

Agenda Report

TO: City Council

DATE:

October 12, 2009

FROM: City Manager

SUBJECT: ADOPTION OF A RESOLUTION TO EXPAND EMPLOYMENT BACKGROUND CHECKS

RECOMMENDATION:

It is recommended that the City Council adopt the attached Resolution to implement federal level criminal background checks and notification of subsequent arrests for all employees.

BACKGROUND:

Assembly Bill 2917 was recently enacted to expand the criminal background checks for all sworn fire personnel that hold an Emergency Medical Technician (EMT- I) certificate. AB 2917 requires that, starting July 1, 2010 all EMT personnel have a California Department of Justice (DOJ) and Federal Bureau of Investigation (FBI) criminal background check. AB 2917 also requires subsequent arrest notification from DOJ. To comply with the provisions of AB 2917, the city must resubmit fingerprints for all current fire sworn personnel and volunteer EMT's before the end of FY 2010.

Currently, all applicants for City employment are offered a position conditioned on satisfactory completion of the background process and pre-employment physical examination. Depending on the position, the background process may include, but is not limited to, a state criminal history check, employment verification, education verification, Department of Motor Vehicle records check, professional license verification, and credit history. Applicants for sworn police positions are also subject to a federal criminal history check. By adopting the attached resolution, the criminal history check will include a Federal Bureau of Investigations (FBI) clearance and notification of subsequent arrests in California throughout an employee's tenure with the city for all current sworn firefighters and for all other employees hired after the implementation of this action.

FISCAL IMPACT:

The fiscal impact of implementing the federal criminal history check for current sworn firefighters is approximately \$10,900 in FY 2010. Thereafter, the annual cost for new applicants for employment is estimated to be \$4,500. These additional costs will be absorbed within existing appropriations.

Respectfully Submitted

MICHAEL/J. BECK City Manager

Prepared By: Jean Dierd

JANICE A. TORRES Human Resources Manager

Approved By:

KARYN'S. EZELI

Director of Human Resources

RESOLUTION NO._____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA APPROVING ACCESS TO STATE AND FEDERA LEVEL SUMMARY CRIMINAL HISTORY INFORMATION FOR EMPLOYMENT

WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) authorize cities, counties and districts to access state and local summary criminal history information for employment purposes; and

WHEREAS, Penal Code Section 11105(b)(11) authorizes cities, counties and districts to access federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation; and

WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) require that there be a requirement or exclusion from employment based on specific criminal conduct on the part of the subject of the record; and

WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) require the city council, board of supervisors, or governing body of a city, county or district to specifically authorize access to summary criminal history information for employment purposes.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Pasadena as follows:

Section 1. The City is hereby authorized to access state and federal level summary criminal history information for employment (including volunteers and contract employees) purposes and may not disseminate the information to a private entity; and

Section 2. The City shall not consider a person who has been convicted of a violent or serious felony or misdemeanor eligible for employment (including volunteers and contract employees) except that such conviction may be disregarded if it is determined that mitigating circumstances exist, or that the conviction is not related to the employment or volunteer in question.

Section 3. This resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the City Council of the City of Pasadena this _____ day of _____, 2009.

AYES:

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NOES:

ABSENT:

MARK JOMSKY, CMC City Clerk

APPROVAL AS TO FORM:

By:_ Hugh Halford

Assistant City Attorney