

## ORDINANCE NO. 807

### AN ORDINANCE ESTABLISHING CRIMINAL HISTORY RECORD CHECK POLICIES FOR APPLICANTS FOR EMPLOYMENT AND APPOINTED VOLUNTEERS WITH AN EMERGENCY CLAUSE.

**WHEREAS**, ORS 181.555 and OAR 257-10-025 establish procedures for access to criminal record information possessed by the Oregon State Police (OSP) through the Law Enforcement Data System (LEDS); and

**WHEREAS**, ORS 181.555(1) provides access to criminal offender information by criminal justice agencies and by other state and local agencies; and

**WHEREAS**, OAR 257-10-025(a) permits a criminal justice agency access to OSP criminal offender information required to implement a local ordinance; and

**WHEREAS**, the Madras Police Department is a qualified criminal justice agency; and

**WHEREAS**, the City of Madras finds that it is in the public interest to access OSP criminal offender information (CCH) through the LEDS system for all applicants for employment and public service volunteers with the City of Madras; and

**WHEREAS**, in order for City of Madras government to operate effectively, persons selected for employment or as a public service volunteer with the City of Madras, must have the highest degree of public trust and confidence; and

**WHEREAS**, all Madras employees and public service volunteers represent the City. Many City employees and volunteers have responsibilities to regulate and maintain public health and safety. Most City employees have the ability and authority to bind the City contractually, have access to public funds and/or property and possess access to privileged and proprietary information submitted to the City in confidence.

**NOW, THEREFORE**, the City of Madras ordains as follows:

**SECTION 1.** All applicants for employment and appointed volunteers with the City of Madras, will be required to authorize the City to conduct a criminal offender information check (CCH) through the OSP LEDS system.

**SECTION 2.** An applicant's conviction for any felony within the past fifteen years preceding the date of application or conviction for any crime of dishonesty, crime against a person, crime involving narcotics or crime against property within the past five years or the applicant's failing to reveal on the application any criminal conviction, shall be grounds to deny City employment to the applicant.

**SECTION 3.** An applicant who is disqualified from employment with the City based on the applicant's CCH shall be informed of the basis of disqualification and may appeal the disqualification, only on the grounds that the information is incorrect. Any such appeal must be in writing, must state with particularity the grounds for the appeal and must be received by the City no later than seven (7) calendar days from the date of disqualification notice.

**SECTION 4.** All City job application forms shall contain notice to the applicant that any job offer will be conditioned on the applicant's written consent to a check of the applicant's criminal history information.

**SECTION 5: Severability.** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

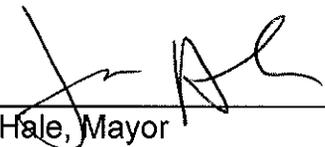
**SECTION 6: Amendment.** This ordinance may be amended or repealed as provided by law.

**SECTION 7: Corrections.** This ordinance may be corrected by order of the City Council to cure editorial and clerical errors.

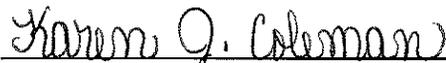
**SECTION 8. Emergency Clause** – It is hereby adjudged and declared that existing conditions are such that this ordinance is needed to be immediately enforced upon its passage. Therefore, this ordinance shall take effect and be in full force from and after its passage and approval of the Mayor.

**ADOPTED** by the City Council and approved by the Mayor this 26<sup>th</sup> day of August, 2008.

Ayes: 4  
Nays: 0  
Abstentions: 0  
Absent: 2  
Vacancies: 0

  
\_\_\_\_\_  
Jason Hale, Mayor

**ATTEST:**

  
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Karen J. Coleman, City Recorder