

ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: January 6, 2020
Item No.: 7.h

Department Approval



City Manager Approval



Item Description: Consideration of an Ordinance Amending Title 5 Chapter 510
Background Checks of the Roseville City Code

1 **BACKGROUND**

2 The City recently transitioned to using a Third Party Administrator (TPA) to conduct criminal
3 background checks for employment, volunteers and city commissioners. Previously criminal
4 history background checks were conducted by the Roseville Police Department and included a
5 criminal history check within the state of Minnesota. The background check conducted by the
6 city's TPA includes a multi-jurisdictional criminal background check from across the nation,
7 including a county, state and federal criminal background check, an address history trace, a
8 national sex offender registry check and a security watch database check of over 30 global
9 agencies.

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11 Because the city is using a TPA to conduct background checks, this is considered a "consumer
12 report" and the city must comply with applicable laws therein. With these changes, the city
13 must update its city code to reflect that the Roseville Police Department is no longer the
14 exclusive entity authorized to conduct criminal history checks and that we will comply with all
15 applicable laws including the Fair Credit Reporting Act (FCRA).

16 **POLICY OBJECTIVE**

17 To ensure the safety and security of employees, volunteers, commissioners and those doing
18 business with the City of Roseville.

19 **BUDGET IMPLICATIONS**

20 None.

21 **STAFF RECOMMENDATION**

22 Staff recommends approval of the proposed ordinance amendment of the Roseville City Code
23 Chapter 510.

24 **REQUESTED COUNCIL ACTION**

25 Adopt an ordinance amending Title 5, of the Roseville City Code, Chapter 510 Background
26 Checks.

Prepared by: Rebecca Olson, Assistant City Manager
Attachments: A: Ordinance Amendment Chapter 510

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City of Roseville
ORDINANCE NO.

AN ORDINANCE AMENDING

TITLE 5, CHAPTER 510 BACKGROUND CHECKS

THE CITY OF ROSEVILLE ORDAINS:

SECTION 1: Title 5, Chapter 510 of the Roseville City Code is amended to read as follows:

510.02 CRIMINAL HISTORY EMPLOYMENT BACKGROUND INVESTIGATIONS

- A. The City of Roseville authorizes a qualified third party administrator (TPA) and the Roseville Police Department is authorized, as the exclusive entity within the City, to de-conduct a criminal history background investigation on applicants for the following licenses and full-time, part-time and volunteer positions with the City in compliance with the City's background check policy and procedures:
1. all licenses and positions that include work with children or vulnerable adults;
 2. all licenses and positions that include access to private or confidential data;
 3. all licenses and positions that require the operation of City-owned motorized vehicles, regardless of whether the vehicle is operated on public streets;
 4. all licenses and positions that include the physical handling or management of monies, securities, bonds or public funds;
 5. all licenses and positions that include the handling or dispensing of hazardous materials, alcoholic beverages, or equipment or instruments capable of transmitting infectious diseases;
 6. all other licenses and positions as otherwise expressly required by City Code.
- B. In conducting the criminal history background investigation, in order to screen 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 licensing or hiring authority, including the City Council, Mayor, the City Manager, Human Resources Manager, City Attorney, and other city staff involved in the licensing and hiring processes.

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C. Before the investigation is undertaken, the applicant must authorize the Police Department City by written consent to undertake the investigation. consent must fully comply with the provisions of Minn. Stat. Chap. 13 and the Fair Credit Reporting Act (FCRA) provisions if completed by the TPA, regarding the collection, maintenance and use of the information.

D. Except for the licenses and positions set forth in Minnesota Statutes Section 364.09, the city will not reject an applicant on the basis of the applicant’s prior conviction unless the crime is directly related to the license or position 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:

1. The grounds and reasons for the denial.
2. The applicant complaint and grievance procedure set forth in Minnesota Statutes Section 364.06.
3. The earliest date the applicant may reapply.
4. That all competent evidence of rehabilitation will be considered upon reapplication.

SECTION 2: Effective date. This ordinance shall take effect upon its passage and publication.

Passed by the City Council of the City of Roseville this 6th day of January 2020.

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(SEAL)

CITY OF ROSEVILLE

BY: _____
Daniel J. Roe, Mayor

ATTEST:

BY: _____
Patrick Trudgeon, City Manager