer of* employment and appointed volunteers with the county will be required to authorize the county to conduct a criminal offender information check through the Oregon State Police (OSP) Law Enforcement Data System (LEDS) system.

§ 34.03 MAINTENANCE OF AUTHORIZATION FORM; CHECKS CONDUCTED BY SHERIFF'S DEPARTMENT; CRIMINAL HISTORY RECORD.

(A) The criminal history authorization form will be maintained by the Human Resources Department who will request that the check be conducted by the Sheriff's Department.

(B) A member of the Sheriff's Department trained and authorized to perform criminal history checks through the LEDS system will conduct the check on the prospective employee or volunteer and orally report to the Human Resources Department that the applicant's record indicates "no criminal record" or "criminal record." If the applicant's record is reported as "criminal record," the Human Resources Department will, under Oregon Administrative Rules 257-10-025(1)(c), request a written criminal history report from the OSP Identification Services Section and pay the applicable fee for this service. ~~Human Resources will make the written criminal history record available to the employment or volunteer selecting official for his or her consideration in making the selection.~~

§ 34.04 RETENTION OF CRIMINAL HISTORY RECORDS; CONFIDENTIALITY.

The written criminal history record on persons that are not hired or appointed as a volunteer will be retained in accordance with the requirements of Oregon Administrative Rules 166-40-080 for a period of three years and thereafter will be destroyed by shredding. The criminal history record of applicants and volunteers with a criminal history that are hired or appointed, will become a part of the confidential personnel file of that employee or volunteer. Access to confidential personnel files is limited to only authorized persons who have an official need to access such files that is sanctioned by law or regulation.

§ 34.05 HIRING OR APPOINTING VOLUNTEERS; FACTORS TO BE CONSIDERED.

(A) ~~Applicants for employment~~ *Finalists upon conditional employment offer* or appointment as a volunteer that have a felony criminal history, or a history of conviction of a misdemeanor involving moral turpitude or theft, will be closely examined by selecting officials to determine if the applicant possesses the required degree of citizen and public trust and confidence. Each employment or volunteer selection will, however, be made on an individual, case-by-case basis, taking into account the applicant's qualifications, the requirements of the particular job or volunteer post applied for, and the results of the criminal history check. Factors such as the age of an offender at the time of the offense, the type of offense and subsequent rehabilitation, and the public sensitivity of the position under consideration, must be taken into account in evaluating a criminal history report.

(B) Hiring or appointing a volunteer with a criminal history record will require a positive recommendation by the selecting official and the approval of the appropriate county elected official or governing body, after full disclosure and consideration of the criminal history and the applicant.

FURTHER by unanimous vote of those present, the Board of Commissioners deems this Ordinance necessary for the immediate preservation of public peace, health, and safety; therefore, it is adjudged and decreed that an emergency does exist in the case of this Ordinance and it shall be in full force on August 1, 2018.

FIRST READING: July 9, 2018

SECOND READING: August 22, 2018

DATED this day of , 2018.

UMATILLA COUNTY BOARD OF COMMISSIONERS

George L. Murdock, Commissioner

William J. Elfering, Commissioner

W. Lawrence Givens, Commissioner

ATTEST:
OFFICE OF COUNTY RECORDS

Records Officer