

Section 102-Criminal History Background for Applicants for
City Employment and City Licenses

Section 102:10. Employment Background Checks

Subd. 1. Applicants for City Employment:

- 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 the positions described in Section 1.B.(1).
- B. Criminal History Employment Background Investigations. The St. Cloud 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 positions within the City, unless the City's hiring authority concludes that a background investigation is not needed:
1. Employment positions: all regular part-time and full-time employees, interns, and volunteers of the City of St. Cloud, including positions that work with children or vulnerable adults.
 2. In conducting the criminal history background investigation in order to screen employment applicants, the St. Cloud Police Department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehensions Computerized Criminal History information system in accordance with Minnesota Statutes Section 299C.72. Any data that is accessed and acquired shall be maintained at the St. Cloud Police Department 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 St. Cloud Police Department to the hiring authority, including the City Council, the City Administrator, or other St. Cloud City Staff or consultants involved in the hiring process.
 3. Before the investigation is undertaken, the applicant must authorize the St. Cloud Police Department by written consent to undertake the investigation. The written consent must fully comply with the provisions of Minnesota Statutes Chapter 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:

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

Section 102:20 License Background Checks.

Subd. 1. Applicants for City Licenses:

- 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 License Background Investigations. The St. Cloud 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:

1. City Licenses:

Gambling License (Ordinance Section 410)

Tobacco Sales License (Ordinance Section 424)

Massage Facilities License (Ordinance Section 447)

Pawnbroker License (Ordinance Section 457)

Taxicab License (Ordinance Section 472)

Peddlers/Transient Merchant License (Ordinance Section 475)

Liquor License (Ordinance Section 810)

Dance Establishment (Ordinance Section 405)

2. In conducting the criminal history background investigation in order to screen license applicants, the St. Cloud Police Department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehensions Computerized Criminal History information system in accordance with Minnesota Statutes Section 299C.72 . Any data that is accessed and acquired shall be maintained at the St. Cloud Police Department under the care and custody of the chief law enforcement or his or her designee. A summary of the results of the Computerized Criminal History data may be released by the St. Cloud Police Department to the licensing authority, including the City Council, the City

Administrator, or other City Staff or consultants involved in the license approval process.

3. Before the investigation is undertaken, the applicant must authorize the St. Cloud Police Department by written consent to undertake the investigation. The written consent must fully comply with the provisions of Minnesota Statutes Chapter 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.

Section 102:30. Utilization of BCA Services. The City may, in the alternative, utilize the BCA to conduct criminal history background checks for either employment or licensing purposes.

History: Ord. 2601 11-24-15;