

**AN ORDINANCE OF THE CITY OF)
LEBANON, OREGON ESTABLISHING)
CRIMINAL HISTORY RECORD CHECK)
POLICIES CONCERNING APPLICANTS)
FOR EMPLOYMENT AND APPOINTED)
VOLUNTEERS)**

**ORDINANCE BILL NO. 16
FOR 2002
ORDINANCE NO. 2303**

WHEREAS, the City of Lebanon finds that its employees and volunteers working for the City hold positions of public trust; and

WHEREAS, the City of Lebanon has an interest in reviewing the prior criminal records of potential employees or volunteers to ensure that the City can uphold its responsibility in maintaining public trust; and

WHEREAS, Oregon law provides a procedure whereby such records, if existing, may be reviewed; and

WHEREAS, the City of Lebanon desires to establish such procedures for the investigation of potential employees or volunteers;

NOW, THEREFORE, THE CITY OF LEBANON ORDAINS AS FOLLOWS:

Section 1. PURPOSE. The purpose of this Ordinance is to authorize the city of Lebanon Police Department to access Oregon State Police (OSP) criminal offender information through the Law Enforcement Data System (LEDS) for applicants seeking employment (including personal services contracts) and/or volunteer work with the city of Lebanon, in accordance with OAR 257-010-0025(1)(a).

Section 2. PROCEDURE. All proceedings pursuant to this Ordinance shall be conducted in accordance with ORS 181.555 and OAR 257-010-0025, which establishes procedures for access to criminal record information possessed by the Oregon State Police (OSP) through the Law Enforcement Data System (LEDS), and as supplemented below.

- A. All applicants for employment and appointed volunteers with the City of Lebanon will be required to authorize the City to conduct a criminal offender information check through the OSP LEDS system.

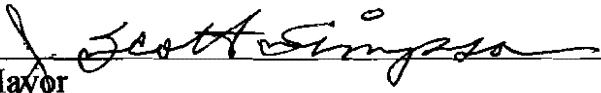
- B. The Human Resources Department will maintain the criminal history authorization forms and request that a criminal history check be performed if it is determined that the criminal history check will be in the best interest of the City in filling the position.
- C. The Lebanon Police Department will conduct the check on the prospective employee or volunteer and report to the Human Resources Department that the applicant's record indicates "no criminal record" or "criminal record."
- D. If the applicant's record is reported as "criminal record," the Human Resources Department will, in accordance with OAR 257-010-0025(1)(c), request a written criminal history report from the OSP Identification Services Section. The City Department in charge of the hiring or appointing decision shall be responsible for any applicable fee for this service. The Human Resources Department will make the written criminal history record available to the selecting official for his or her consideration in making the hiring decision.
- E. The written criminal history record for persons who are not hired or appointed as a volunteer will be retained in accordance with the requirements of OAR 166-200-0090 for a period of three (3) years and thereafter will be destroyed by shredding.
- F. The criminal history record of applicants and volunteers with a criminal history who are hired or appointed will become a part of the confidential recruitment and selection file of that employee or volunteer. Access to confidential files is limited to authorized persons who have an official need to access such files as sanctioned by law or regulation
- G. Applicants for employment or appointment as a volunteer who have a felony criminal history or a history of conviction of a misdemeanor involving moral turpitude or theft will be closely examined by the selecting official(s) to determine if the applicant possesses the required degree of public trust and confidence. Each selection will, however, be made on an individual, case by case basis, taking into account the applicant's qualifications, the requirements of the particular job or volunteer post applied for, and the results of the criminal history check. Factors such as the age of the offender at the time of the offense, the type of offense and subsequent rehabilitation, and the public sensitivity of the position under consideration shall be taken into account in evaluating a criminal history report.

- H. Hiring an applicant or appointing a volunteer with a criminal history record, will require a positive recommendation by the Chief of Police and the approval of the City Administrator or governing body, after full disclosure and consideration of the criminal history of the applicant.

Section 3. SAVINGS. If any section, subsection, provision, clause or paragraph of this Ordinance shall be adjudged or declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect the validity of the remaining portions of this Ordinance; it is hereby expressly declared that every section, subsection, provision, clause or paragraph of this Ordinance enacted, irrespective of the enactment or validity of the portion hereof declared to be unconstitutional or invalid is valid.

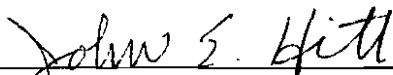
Section 4. SEVERABILITY. Invalidity of a section or part of a section of this Ordinance shall not affect the validity of the remaining section or parts of sections.

Passed by the City Council on the 12th day of June, 2002 by a vote of 5 for and 0 against.



Mayor

ATTEST:



City Recorder

Approved as to form:  Date: 5/15/02
Thomas McHill, City Attorney