

COUNTY COURT JOURNAL

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR TILLAMOOK COUNTY, OREGON

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An Ordinance Establishing)
Criminal History Record)
Check Policies Concerning) Ordinance No. 48
Applicants for Employment)
and Appointed Volunteers)

The Board of Commissioners for Tillamook County finds as follows:

1. ORS 181.555 and OAR 257-10-025 establish procedures for access to criminal record information possessed by the Oregon State Police (OSP) through the Law Enforcement Data System (LEDS).
2. ORS 181.555(1) provides access to criminal offender information by criminal justice agencies and by other state and local agencies.
3. OAR 257-10-025(1) (a) permits a Criminal Justice Agency access to OSP criminal offender information required to implement a local ordinance.
4. OAR 166-40-080 provides for retention of employment selection information for a period of three years.
5. All Tillamook 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.
6. Based on the foregoing, it is in the public interest to access OSP criminal offender information through the LEDS system, for all applicants for employment and public service volunteers with Tillamook County;

NOW THEREFORE THE BOARD OF COUNTY COMMISSIONERS OF TILLAMOOK COUNTY ORDAINS AS FOLLOWS:

Section 1. In order for Tillamook County government to operate effectively, persons selected for employment or as a public service volunteer with Tillamook County must have the highest degree of citizen and public trust and confidence.

Section 2. No applicant for employment or a volunteer position with Tillamook County will be eligible for such a position unless the person provides written authorization to the County to

conduct a criminal offender information check through the OSP LEDS system pursuant to this ordinance.

Section 3. The written authorization described in Section 2 shall state that the applicant will be allowed to review their criminal history for inaccurate or incomplete information; and shall provide notice to the applicant of the manner in which the applicant may be informed of the procedures adopted under ORS 181.555(3) for challenging inaccurate criminal offender information; and notice of the manner in which the applicant may become informed of rights; if any, under Title VII of the Civil Rights Act of 1964; and notice that discrimination by an employer on the basis of arrest records alone may violate federal civil rights law and that the applicant may obtain further information by contacting the Bureau of Labor and Industries.

Section 4. The criminal history authorization form shall be maintained by the County Personnel Department who will request that the check be conducted by the Sheriff's Department.

Section 5. A member of the County 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 Personnel Division that the applicant's record indicates "no criminal record" or "criminal record". If the applicant's record is reported as "criminal record" the Personnel Division will, under OAR 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. Personnel Division will make the written criminal history record available to the employment or volunteer selecting official for his or her consideration in making the selection.

Section 6. The written criminal history record on persons that are not hired or appointed as a volunteer shall be retained in accordance with the requirements of OAR 166-40-080 for a period of three years and thereafter shall be destroyed by shredding. The criminal history record of applicants and volunteers with a criminal history that are hired or appointed, shall become a part of the confidential personnel file of that employee or volunteer. Access to confidential personnel files shall be limited to only those persons authorized by law or regulation and who have an official need to access such files.

Section 7. Applicants for employment or appointment as a volunteer that have a felony criminal history, or a history of conviction of a misdemeanor involving moral turpitude or theft, shall 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.

Section 8. Hiring an employee or appointing a volunteer with a criminal history record shall require a positive recommendation by the selecting official and the approval of the governing

body, after full disclosure to the governing body and its' consideration of the criminal history and the applicant.

Section 9. The provisions of this ordinance are severable. If any section, clause or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portion of this ordinance.

Section 10. This ordinance shall be in force and effect upon passage pursuant to a resolution duly made and entered this day.

Date of First Reading: April 2, 1997

Date of Second Reading: April 16, 1997

DATED THIS 16th DAY OF April, 1997.

**THE BOARD OF COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON**

<u>Gina Firman</u> Gina Firman, Chair	<u>✓</u> <u> </u> <u> </u> Aye Nay Abstain/absent
<u>Jerry A. Dove</u> Jerry A. Dove, Vice-Chair	<u> </u> <u> </u> <u> </u>
<u>Sue Cameron</u> Sue Cameron, Commissioner	<u>✓</u> <u> </u> <u> </u>

ATTEST: Josephine Veltri,
County Clerk

By Cornelia V. Alexa-Weld
Special Deputy

APPROVED AS TO FORM:

William K. Sargent
County Counsel

