

RESOLUTION NO. 05-08

ROLL CALL

VOTING	YES	NO
MAYOR DALE R. BARNEY <i>(votes only in case of tie)</i>	ABSENT	
MATTHEW D. BARBER <i>Councilmember</i>	X	
PAUL M. CHRISTENSEN <i>Councilmember</i>	X	
EVERETT KELEPOLO <i>Councilmember</i>	X	
SETH V. SORENSEN <i>Councilmember</i>	X	
CHRIS C. WADSWORTH <i>Councilmember</i>	X	

I MOVE this ordinance be adopted: Councilmember Sorensen

I SECOND the foregoing motion: Councilmember Wadsworth

RESOLUTION NO. 05-08

A RESOLUTION ESTABLISHING A RIGHT OF ACCESS POLICY TO ALLOW THE CITY TO OBTAIN CRIMINAL HISTORY INFORMATION FOR BACKGROUND CHECKS PRIOR TO HIRING AS AN EMPLOYEE OR ACCEPTANCE AS A VOLUNTEER

WHEREAS, Spanish Fork City uses many dozens of volunteers, both in professional capacities with the fire and ambulance departments, and in various capacities in many other departments of the City; and

WHEREAS, many of the public safety volunteers are expected and required to enter into residents' homes, and many of the other volunteers associate with children; and

WHEREAS, a few devious individuals seek volunteer opportunities in order to perpetrate crimes; and

WHEREAS the City has an interest in protecting its residents, and especially its children,

from criminal behavior; and

WHEREAS, city employees need to be trusted by the public as they also enter into residents' homes and otherwise interact with the public; and

WHEREAS, the risk of criminal behavior by employees and/or volunteers cannot be completely eliminated, it can be minimized by obtaining criminal histories of all applicants for employment or volunteer positions and eliminating from consideration those who appear to be more prone to criminal activity; and

WHEREAS, some degree of discretion is needed in determining who should and should not be eliminated from employment/volunteer opportunities, since some positions require higher security than others; and

WHEREAS, the Utah Bureau of Criminal Identification (BCI) maintains criminal histories for the State of Utah and allows limited access to that information; and

WHEREAS, Spanish Fork City, as a political subdivision of the State of Utah is entitled to obtain that information by following the rules and regulations of BCI; and

WHEREAS, Spanish Fork City is willing to abide by the rules and regulations of BCI in order to obtain criminal histories for background purposes;

NOW THEREFORE, be it resolved by the Spanish Fork City Council as follows:

1. A right of access policy is hereby adopted to allow the City to obtain criminal history information on applicants for employment or volunteer positions, as set forth in the attached document.
2. The right of access policy is effective immediately upon passage of this resolution.

DATED this 4th day of October, 2005.

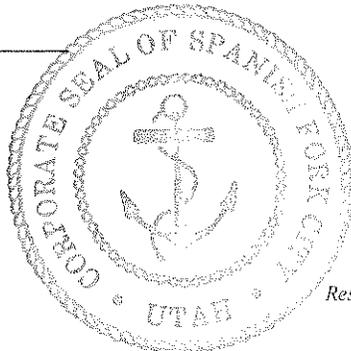


DALE R. BARNEY, Mayor

ATTEST:



KENT R. CLARK, City Recorder



RIGHT OF ACCESS POLICY

It is the policy of Spanish Fork City (City) to obtain criminal history background information from prospective employees, including firefighters and EMTs and related ambulance personnel, and from all volunteers in the various departments who will be associating with minors. All such persons, prior to being employed with the City or participating in volunteer programs identified herein, shall sign appropriate documentation allowing the City to obtain the required information from the Utah Bureau of Criminal Identification (BCI) and to place a copy in their personnel file. All such histories will be deemed confidential and are classified private under GRAMA.

Spanish Fork City will follow these procedures in obtaining criminal history background information:

1. The applicant shall request their criminal history from BCI through the City. The person requesting a copy of his/her own criminal history record must appear in person and complete and sign an application and waiver of liability in the presence of designated City employee(s).
2. The applicant must present valid photo identification. Acceptable forms of identification include driver's license, state identification card, military identification card, passport, alien registration card, or any state or federally issued identification card. The designated City employee will check the signature on the identification card with the signature on the application and waiver of liability and will compare the photo on the identification card with the person who is present.
3. The City employee authorized to obtain criminal histories from BCI will obtain the information from the BCI online connection. The auditing purpose code will be Right of Access (ROA). The purpose code on the formatted screen will be "P". The requester will be the applicant.
4. Once the history is received, each printed page will be stamped and dated. The stamp will indicate that the record is only valid as of the date of retrieval. The history may then be released to the applicant.
5. The application and waiver of liability will be retained in the personnel file of the applicant during the applicant's association with the City, either as an employee or as a volunteer, and thereafter as required by GRAMA. The City will destroy the application and waiver of liability form if the applicant is not hired or retained as a volunteer. The City may require existing employees/volunteers to reobtain criminal histories every three years, or more often if the city has reasonable suspicion to suspect an employee/volunteer has committed a criminal act.
6. The City may decline to hire or retain as a volunteer an applicant based on the information revealed in the criminal history. The City may review each application on a case by case basis, placing various weights on various offenses, depending on the position applied for within the City. Offenses involving substance abuse, alcohol, or acts of violence within five years will generally preclude an applicant from being a volunteer or being hired to work with youth. Sexual offenses consisting of felonies or Class A misdemeanors will preclude an applicant from ever being hired/retained to work with youth. Convictions involving moral turpitude may also disqualify an applicant from

employment/volunteering with the City. An applicant providing false information on the application may also be disqualified from employment/volunteering with the City.