

ORDINANCE NO. 597**AN ORDINANCE ESTABLISHING DRIVING AND CRIMINAL HISTORY RECORD CHECK POLICIES CONCERNING PUBLIC EMPLOYMENT AND PUBLIC SERVICE PROVIDERS AND VOLUNTEERS.**

Whereas, the City of Aumsville finds it in the city's best interest, both financially and efficiency of time, to have the city police department complete criminal and driving history record checks for employees, finalists for positions of employment, contracted service providers, or voluntary public service that require certain services; and

Whereas, ORS 181.555(1) AND OAR 257-010-0025(1)(b) establish procedures for access to criminal conviction record information possessed by the Oregon State Police (OSP) through The Law Enforcement Data System (LEDS), and

Whereas, OAR 257-015-0060(2)(a) allows agencies authorized by OSP to access Computerized Criminal History records via LEDS after implementation of a local ordinance; now therefore,

The City of Aumsville ordains as follows:

Section 1. Purpose.

- 1.1 The purpose of this Ordinance is to authorize the City of Aumsville Police Department to access OSP criminal offender information through LEDS, for employees, finalists for positions of employment, contracted service providers, and public service volunteers with the City of Aumsville; to ensure selected individuals have the highest degree of citizen trust and confidence.

Section 2. Procedure.

- 2.1 All proceedings pursuant to this Ordinance shall be conducted in accordance with ORS 181.555 and OAR 257-010-0025, which establishes procedures for access to criminal record information possessed by the OSP through LEDS, and proper driving history check protocol; as supplemented below.
- (a) Authorization Forms - Finalists for employment, employees, and public service volunteers with the City of Aumsville will be required to authorize the City of Aumsville to conduct a driving and criminal conviction check through the LEDS system if their job duties require the following activities.
- Delivering services to minors.
 - Handling/processing cash and/or checks.
 - Law enforcement related duties.
 - Building services/Maintenance.
 - Maintaining confidential medical and/or criminal records
 - Any other classification of job duties authorized by the City of Aumsville
- The city administrator will maintain the driving and criminal history

authorization forms for those doing work on behalf of the city, and will request that a driving and/or criminal history check be made if it is determined that this will be in the best interest of the city in filling the position or assigning the job duty.

- (b) Process - A member of the Aumsville Police Department trained and authorized to perform criminal history checks through the CJIS system will conduct the driving and criminal conviction check on the employee, prospective employee, contract service provider, or volunteer and orally report to the department head or city administrator the driving history and if the persons record indicates "no criminal record" or "criminal record". If the person's record is reported as "criminal record", the police department will, under OAR 257-010-0025(l)(c), request a written criminal history report from the OSP Identification Services Section and pay the applicable fee for this service. The police department will make the written criminal history record available to the city administrator and department head for their consideration in making the selection.
- (c) Driving and Criminal History Records Retention - The written driving and criminal history records on persons that are not selected will be retained in accordance with the requirements Oregon Administrative Rule record retention requirements, and thereafter will be destroyed by shredding. The driving and any criminal history record of persons with a criminal conviction that are hired or appointed, will become part of the confidential personnel files of that person. 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.
- (d) Selection Consideration - A persons driving history and felony criminal history, or a history of conviction of a misdemeanor involving moral turpitude or theft, will be closely examined by the department head and city administrator; to determine if the applicant possesses the required degree of citizen and public trust and confidence. Each public service selection will, however, be made on an individual, case-by-case basis, taking into account the person's qualifications, the requirements of the particular job or volunteer post, 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. Selecting a person with a criminal history record will require a positive recommendation by the department head and the approval of the city administrator, after full disclosure and consideration of the criminal history and the person.

PASSED by the council February 8th, 2010 and signed by the mayor February 11th, 2010.