Chapter 2.22

POPD BACKGROUND CHECKS FOR EMPLOYMENT

Sections:

2.22.010 Purpose
2.22.020 Procedure
2.22.030 Savings
2.22.040 Severability

2.22.010 Purpose
The purpose of this Chapter is to authorize the city of Port Orford Police Department to access Oregon State Police (OSP) criminal offender information through the Law Enforcement Data System (LEDS) for applicants seeking employment and/or volunteer work with the city of Port Orford, in accordance with OAR 257-10-025(1)(a). (ORD 2008-06 § 1. 2008)

2.22.020 Procedure
All proceedings pursuant to this Ordinance shall be conducted in accordance with ORS 181.555 and OAR 257-10-025, which establishes procedures for access to criminal record information possessed by the Oregon State Police (OSP) through the Law Enforcement Data System (LEDS), and as supplemented below. (ORD 2008-06 § 2. 2008)

A. All applicants for employment and appointed volunteers with the City of Port Orford will be required to authorize the City to conduct a criminal offender information check through the OSP LEDS system.

B. The City Administrator will maintain the criminal history authorization forms and request that a criminal history check be made.

C. The Port Orford Police Department will conduct the check on the prospective employee or volunteer and report to the City Administrator that the applicants record indicates “no criminal record” or “criminal record”.

D. If the applicant’s record is reported as “criminal record”, the City Administrator will , in accordance with 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. The City Administrator will make the written criminal history record available to the selecting official for his/her consideration in making the hiring decision.

E. The written criminal history record on persons that are not hired or appointed as a volunteer will be retained in the office of the City Administrator, in accordance with the requirements of OAR 166-030-0060 for a period of three (3) years and thereafter will be destroyed by shredding.

F. Applicants shall be entitled to view their written criminal history report from OSP Identification Services Section upon request.

G. The criminal history record of applicants and volunteers with a criminal history that are hired or appointed will become a part of the confidential personnel file of that employee or volunteer. These files, as well as all personnel files will be kept in the office of the City Administrator.

Access to confidential personnel files is limited to authorized persons who have an official need to access such files as sanctioned by law or regulation.

H. 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 will be closely examined by the selecting official(s) to determine if the applicant possesses the required degree of public trust and confidence. Each 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 the offender at the time of the offense, the type of offense and subsequent rehabilitation, and the public sensitivity of the position under consideration shall be taken into account in evaluating a criminal history report.

I. Hiring an applicant or appointing a volunteer with a criminal history record, will require the approval of the City Administrator and the City Council, after full disclosure and consideration of the criminal history of the applicant.

2.22.030 Savings

If any section, subsection, provision,, clause or paragraph of this Ordinance shall be adjudged or declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect the validity of the remaining portions of this Ordinance. (ORD 2008-06 § 3. 2008)

2.22.040 Severability

Invalidity of a section or part of a section of this Ordinance shall not affect the validity of the remaining section or parts of sections. (ORD 2008-06 § 4. 2008)