

ORDINANCE NO. 130

ORDINANCE RELATING TO CRIMINAL HISTORY BACKGROUND  
FOR APPLICANTS FOR CITY EMPLOYMENT AND CITY LICENSES

BE IT ORDAINED by the Mayor and Council of the City of Stockton, Winona County,  
Minnesota, as follows:

SECTION 1. EMPLOYMENT BACKGROUND CHECKS

A) APPLICANTS FOR CITY EMPLOYMENT

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 by City Council.

CRIMINAL HISTORY EMPLOYMENT BACKGROUND INVESTIGATIONS: The Winona County Sheriff's Department is hereby required, as the entity within the City, to do a criminal history background investigation on the applicants for the any position within the city, unless the city's hiring authority concludes that a background investigation is not needed:

Employment positions: All full-time and part-time employees of the City of Stockton.

In conducting the criminal history background investigation in order to screen employment applicants, the Winona County Sheriff's Department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehensions Computerized Criminal History information system in accordance with BCA policy. Any data that is accessed and acquired shall be maintained at the Sheriff's Department under the care and custody of the Sheriff's enforcement official or his or her designee. A summary of the results of the Computerized Criminal History data may be released by the Sheriff's Department to the hiring authority, including the City Council, the City Clerk, or other city staff involved in the hiring process.

Before the investigation is undertaken, the applicant must authorize the Sheriff's Department 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 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 2. LICENSE BACKGROUND CHECKS

### A) APPLICANTS FOR CITY 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.

### B) CRIMINAL HISTORY LICENSE BACKGROUND INVESTIGATIONS: The Winona County Sheriff's Department is hereby required, as the entity within the City, to do a criminal history background investigation on the applicants for the following licenses within the city:

City licenses: All alcohol permit owners, peddler licenses, gambling licenses, and any other recommended by state.

In conducting the criminal history background investigation in order to screen license applicants, the Sheriff's Department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehensions Computerized Criminal History information system in accordance with BCA policy. Any data that is accessed and acquired shall be maintained at the Sheriff's Department 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 Sheriff's Department to the licensing authority, including the City Council, the City Clerk, or other city staff involved the license approval process.

Before the investigation is undertaken, the applicant must authorize the Sheriff's Department 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 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 3. That this ordinance shall take effect upon its passage and publication.

Passed by the City Council of the City of Stockton, this 26th day of February, 2013.

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Christopher Parker, Mayor

Attested:

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Bethany Winchester, Clerk-Treasurer