

City of American Canyon
POLICY AND PROCEDURES APPROVAL

Policy Title:	Pre-Employment Fingerprint Policy
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Approval Signature:	<i>Dana Stigley</i>



Pre-Employment Fingerprint Policy 2015-04

I. PURPOSE

It is the policy of the City of American Canyon to recruit and hire the best qualified employees for public service. After being found to meet all other qualifications, potential City employees, interns, and applicable volunteers will be fingerprinted for the purposes of conducting a pre-employment criminal history background check.

Prior to commencing work for the City of American Canyon, all job applicants age 14 and older who have received conditional offers of employment (including hourly, seasonal, interns, and volunteers) must pass a fingerprinting test. No applicant with a conditional offer shall be employed prior to fingerprint clearance, even if there is a delay in receiving the report from the Department of Justice.

Volunteers required to be fingerprinted are defined as individuals 14 years of age and older who perform volunteer services on a regular basis. Volunteers who, regardless of a regular or scheduled basis, perform services in City-defined sensitive areas or programs, at any City activity in a position that has supervisory or disciplinary authority over any minor, or regular contact with minors, or who have specific contact with the elderly, handicapped, or mentally impaired are required to be fingerprinted.

Prior to commencing work or performing services for the City of American Canyon, independent contractors or agency employees who will perform any work involving services or programs with schools, janitorial, park maintenance as well as City facilities that will include supervising children or involve specific contact with the elderly, handicapped or mentally impaired. Contractors working in sensitive areas such as the Police or Fire departments, or who will be working during after-business hours or as otherwise deemed appropriate by the City Manager or designee, will also be required to present proof of fingerprinting/background processing.

II. PROCEDURE

Fingerprints shall be submitted electronically using digital scanning from an authorized Live Scan fingerprinting location. The individual's fingerprints will be processed through the California Department of Justice databases to determine prior criminal history of the applicant.

The City has processes and procedures in place to protect the Live Scan records from unauthorized access. The City will review the Live Scan records for consistency with the convictions listed or required to be disclosed on the original job application.

Should an applicant's criminal history report contain one or more criminal convictions, the Human Resources Manager, Administrative Services Director, and the City Attorney and/or their appropriate designee, will review the report (including the nature of the crime and the time elapsed) and the nature of the job applied for (including the skills and qualifications required for the position) and make a final determination regarding the suitability of the individual for the position. At their discretion, staff may seek further information from the applicant.

Unless otherwise permitted by law, detentions and/or arrests without conviction do not constitute valid grounds for employment decisions and will not play a part in the decision-making process. The City will consider only convictions, which include pleas, verdicts, or findings of guilt regardless of whether sentence is imposed by the court. The City may consider criminal history information in connection with peace officer applicants to the extent permitted by law.

The City may ask an applicant for employment about an arrest for which the applicant is out on bail or on his or her own recognizance pending trial to the extent permitted by law.

III. MAINTENANCE OF RECORDS

The criminal history information will be destroyed immediately after a final employment decision is made. The City of American Canyon shall not disseminate any information from the criminal history record to any other agency or third party.

IV. BREAK IN SERVICE

An employee who has not continuously worked as an active employee or volunteer for one year or longer will be required to complete the fingerprinting process again. This does not apply to employees on approved leaves of absence.

V. MISREPRESENTATION

In the event that an applicant reports no criminal conviction on the employment application yet the applicant's criminal history contains one or more criminal convictions that were required to be disclosed on the application, the applicant may be deemed ineligible for employment with the City of American Canyon. Please note that an applicant is not required to, and should not, disclose convictions related to the possession or use of marijuana, which are more than two (2) years old.