

An ordinance relating to criminal history background investigations of individuals applying for County employment outside the Sheriff's Office, and for volunteer positions in Mille Lacs County.

THE COUNTY BOARD OF COMMISSIONERS OF MILLE LACS COUNTY ORDAINS:

Section 1. APPLICANTS FOR EMPLOYMENT OR VOLUNTEER POSITIONS IN THE COUNTY

- 1.01 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 the purpose of conducting employment background checks on all finalists for regular positions in Mille Lacs County, and on prospective Mille Lacs County volunteers.
- 1.02 The Mille Lacs County Sheriff's Office is hereby required, as the exclusive entity within the County, to conduct a criminal history background investigation on applicants who are considered finalists for positions within the County and on individuals being considered for volunteer positions within the County, as determined and requested by the Personnel Director or his/her designee.

The Sheriff's Office is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehension's (BCA) Computerized Criminal History information system, in accordance with BCA policy, to conduct a criminal history background investigation for the purpose of determining suitability of a finalist to fill the regular or volunteer position for which he/she has applied. Any data that is accessed and acquired shall be maintained at the Sheriff's Office, under the care and custody of the chief law enforcement official or his/her designee. A summary of the information from the Computerized Criminal History system shall be released by the Sheriff's Office to the Personnel Director or his/her designee.

The applicant must provide written consent authorizing the Sheriff's Office to conduct the investigation, prior to the investigation being undertaken. The consent form 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 (law enforcement agencies), the County 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 County denies employment or a volunteer position based on the results of this background check, the Personnel Director or his/her designee shall notify the applicant in writing of the following:

- A. The grounds and reasons for the denial;
- B. The complaint and grievance procedure available to the applicant, as set forth in Minnesota Statutes Section 364.06;
- C. The earliest date the applicant may reapply for employment or a volunteer position; and
- D. That all competent evidence of rehabilitation will be considered upon reapplication.

Section 2. EFFECTIVE DATE

- 2.01 This ordinance shall become effective upon its passage and publication.
- 2.02 Passed by the Mille Lacs County Board of Commissioners this 21st day of August, 2012.