CITY OF PHOENIX
PHOENIX, OREGON

ORDINANCE NO. 957

AN ORDINANCE AMENDING THE MUNICIPAL CODE, TITLE 2, BY ADDING A NEW CHAPTER 2.29, USE OF CRIMINAL HISTORY RECORDS

WHEREAS, ORS 181.555(1) and OAR 257-010-0025(1)(b) establish procedures for local criminal justice agencies to access criminal record information possessed by the Oregon State Police (OSP) through the Law Enforcement Data System (LEDS); and

WHEREAS, ORS 181.555(1) provides access to criminal offender information by criminal justice agencies and by other state and local agencies; and

WHEREAS, OAR 257-015-0060(2)(a) permits a Criminal Justice Agency access to OSP criminal offender information required to implement a local ordinance; and

WHEREAS, OAR 166-200-0090 provides for retention of employment selection for a period of three years; and

WHEREAS, the Phoenix City Council finds that it is in the public interest that the Phoenix Police Department to access OSP criminal offender information through the LEDS system for all applicants for positions of employment, contractors and employees of contractors with the City, voluntary public service, or licensing background checks that require certain services within the community;

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

Section 1.: Use of Criminal Records is hereby added to Title 2 of the Phoenix Municipal Code as follows:

Chapter 2.29

USE OF CRIMINAL RECORDS

Sections:

2.29.010 Purpose
2.29.020 Procedure

2.29.010 Purpose. The purpose of this Ordinance is to authorize the City of Phoenix Police Department to access OSP criminal offender information through LEDS for applicants seeking positions of employment, contractors and employees of contractors with the City, voluntary public service, or licensing background checks that require certain services within the City of Phoenix in accordance with OAR 257-010-0025(1)(a).

2.29.020 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 OSP through the LEDS and supplemented as follows:

A. Parties subjected to a background check under the provisions of this Ordinance will be required to authorize the City to conduct a criminal offender check through the OSP LEDS system.

B. The Human Resources Department will maintain the criminal history authorizations forms for those doing work on behalf of the City and request that a criminal history check be made if it is determined that it is in the best interest of the City and the position involved.

C. The Phoenix Police Department will conduct a background check on the prospective employee, contractor and/or employee of contractor, volunteer, or licensee. Upon completion of the background check, the results "no criminal and/or traffic infraction record" or "criminal and/or traffic record does not meet standards set for the position" will be submitted to the Human Resources Department.

D. If the person's record is reported as "criminal record and/or traffic record does not meet standards set for the position, the Human Resources Department may in accordance with OAR 257-10-025(1)(c), request a written criminal history report from the OSP Identifications Services Section and pay the applicable fee for this service. The Phoenix Police Department will make the results of the criminal history report available to the appropriate official for his or her consideration making the selection or for approving the application.

E. The written criminal history on persons that are not hired or appointed as a volunteer, or whose application for other City business, will be retained in accordance with the requirements of OAR 166-40-080 for a period of three (3) years. Access to confidential personnel files is limited to only authorized persons who have an official need to access such files that is sanctioned by law or regulation.

F. Applicants for employment or appointment as a volunteer or contractor that have a felony criminal history or a history of conviction of a misdemeanor will be closely examined to determine if the person possesses the required degree of public trust and confidence.

Section 2. Severability: In the event any section, subsection, paragraph, sentence or phrase of this ordinance or any administrative policy adopted pursuant hereto is determined by a court of competent jurisdiction to be invalid or unenforceable, the validity of the remainder to the ordinance shall continue to be effective.

Section 3. Effective Date: This ordinance shall become effective 30 days after its date of adoption.

PASSED AND ADOPTED by the City Council and signed by me in authentication of thereof on this 20th day of OCTOBER, 2014.

Jeff Bellah, Mayor

ATTEST:

Steve Dahl, City Manager/ Recorder