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Michelle Ashe, County Recorder


B. Deputy

Fees: \$0



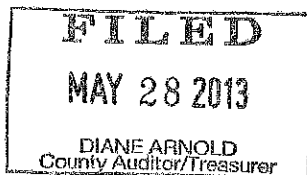
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**Sherburne County
Ordinance Relating to Criminal History Background for Applicants
For County Employment, Current Employees, and County Licenses
ORD-201**

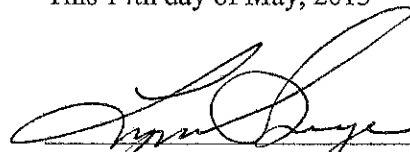
The Sherburne County Board of Commissioners adopted Ordinance Number ORD-201 relating to the Criminal History Background for Applicants for County Employment, Current Employees and County licenses, the scope of which identifies: Purpose 1) regulations for access to Criminal Histories for identified non-criminal Employment backgrounds on prospective and current employees when warranted for the job duties, access to the backgrounds by personnel and supervisors for the purpose of employment, written consent requirements, notice of findings if used as a basis for adverse decisions in employment; and, Purpose 2) access to criminal history background for licensing under county ordinances, written consent and access to the backgrounds of the proposed licensee if the background was used as a basis for adverse decisions in licensing. This ordinance is effective upon publication. This is a summary of the Ordinance. A full copy of the ordinance is on file with the Sherburne County Administrator and Sherburne County Auditor/Treasurer, 13880 Business Center Drive, Elk River, MN 55330.

This provision was passed by the Sherburne County Board of Commissioners on the 7th Day of May, 2013, and duly filed with the Sherburne County Auditor/Treasurer.

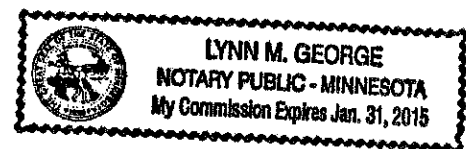

Rachel Leonard, County Board Chair



This foregoing instrument was acknowledged before me
This 14th day of May, 2013

 5/14/13
Signature of person taking acknowledgement

Drafted by the Sherburne County
Attorney's Office
Sherburne County Government Center



ORDINANCE NO. ORD-201

Sherburne County, Minnesota

**ORDINANCE RELATING TO CRIMINAL HISTORY BACKGROUND
FOR APPLICANTS FOR COUNTY EMPLOYMENT,
CURRENT EMPLOYEES, AND COUNTY LICENSES**

BE IT ORDAINED by the Commissioners of the County of Sherburne as follows:

EMPLOYMENT BACKGROUND CHECKS

SECTION:

1

**APPLICANTS FOR COUNTY EMPLOYMENT AND CURRENT
EMPLOYEES**

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 below.

**CRIMINAL HISTORY EMPLOYMENT BACKGROUND
INVESTIGATIONS:**

The Sherburne County Sheriff's Office is hereby required, as the entity within the County, to do a criminal history background investigation on applicants for County employment, and for current employees on an annual basis, unless the County's hiring authority concludes that a background investigation is not needed for a specific position, for the following positions within the County,

All regular full-time and part-time employees, and all volunteers providing services on behalf of the County of Sherburne¹, unless the respective Department Head determines that a criminal background is not needed.

In conducting the criminal history background investigations in order to screen employment applicants and for annual checks on current employees, the Sherburne County Sheriff's Office is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehension's Computerized Criminal History information system in accordance with BCA policy. Any data that is accessed and acquired shall be maintained at the Sherburne County Sheriff's Office under the care and custody of the chief law enforcement official or his or her designee.

The results of the Computerized Criminal History data may be released by the Sherburne County Sheriff's Office to the hiring authority, including the County Commissioners, the County Administrator, and the applicable Department Head, or other County staff or persons involved in the hiring process and supervision of

¹Sworn police positions in this ordinance as these are already authorized and covered by Minn. Stat.626.87.

the applicant's or employee's position. The results of the criminal history background investigations shall be destroyed by the Department Head in accordance with the State of Minnesota destruction schedule.

Before the investigation is undertaken, the applicant or County employee must authorize the Sherburne County Sheriff's Office by written consent to undertake the investigation. The written consent must 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 County will not reject an applicant for employment or take disciplinary action against a County employee on the basis of a conviction unless the crime is directly related to the position of employment, and the conviction is for a felony, gross misdemeanor, or misdemeanor with a jail sentence. If the County rejects an applicant or disciplines an employee on this basis, the County shall notify the applicant or employee in writing of the following:

- A. The grounds and reasons for the denial.
- B. The complaint and grievance procedure set forth in Minnesota Statutes Section 364.06.
- C. The earliest date the applicant or employee may reapply for employment.
- D. That all competent evidence of rehabilitation will be considered upon reapplication.

LICENSE BACKGROUND CHECKS

SECTION:

2

APPLICANTS FOR COUNTY LICENSES

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.

CRIMINAL HISTORY LICENSE BACKGROUND INVESTIGATIONS: The Sherburne County Sheriff's Office is hereby required, as the entity within the County, to do a criminal history background investigation on the applicants for the following licenses within the County:

County licenses: liquor licenses and any authorized licensure under County Ordinance; and licenses exempted under Minnesota Statute 364.09.

In conducting the criminal history background investigation in order to screen license applicants, the Sherburne County Sheriff's Office is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehension's Computerized Criminal History information system in accordance with BCA policy. Any data that is accessed and acquired shall be maintained at the Sherburne County Sheriff's Office under the care and custody of the chief law enforcement official or his or her designee. A summary of the results of the Computerized Criminal History data may be released by the Sherburne County

Sheriff's Office to the licensing authority, including the County Commissioners, the County Administrator, or other County staff involved the license approval process.

Before the investigation is undertaken, the applicant must authorize the Sherburne County Sheriff's Office by written consent to undertake the investigation. The written consent must 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 County 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 County rejects the applicant's request on this basis, the County 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.

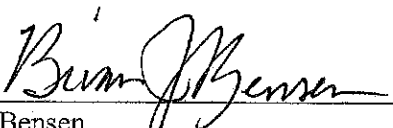
Section 3. That this ordinance shall be effective on the date of publication.

Passed by the Sherburne County Board of Commissioners this 7th day of May, 2013.



Chair of the Board of Commissioners

Attested:



Brian J. Bensen
Sherburne County Administrator