

## **ORDINANCE NO. 3742**

### **AN ORDINANCE ESTABLISHING CRIMINAL HISTORY RECORD CHECK POLICIES CONCERNING APPLICANTS FOR POTENTIAL EMPLOYEES AND CERTAIN VOLUNTEERS**

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

WHEREAS, ORS 181.555(1) provides access to criminal offender information by criminal justice agencies and by other state and local agencies; and

WHEREAS, OAR 257-010-0025(1)(a) permits a Criminal Justice Agency access to OSP criminal offender information required to implement a local ordinance; and

WHEREAS, OAR 166-200-0090 provides for retention of employment selection information for a period of three years; and

WHEREAS, the City Council of the City of Pendleton finds for the reasons recited below that it is in the public interest to access OSP criminal offender information through the LEDS system, for applicants for employment, certain public service volunteers with the City of Pendleton, contracted tow truck and taxi drivers, liquor license applicants, and certain other non-profit volunteers;

### **NOW THEREFORE, THE CITY OF PENDLETON ORDAINS AS FOLLOWS:**

Section 1. In order for the City government to operate effectively, persons selected for employment, public service volunteers with the City of Pendleton working with youth or vulnerable persons, or in areas where sensitive materials are kept must have the highest degree of public trust and confidence.

Section 2. All City employees and public service volunteers represent the City to its citizens. Many City employees and volunteers have responsibilities to regulate and maintain public health and safety. Some City employees have the ability and authority to bind the City contractually, have access to public funds and property, and possess access to privileged and proprietary information submitted to the City in confidence.

Section 3. There is a need to protect youth from harmful or dangerous encounters and to that end a review of the criminal records of those who volunteer with youth in the City is necessary and appropriate.

Section 4. Tow truck and taxi drivers interact with the public in stressful situations (accidents, disabled vehicles, etc.) in which the potential exists for the tow truck and taxi driver to take advantage of the public. Therefore, it is necessary and appropriate that the tow truck and taxi driver's criminal record history is reviewed.

Section 5. Liquor license applicants are required to apply to the City for recommendation to the Oregon Liquor Control Commission (OLCC) in their licensing process. It is necessary and appropriate that such applicants' criminal record history is reviewed in the City's recommendation process.

Section 6. Applicants for employment and certain appointed volunteers with the City will be required to authorize the City to conduct a criminal offender information check through the OSP LEADS system.

Section 7. A member of the Police Department trained and authorized to perform criminal history checks through the LEADS system will conduct the check on the prospective employee or volunteer and orally report to the Administrative Services Officer that the applicant's records indicates "no criminal record" or "criminal record". If the applicant's record is reported as "criminal record", the City will, under OAR 257-010-0025, request a written criminal history report from the OSP Identification Services Section. Administrative Services Officer will make the written criminal history record available to the appropriate official for his or her consideration in making the selection.

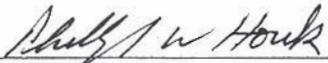
Section 8. The written criminal history record on persons not hired or appointed as a volunteer will be retained in accordance with the requirements of OAR 166-200-0090 for a period of three years and thereafter will be destroyed. The criminal history record of applicants and volunteers with a criminal history who are hired or appointed will become a part of the confidential personnel files 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.

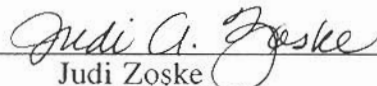
Section 9. Non-profit organizations serving youth in the community, including, but not limited to youth baseball, youth basketball, youth soccer and youth football organizations may request that the Police Department perform criminal history checks. Subject to workload priorities and staff availability, the Police Department may perform such criminal record checks on the prospective youth volunteers. The Police Department shall confirm

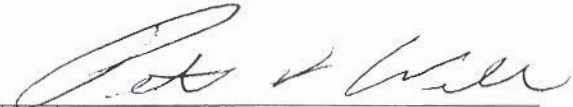
only if a criminal record exists, without any detail of such record. The youth volunteer organization may request criminal record history directly with the Oregon State Police pursuant to state statute and administrative rule.

Section 10. Criminal history checks of contracted tow truck and taxi drivers and liquor license applicants shall be performed by the Police Department.

PASSED by the City Council and approved by the Mayor February 20, 2007

APPROVED:   
Phillip W. Houk  
Mayor

ATTEST:   
Judi Zoske  
City Recorder

APPROVED AS TO FORM:  
  
Peter H. Wells  
City Attorney