

SECTION 7

107.000. BACKGROUND CHECKS

107.001. EMPLOYMENT BACKGROUND CHECKS

A. APPLICANTS FOR CITY EMPLOYMENT

1. 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 the positions described in paragraph 2; hereinafter.

2. CRIMINAL HISTORY EMPLOYMENT BACKGROUND INVESTIGATIONS:

a. The Winsted Police Department is hereby required, as the exclusive entity within the city (except in the event of hiring a Chief of Police in which event the City Council shall designate such other city employee or official or other outside agency), 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:

Employment positions:

All regular part-time or full-time employees of the City of Winsted and other positions that work with children or vulnerable adults

b. 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, which is performed by the McLeod County Sheriff's Office Communications Division. Any data that is accessed and acquired shall be maintained at the Police Department under the care and custody of the Chief of Police or his or her designee. 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.

c. Before the investigation is undertaken, the applicant shall authorize the Police Department by written consent to undertake the investigation. The written consent shall fully comply with the provisions of Minn. Stat. Chap. 13 regarding the collection, maintenance and use of the information. Except for the positions set forth in Minnesota Statutes Section 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:

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 employment.
4. That all competent evidence of rehabilitation will be considered upon reapplication.

107.002. LICENSE BACKGROUND CHECKS

A. APPLICANTS FOR CITY LICENSES

1. **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.

2. **CRIMINAL HISTORY LICENSE BACKGROUND INVESTIGATIONS:** The Winsted Police Department 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:

Peddler and Solicitor

Transient Merchant

Pawn Brokers and Precious Metal Dealers

Liquor

Tobacco

Massage Therapy

Adult Establishments

3. In conducting the criminal history background investigation 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, which is performed by the McLeod County Sheriff's Office Communications Division. Any data that is accessed and acquired shall be maintained at the Police Department under the care and custody of the Chief of Police or his or her designee. 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 the license approval process.

4. Before the investigation is undertaken, the applicant shall authorize the Police Department by written consent to undertake the investigation. The written consent shall fully comply with the provisions of Minn. Stat. Chap. 13 regarding the collection, maintenance and use of the information. Except for the positions set forth in Minnesota Statutes Section 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 Minnesota Statutes Section 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.

(Ord. 09-07, 8/18/09; Ord. 11-08, 8/2/11)