

KLAMATH COUNTY BOARD OF COMMISSIONERS

KLAMATH COUNTY, OREGON

**IN THE MATTER OF AN ORDINANCE)
ESTABLISHING CRIMINAL HISTORY) **ORDINANCE NO. 89.00**
RECORD CHECK POLICIES CONCERNING)
APPLICANTS FOR EMPLOYMENT, CERTAIN)
VOLUNTEERS AND OLCC LICENSE)
APPLICANTS AND DECLARING AN EMERGENCY)**

WHEREAS, ORS 181A.230 and OAR 257-010-0025 establish procedures for access to criminal record information possessed by the Oregon State Police (OSP) through the Law Enforcement Data System (LEDS), and

WHEREAS, ORS 181A.230(1) provides access to criminal offender information by criminal justice agencies and by other state and local agencies, and

WHEREAS, OAR 257-010-0025(1)(a) permits a Criminal Justice Agency to access OSP criminal offender information required to implement a local ordinance, and

WHEREAS, OAR 166-150-0160(10) provides for retention of employment selection information for a period of three years, and

WHEREAS, the Klamath County Board of Commissioners, the Klamath County Sheriff and the Klamath County District Attorney find for the reason recited below in ordaining section of this ordinance that it is in the public interest to access OSP criminal offender information through the LEDS system, for all applicants for employment, public service volunteers and liquor license applicants.

NOW, THEREFORE, THE KLAMATH COUNTY BOARD OF COMMISSIONERS ORDAINS AS FOLLOWS:

1. In order for Klamath County government to operate effectively, persons selected for employment or as a public service volunteer with Klamath County must have the highest degree of citizen and public trust and confidence.
2. All Klamath County employees and public service volunteers represent the county to its citizens. Many County employees and volunteers have responsibilities to regulate and maintain public health and safety. Some county employees have the ability and authority to bind the County contractually, have access to public funds and property, and possess access to privileged and proprietary information submitted to the County in confidence.

ORDINANCE ESTABLISHING CRIMINAL HISTORY RECORD CHECK POLICIES FOR APPLICANTS FOR EMPLOYMENT, CERTAIN VOLUNTEERS AND OLCC LICENSE APPLICANTS

3. All applicants for employment and appointed volunteers with Klamath County will be required to authorize the County to conduct a criminal offender information check through the OSP LEDS system.
4. The criminal history authorization form will be maintained by the Human Resources Department who will request that the check be conducted by the Sheriff's Office.
5. A member of the Sheriff's Office trained and authorized to perform criminal history checks through the LEDS system will conduct the check on the prospective employee or volunteer and orally report to the Human Resources Department that the applicant's records indicates "no criminal record" or "criminal record". If the applicant's record is reported as "criminal record", the Human Resources Department will, under OAR 257-010-0025(1)(c) request written criminal history report from the OSP Identification Services Section and pay the applicable fee for this service. Human Resources staff will make the written criminal history record available to the employment or volunteer selecting official for his or her consideration in making the selection.
6. The written criminal history record on persons that are not hired or appointed as a volunteer will be retained in accordance with the requirements of OAR 166-150-0160(10) for a period of three years and thereafter will be destroyed by shredding. The criminal history record of applicants and volunteers with a criminal history that are hired or appointed, will become a part of the confidential personnel files of that employee or volunteer. 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.
7. Liquor license applicants are required to apply to the County for recommendation to the Oregon Liquor Control Commission (OLCC) as part of its licensing process. It is necessary and appropriate that such applicants' criminal record histories are reviewed in conjunction with the County's recommendation process.

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This Ordinance being necessary for the immediate preservation of the public peace, health, and safety, an emergency is declared to exist, and this Ordinance takes effect upon its passage.

DONE and DATED this 25th day of October, 2016.

KLAMATH COUNTY BOARD OF COMMISSIONERS



Chairman


Commissioner


Commissioner

APPROVED FOR LEGAL SUFFICIENCY:

ATTEST:

 10/17/2016
David P. Groff
Klamath County Counsel


Recording Secretary