

**CRIMINAL HISTORY BACKGROUND CHECKS FOR APPLICANTS FOR CITY EMPLOYMENT
AND LIQUOR LICENSE APPLICANTS**

THE CITY OF NEWFOLDEN DOES ORDAIN:

Section 1. 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 all employment, volunteer firefighter positions, other specified positions, and specified liquor license applicants in Newfolden.

Section 2. Applicants for City Employment and City Liquor Licenses

The Marshall County Sheriff's Department is hereby required to do a criminal history background investigation on all applicants for all regular casual, part-time or full-time employees of the City of Newfolden, all volunteer firefighter applicants, and other positions that work with children or vulnerable adults within the City of Newfolden, unless the city council concludes that a background investigation is not needed.

The Marshall County Sheriff's Department is hereby authorized to do an initial criminal history background investigation on individual applicants for On and Off Sale Temporary or Annual liquor licenses with the city. Temporary liquor licenses applied for by a non-profit or community organization will be exempt from this rule.

Section 3. Criminal History Employment Background Investigations

The Marshall County Sheriff's Department is hereby 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 Marshall County Sheriff's Department under the care and custody of the chief law enforcement officer or his or her designee. A summary of the results may be released by the Marshall County Sheriff's Department to the City Administrator, City Council, or other city staff involved in the hiring process.

Before the investigation is undertaken, the applicant must authorize the Marshall County Sheriff's Department by written consent to undertake the investigation. The written consent must fully comply with the provisions of Minn. Stat. Chap. 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 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 ground 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 4. This ordinance shall become effective upon adoption.