

ORDINANCE NO. 676

**AN ORDINANCE RELATING TO CRIMINAL HISTORY BACKGROUND
FOR APPLICANTS FOR CITY EMPLOYMENT AND CITY LICENSES
CITY OF ALEXANDRIA, MINNESOTA**

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

SECTION 1. EMPLOYMENT BACKGROUND CHECKS

A. Purpose: The purpose and intent of this section is to establish regulations that will allow law enforcement access to Minnesota's Computerized Criminal History information for specified non-criminal purposes of employment background checks for all positions within the City of Alexandria.

B. Criminal History Employment Background Investigations: The Alexandria Police Department is hereby required, as the exclusive entity within the City, to do a criminal history background investigation on applicants for positions within the City when requested by the City Administrator or the City Administrator's designee or when otherwise required by law. No such investigation shall be done unless the applicant has been selected for an interview by the City.

In conducting the criminal history background investigation in order to screen employment applicants, the Police Department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehensions Computerized Criminal History information system in accordance with BCA policy. Any data that is accessed and acquired shall be maintained at the Police Department under the care and custody of the chief law enforcement official or his or her designee. Subject to the Minnesota Government Data Practices Act, Minn. Stat. Chapt. 13, a summary of the results of the Computerized Criminal History data may be released by the Police Department to the hiring authority, including the City Council, the City Administrator or other city staff involved in the hiring process.

Before the investigation is undertaken, the applicant must authorize the Police Department by written consent to undertake the investigation. The written consent must fully comply with the provisions of Minn. Stat. Chapter 13 regarding the collection, maintenance and use of the information. The city will not reject an applicant without first complying with Minn. Stat. § 364.03, as the same may be amended from time to time. If the City rejects the applicant request on this basis, the City shall notify the applicant in writing of the following:

1. The grounds and the reason for the denial.
2. The applicant complaint and grievance procedure set forth in Minnesota Statutes Section 364.06.
3. The earliest date the applicant may reapply for employment.
4. That all competent evidence of rehabilitation will be considered upon reapplication.

SECTION 2. LICENSE BACKGROUND CHECKS

A. Purpose: The purpose and intent of this section is to establish regulations that will allow law enforcement access to Minnesota's Computerized Criminal History information for specified non-criminal purposes of licensing background checks.

B. Criminal History Employment Background Investigation: The Alexandria Police Department is hereby required, as the exclusive entity within the City, to do a criminal history background investigation on the applicants for city

licenses when requested by the City Administrator or the City Administrator's designee or when otherwise required by law.

In conducting the criminal history background investigations in order to screen license applicants, the Police Department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehensions Computerized Criminal History information system in accordance with BCA policy. Any data that is accessed and acquired shall be maintained at the Police Department under the care and custody of the chief law enforcement official or his or her designee. Subject to the Minnesota Data Practices Act, Minn. Stat. Chapt. 13, a summary of the results of the Computerized Criminal History data may be released by the Police Department to the licensing authority, including the City Council, the City Administrator or other city staff involved in the license approval process.

Before the investigation is undertaken, the applicant must authorize the Police Department by written consent to undertake the investigation. The written consent must fully comply with the provisions of Minn. Stat. Chapter 13 regarding the collection, maintenance and use of the information. The City will not reject an applicant for a license on the basis of the applicant's prior conviction without first complying with Minn. Stat. § 364.03. If the City rejects the applicant's request on this basis, the City shall notify the applicant in writing of the following:

1. The grounds and reasons for the denial.
2. The applicant complaint and grievance procedure set forth in Minnesota Statutes Section 364.06.
3. The earliest date the applicant may reapply for the license.
4. That all component evidence of rehabilitation will be considered upon reapplication.

This ordinance shall take effect upon its passage and publication.

ADOPTED by the City Council of the City of Alexandria, Minnesota, on this 11th day of June, 2012.

YES: BATESOLE, CARLSON, MILLER, BENSON, FRANK

NO: NONE

ABSENT: NONE

/s/ H. Dan Ness, Mayor

ATTEST: _____
/s/ Martin Schultz, Assistant City Administrator