



## Administrative Policy

<b>Title: Conducting Criminal Background Checks of Prospective Employees &amp; Volunteers (LiveScan) (Reso 2012-018)</b>					
Administered By: Administrative Services (Human Resources)					
New Policy No.	Issue Date (Last Revised)	Numbered Date	Department Head Approved	City Manager Approved	Mayor Approved
01400.803	03-21-12 (N/A)	01-03-17	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>

This Policy, originally adopted on 03-21-12 as Resolution No. 2012-018, will now be numbered Policy 01400.803 for reference purposes only. Effective on the Numbered Date noted above, this Policy is hereby numbered as the Policy Number noted above and shall be referenced as Policy 01400.803 (Reso 2012-018) (Conducting Criminal Background Checks of Prospective Employees & Volunteers - LiveScan).

Resolution No. 2012-018 is attached hereto and incorporated herein by reference.

Attachment: Resolution No. 2012-018  
 Issued: 03-21-12  
 Revised: N/A

**RESOLUTION NO. 2012-018**

**A RESOLUTION OF THE CITY OF COUNCIL OF THE CITY CORONA, CALIFORNIA AUTHORIZING THE HUMAN RESOURCES DEPARTMENT TO PARTICIPATE IN THE DEPARTMENT OF JUSTICE LIVE SCAN FINGERPRINTING PROGRAM TO ACCESS STATE AND FEDERAL CRIMINAL HISTORY BY TRANSMITTING ELECTRONIC FINGERPRINT IMAGES**

**WHEREAS**, Penal Code Sections 11105(b)(11) and 13300(b)(11) authorize cities, counties, districts and joint powers authorities to access state and local summary criminal history information for employment, licensing and certification purposes; and

**WHEREAS**, Penal Code Sections 11105(b)(11) and 13300(b)(11) authorizes cities, counties, districts and joint powers authorities to access federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation; and

**WHEREAS**, Penal Code Sections 11105(b)(11) and 13300(b)(11) require that there be a requirement or exclusion from employment, licensing, or certification based on specific criminal conduct on the part of the subject of the record; and

**WHEREAS**, Penal Code Sections 11105(b)(11) and 13300(b)(11) require the city council, board of supervisors, governing body of a city, county or district or joint powers authority to specifically authorize access to summary criminal history information for employment, licensing, or certification purposes; and

**WHEREAS**, Public Resources Code Section 5164 requires the City to conduct criminal background screening on employees and volunteers who have supervisory or disciplinary authority over minors; and

**WHEREAS**, Education Code Section 10911.5 requires the City to conduct criminal background screening on employees who have direct contact with minors in connection with any public recreation program; and

**WHEREAS**, the City finds that conducting criminal background checks on all prospective employees and volunteers is a prudent personnel practice to protect the City from the risk of employing persons with undisclosed histories of criminal misconduct; and

**WHEREAS**, this Resolution is intended to affect prospective employees and volunteers in departments other than the Police Department, which conducts criminal background checks pursuant to state laws and regulations governing peace officers.

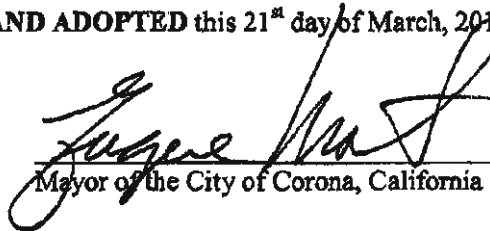
**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Corona, California, as follows:

**SECTION 1.** That the City is hereby authorized to obtain summary criminal history information and enter into a "Subscriber Agreement" with the California Department of Justice for the purpose of screening prospective employees and volunteers. The Subscriber Agreement, and any future amendments thereto shall be consistent with applicable law and this Resolution, shall be in a form acceptable to the City Attorney and the Director of Administrative Services, and may be executed by the City Manager or his or her designee.


**SECTION 2.** City personnel are hereby authorized to access state and federal level summary criminal history information for employment screening purposes, including volunteers and contract employees, licensing of nurses, doctors, attorneys, real estate brokers and other professionals, or certification for notary publics, realtors, child care providers, foster and/or adoptive parents and others requiring state certifications. City personnel shall not disseminate the information to persons or entities outside of the City, unless such persons or entities are under contract with the City and/or hold a public office for the City or perform an essential City function.

**SECTION 3.** The City Council hereby ratifies the attached administrative "Policy for Conducting Criminal Background Checks of Prospective Employees and Volunteers", and authorizes the City Manager or his or her designee to amend such policy in the future, so long as any such amendment is consistent with applicable law and this Resolution.

**PASSED, APPROVED AND ADOPTED** this 21<sup>st</sup> day of March, 2012.

  
\_\_\_\_\_  
Mayor of the City of Corona, California

**ATTEST:**

  
\_\_\_\_\_  
Chief Deputy City Clerk of the City of Corona, California

**CERTIFICATION**

I, Lisa Mobley, Chief Deputy City Clerk of the City of Corona, California, do hereby certify that the foregoing Resolution was regularly introduced and adopted by the City Council of the City of Corona, California, at an adjourned meeting thereof held on the 21<sup>st</sup> day of March, 2012, by the following vote of the Council:

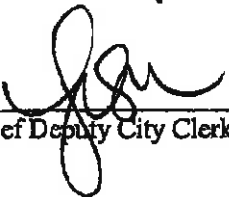
**AYES: MONTANEZ, NOLAN, SCOTT, SKIPWORTH, SPIEGEL**

**NOES: NONE**

**ABSENT: NONE**

**ABSTAINED: NONE**

**IN WITNESS THEREOF**, I have hereunto set my hand and affixed the official seal of the City of Corona, California, this 21<sup>st</sup> day of March, 2012.

  
\_\_\_\_\_  
Chief Deputy City Clerk of the City of Corona, California

(SEAL)

# **POLICY FOR CONDUCTING CRIMINAL BACKGROUND CHECKS OF PROSPECTIVE EMPLOYEES AND VOLUNTEERS**

## **POLICY STATEMENT**

The purpose of this policy is to establish the process by which prospective City employees and volunteers are fingerprinted as part of a pre-employment criminal history background check.

## **PROCEDURE**

Prior to commencing work for the City of Corona, all prospective applicants who have received conditional offers of employment (including hourly and seasonal employees and volunteers) must submit fingerprints to the City for review and final clearance pursuant to Resolution No. 2012-\_\_\_\_. Fingerprints shall be submitted electronically using LiveScan digital scanning. The City will pay the cost for the LiveScan test, which will be performed by the Corona Police Department.

The California Department of Justice will forward results of the LiveScan to the City's designated Custodian of Records. The City Manager will be responsible for designating the City's Custodian of Records. Information received from the California Department of Justice will only be accessible on a secure computer to provide protection against unauthorized access. The City will review the records for consistency with convictions listed or required to be disclosed on the original job application.

In a case where an applicant's criminal history report contains convictions, the City Manager, in consultation with the City Attorney, Human Resources Director, and the relevant director of the hiring department, will review the report and the skill and qualifications for the required position and make a final determination regarding the suitability of the individual hire for the position. A conviction may be disregarded, unless otherwise required by state law (e.g., disqualifying convictions for positions subject to Public Resources Code Section 5164), if disclosed by the applicant and the appointing authorities find that mitigating circumstances exist, such as (but not limited to):

- evidence of rehabilitation,
- length of time elapsed since such conviction,
- the age of the applicant at the time of conviction, or
- the classification applied for is unrelated to such conviction and federal or state law does not require such disqualification or termination.

Detention or arrest without conviction do not constitute valid grounds on which to base employment decisions and will not play a part in the decision-making process. Specifically, the City shall not seek or utilize as a factor in determining any condition of employment (including hiring, promotion, termination, or any apprenticeship training program or any other training program leading to employment), any record of arrest or detention that did not result in conviction, or any record regarding a referral to, and participation in, any pre-trial or post-trial diversion program. The City may, however, ask an applicant about an arrest for which the applicant is out on bail or on his or her own recognizance pending trial. *See* Labor Code § 432.7.

As used in this policy, a conviction shall include a plea, verdict, or finding of guilt regardless of whether sentence is imposed by the court.

## **ACCESS, MAINTENANCE, AND CONFIDENTIALITY OF CRIMINAL HISTORY INFORMATION**

Pursuant to California Penal Code Section 11077, the Department of Justice is responsible for the security of Criminal Offender Record Information (CORI) and has the authority to establish regulations to assure the security of CORI from unauthorized disclosure. The City shall comply with all state laws, regulations, and policies governing the security of CORI.

The access, maintenance and destruction of CORI will be restricted to authorized City personnel only and conform to the conditions within the City's "Subscriber Agreement" with the Department of Justice.

CORI will be used by the City solely for determining an applicant's eligibility for employment.

Misuse of CORI is a criminal offense. Violation of this policy may result in criminal or civil prosecution, as well as disciplinary action by the City, up to and including termination of employment.