

**CITY OF GRANT**

**WASHINGTON COUNTY, MINNESOTA**

**ORDINANCE NO. 2014-33**

**AN ORDINANCE RELATING TO CRIMINAL HISTORY BACKGROUND FOR APPLICANTS FOR CITY EMPLOYMENT AND CITY LICENSES**

BE IT ORDAINED by the Mayor and Council of the City of Grant, Washington County, Minnesota, as follows:

**Section 1.** That the Grant City Code shall be amended by adding a new Chapter 3, as follows:

**CHAPTER 3  
CRIMINAL HISTORY BACKGROUND CHECKS  
FOR EMPLOYMENT AND LICENSE APPLICANTS**

**Sec. 3 – 1. PURPOSE**

The purpose of this Ordinance is to establish the terms by which the City's law enforcement official can access Minnesota's criminal history information data base for purposes of employment and licensing background checks.

**Sec. 3 – 2 APPLICANTS FOR EMPLOYMENT**

The City's law enforcement official is hereby required, as the exclusive entity within the City, to do a criminal history background investigation on the applicants for the following positions within the City, unless the City's hiring authority concludes that a background investigation is not needed:

All regular part-time or full-time employees of the City of Grant.

In conducting the criminal history background investigation in order to screen employment applicants, the City's law enforcement official is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehension's criminal history information data base in accordance with BCA policy. Any data that is accessed and acquired shall be maintained at the City's law enforcement official under the care and custody of the chief law enforcement official or his or her designee. A summary of the results of the criminal history data may be released by the City's law enforcement official to the hiring authority, including the City Council, or other City staff involved in the hiring process.

Before the investigation is undertaken, the applicant must authorize the City's law enforcement official by written consent to undertake the investigation. The written consent must fully comply with the provisions of Minn. Stat. Ch. 13 regarding the collection, maintenance, and use of the information. Except for the positions set forth in Minn. Stat. § 364.09, the City will not reject an applicant for employment on the basis of the applicant's prior conviction unless the crime is directly related to the position of employment sought and the conviction is for a felony, gross misdemeanor, or misdemeanor with a jail sentence. If the City rejects the applicant's request on this basis, the City shall notify the applicant in writing of the following:

- A. The grounds and reasons for the denial.
- B. The applicant complaint and grievance procedure set forth in Minn. Stat. §364.06.
- C. The earliest date the applicant may reapply for employment.
- D. That all competent evidence of rehabilitation will be considered upon reapplication.

**Sec. 3 – 3      APPLICANTS FOR CITY LICENSES**

The City’s law enforcement official is hereby required, as the exclusive entity within the City, to do a criminal history background investigation on the applicants for the following licenses within the City:

City licenses:  
Liquor Licenses, Peddlers Licenses, Any Other License requiring a Criminal Background Check.

In conducting the criminal history background investigation in order to screen license applicants, the City’s law enforcement official is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehension’s criminal history information systems data base in accordance with BCA policy. Any data that is accessed and acquired shall be maintained at the City’s law enforcement official under the care and custody of the chief law enforcement official or his or her designee. A summary of the results of the criminal history data may be released by the City’s law enforcement official to the licensing authority, including the City Council, the City Administrator/Clerk or other City staff involved in the license approval process.

Before the investigation is undertaken, the applicant must authorize the City’s law enforcement official by written consent to undertake the investigation. The written consent must fully comply with the provisions of Minn. Stat. Ch. 13 regarding the collection, maintenance, and use of the information. Except for the positions set forth in Minn. Stat. § 364.09, the City will not reject an applicant for a license on the basis of the applicant’s prior conviction unless the crime is directly related to the license sought and the conviction is for a felony, gross misdemeanor, or misdemeanor with a jail sentence. If the City rejects the applicant’s request on this basis, the City shall notify the applicant in writing of the following:

- A. The grounds and reasons for the denial.
- B. The applicant complaint and grievance procedure set forth in Minn. Stat. § 364.06.
- C. The earliest date the applicant may reapply for the license.
- D. That all competent evidence of rehabilitation will be considered upon reapplication.

**Section 2. Effective Date.** This ordinance shall be in full force and effect upon its adoption and publication according to law.

Passed and adopted by the City Council of the City of Grant this 3<sup>rd</sup> day of February, 2014.

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Tom Carr, Mayor

ATTEST:

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Kim Points, Clerk/Administrator