

TO: JAMES L. APP, CITY MANAGER  
FROM: BARBARA PARTRIDGE - DIRECTOR OF LIBRARY AND RECREATION SERVICES  
SUBJECT: CITY PRE-EMPLOYMENT TEST

DATE: October 5, 1999

Need: For the City Council to consider granting authority to access state and local summary criminal history information for city employment, licensing, or certification purposes.

- Facts:
1. The City of Paso Robles endeavors to employ people free of convictions of felonies or misdemeanors involving sex, drugs or violence.
  2. State and local criminal history data can be accessed to confirm a prospective employee's background.
  3. The method of accessing criminal history information is through fingerprinting.
  4. City recreation employees, volunteers, and contractors who have direct supervisory contact with minors are required by law to be fingerprinted.
  5. Penal Code Sections 11105(b)(10) and 13300(b)(10), require that the City Council or governing body of a city specifically authorize access to summary criminal history information.
  6. Other City departments have personnel who may have contact with minors during the course of their work, but are currently not required to be fingerprinted.

Analysis and Conclusion:

City employees who have regular contact with minors should be free of serious criminal histories. Fingerprinting is the most efficient method of obtaining criminal history information. In order to access criminal record information for all departments, Penal Code Sections 13300(b)(10) and 13300(b)(10) require specific authorization by the City Council.

Policy Reference:

Penal Code Sections 13300(b)(10) and 13300(b)(10) authorizing access to criminal history. California Education Code 10911.5 or Public Resources Code (AB 2986) requiring fingerprinting of public recreation program employees having direct contact with minors. Public Resources Code 5164 and AB 1663 specify that cities and counties and or special districts "will not hire employees and or volunteers who perform services at a park, playground, recreational center, or beach used for recreational purposes in positions having supervisory or disciplinary authority over minors, if the person has been convicted of any offense specified in paragraph (1) of subdivision (g) of Section 11105.3 of the Penal Code, or any offense specified in paragraph (3) of subdivision (g) of the Section 11105.3 of the Penal Code."

Fiscal Impact: Approximately \$1000 annually.

- Options:
- a. Adopt Resolution No. 99-xxx, authorizing access to criminal history information for the purposes of employment, licensing, or certification.
  - b. Amend, modify, or reject the above.

RESOLUTION NO. 99-xxx

A RESOLUTION OF THE CITY COUNCIL GRANTING AUTHORITY  
TO ACCESS CRIMINAL HISTORY INFORMATION

WHEREAS, Penal Code Sections 11105(b)(10) and 13300(b)(10) authorize cities, counties and districts to access state and local summary criminal history information for employment, licensing, or certification purposes; and

WHEREAS, Penal Code Sections 11105(b)(10) and 13300(b)(10) require that there be a requirement or exclusion from employment, licensing, or certification based on specific criminal conduct on the part of the subject of the record; and

WHEREAS, Penal Code Sections 11105(b)(10) and 13300(b)(10) require the city council or governing body of a city to specifically authorize access to summary criminal history information for employment, licensing, or certification purposes.

NOW THEREFORE, BE IT RESOLVED that the City of Paso Robles is hereby authorized to access summary criminal history information for employment, licensing, or certification purposes; and

BE IT FURTHER RESOLVED, that the City of Paso Robles shall not consider a person who has been convicted of a felony or misdemeanor involving moral turpitude eligible for employment or licensing; except that conviction may be disregarded if it is determined that mitigating circumstances exist, or that conviction is not related to the employment of license in question.

Passed this \_\_\_\_\_ day of \_\_\_\_\_ 1999, by the following vote:

AYES:

NOES:

ABSTAIN:

\_\_\_\_\_  
Duane J. Picanco, Mayor

\_\_\_\_\_  
Dennis Fansler, City Clerk