

30.13 BACKGROUND INFORMATION.

(A) *Applicants for City employment.*

(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 the positions described in division (2) below.

(2) *Criminal history employment background investigations.* Pursuant to M.S. ' 364.021 as it may be amended from time to time, with the exception of the applicants for employment listed in M.S. ' 364.09, the city shall not inquire into or consider the criminal record or history of an applicant for public employment until the applicant has been selected for an interview by the city or, if there is not an interview, before a conditional offer of employment is made to the applicant.

The City Police Department or County Sheriff=s 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:

(a) *Employment positions.* All regular part-time or full-time employees of the City and other positions that work with children or vulnerable adults.

(b) In conducting the criminal history background investigation in order to screen employment applicants, the 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 Police Department or County Sheriff=s 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 Police Department or County Sheriff=s Department to the hiring authority, including the City Council, the City Clerk or other city staff involved in the hiring process.

(3) Before the investigation is undertaken, the applicant must authorize the Police Department or County Sheriff=s Department by written consent to undertake the investigation. The written consent must fully comply with the provisions of M.S. Ch. 13, as it may be amended from time to time, regarding the collection, maintenance and use of the information. Except for the positions set forth in M.S. ' 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 M.S. ' 364.06.

- (c) The earliest date the applicant may reapply for employment.
- (d) That all competent evidence of rehabilitation will be considered upon reapplication.
- (B) *Applicants for City licenses.*

(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 licensing background checks.

(2) Criminal history license background investigations. The Police Department or County Sheriff=s Department is hereby required, as the exclusive entity within the City, to do a criminal history background investigation on the applicants and their employees for the following licenses or permits within the city:

City Licenses: Liquor Licenses, under Chapter 112 of this code, and any applicants under Chapters 113, 114, 116, 118, or 119 of this code.

(3) In conducting the criminal history background investigation in order to screen license or permit applicants, the Police Department or Sheriff 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 Police Department or Sheriff=s 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 Police Department to the licensing authority, including the City Council, the City Clerk or other City staff involved in the license approval process.

(4) Before the investigation is undertaken, the applicant must authorize the Police Department or Sheriff=s Department by written consent to undertake the investigation. The written consent must fully comply with the provisions of M.S. Ch. 13 as it may be amended from time to time regarding the collection, maintenance and use of the information. Except for the positions set forth in M.S. ' 364.09 as it may be amended from time to time, the city will not reject an applicant for a license on the basis of the applicant=s prior conviction unless the crime is directly related to the license 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 M.S. ' 364.06.
- (c) The earliest date the applicant may reapply for the license.
- (d) That all competent evidence of rehabilitation will be considered upon reapplication.

