

CHAPTER 2: ADMINISTRATION, OPERATIONS AND ORGANIZATION

ORDINANCE 25 CRIMINAL HISTORY BACKGROUND FOR APPLICANTS FOR CITY
EMPLOYMENT AND CITY LICENSES 25-1
 Section 25.01: EMPLOYMENT BACKGROUND CHECKS..... 25-1
 Section 25.02: LICENSE BACKGROUND CHECKS 25-2

ORDINANCE 25: CRIMINAL HISTORY BACKGROUND FOR APPLICANTS FOR CITY EMPLOYMENT AND CITY LICENSES

Section 25:01: EMPLOYMENT BACKGROUND CHECKS

Subd. 1: Applicants for City Employment.

- a) Purpose: The purpose and intent of this section is to establish regulations that will allow law enforcement access to Minnesota's Computerized Criminal History information for specified non-criminal purposes of employment background checks for the positions described in Subd. 1(b)1. below.
- b) Criminal History Employment Background Investigations: The Albany Police Department is hereby required, as the exclusive entity within the City, to do a criminal history background investigation on the applicants for the following positions within the city, unless the city's hiring authority concludes that a background investigation is not needed:
1. Employment positions: all seasonal, regular part-time and full-time employees and volunteers of the City of Albany and other positions that work with children or vulnerable adults.
 2. In conducting the criminal history background investigation in order to screen employment applicants, the Albany 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 Albany 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 Albany Police Department to the hiring authority, including the City Council, the City Administrator, or other City Staff or consultants involved in the hiring process.
 3. Before the investigation is undertaken, the applicant must authorize the Albany Police Department by written consent to undertake the investigation. The written consent must fully comply with the provisions of Minnesota Statutes Chapter 13 regarding the collection, maintenance and use of the information. Except for the positions set forth in Minnesota Statutes Section 364.09, the City will not reject an applicant for employment on the basis of the applicant's prior conviction unless the crime is directly related to the

CHAPTER 2: ADMINISTRATION, OPERATIONS AND ORGANIZATION

position of employment 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:

- a. The grounds and reasons for the denial.
- b. The applicant complaint and grievance procedure set forth in Minnesota Statutes Section 364.06.
- c. The earliest date the applicant may reapply for employment.
- d. That all competent evidence of rehabilitation will be considered upon reapplication.

Section 25.02. LICENSE BACKGROUND CHECKS

Subd. 1: Applicants for City Licenses.

a) Purpose: The purpose and intent of this section is to establish regulations that will allow law enforcement access to Minnesota's Computerized Criminal History information for specified non-criminal purposes of licensing background checks.

b) Criminal History License Background Investigations: The Albany Police Department is hereby required, as the exclusive entity within the City, to do a criminal history background investigation on the applicants for the following licenses within the City:

1. City Licenses:

Liquor Licenses (Ordinance 60)

Transient Merchants/Peddlers/ and Solicitors (Ordinance 61)

Licenses and Permits (Ordinance 62)

Tobacco Sales (Ordinance 64)

Adult Establishments (Ordinance 66)

2. In conducting the criminal history background investigation in order to screen employment applicants, the Albany 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 Albany 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 Albany Police Department to the hiring authority, including the City Council, the City Administrator, or other City Staff or consultants involved in the hiring process.

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written consent must fully comply with the provisions of Minnesota Statutes Chapter 13 regarding the collection, maintenance and use of the information. Except for the positions set forth in Minnesota Statutes Section 364.09, the City will not reject an applicant for employment on the basis of the applicant's prior conviction unless the crime is directly related to the position of employment 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:

- a. The grounds and reasons for the denial.
- b. The applicant complaint and grievance procedure set forth in Minnesota Statutes Section 364.06.
- c. The earliest date the applicant may reapply for employment.
- d. That all competent evidence of rehabilitation will be considered upon reapplication.