

2 RESOLUTION NO. 2011-258

3 RESOLUTION AUTHORIZING

4 BACKGROUND CHECKS AND LIVE SCAN SERVICES

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6 WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) authorize cities, counties and  
7 districts to access state and local summary criminal history information for employment, licensing or  
8 certification purposes; and

9 WHEREAS, Penal Code Section 11105(b)(11) authorizes cities, counties, and districts to access  
10 federal level criminal history information by transmitting fingerprint images and related information to  
11 the Department of Justice to be transmitted to the Federal Bureau of Investigation; and

12 WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) require that there be a  
13 requirement or exclusion from employment, licensing, or certification based on specific criminal conduct  
14 on the part of the subject of the record; and

15 WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) require the city council, board  
16 of supervisors, or governing body of a city, county or district to specifically authorize access to summary  
17 criminal history information for employment, licensing, or certification purposes;

18 NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of  
19 Riverside, State of California, in regular session assembled on \_\_\_\_\_, 2011, that  
20 the County of Riverside is hereby authorized to access state and federal level summary criminal history  
21 information for employment (including volunteers and contract employees) purposes and may not  
22 disseminate the information to a private entity; and

23 BE IT FURTHER RESOLVED, that the County of Riverside shall not consider a person who has  
24 been convicted of a felony to be eligible for employment (including volunteers and contract employees),  
25 except that such conviction may be disregarded if it is determined that mitigating circumstances exist, or  
26 that the conviction is not related to the employment, volunteerism or contract in question.

27 BE IT FURTHER RESOLVED, that this Resolution No. 2011-258 supersedes Resolution No.  
28 2005-058 in its entirety.

**SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

432



**FROM:** Human Resources Department


**SUBMITTAL DATE:**  
October 4, 2011

**SUBJECT:** Adoption of Resolution 2011-258, Authorizing Background Checks and Live Scan Services

**RECOMMENDED MOTION:** That the Board of Supervisors adopt resolution 2011-258, which will supersede Resolution 2005-058.

**BACKGROUND:** Board of Supervisors Policy C-33 requires pre-employment and pre-appointment reference and background checks, including a Live Scan criminal records check through the California Department of Justice. A Live Scan criminal records check consists of a check of California state and local records and/or federal level records. Penal Code Sections 11105(b)(11) and 13300(b)(11) require that Boards of Supervisors authorize access to state and local level records and/or federal level records. Resolution 2005-058 authorized the Human Resources Department to conduct checks of state and local records but the resolution did not authorize checks of federal level records.

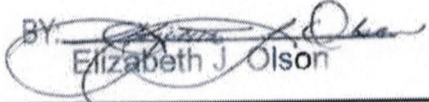
Departmental Concurrence

  
\_\_\_\_\_  
Barbara A. Olivier  
Asst. County Executive Officer/Human Resources Dir.

<b>FINANCIAL DATA</b>	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2011/12

<b>SOURCE OF FUNDS:</b> Reimbursed from utilizing departments.	<b>Positions To Be Deleted Per A-30</b>	<input type="checkbox"/>
	<b>Requires 4/5 Vote</b>	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:** APPROVE

BY:   
Elizabeth J. Olson

**County Executive Office Signature**

- Policy
- Consent
- Policy
- Consent

Dep't Recomm.:  
Per Exec. Ofc.:

**Prev. Agn. Ref.:** 2/15/2005; 3.18 | **District:** ALL | **Agenda Number:** 3.25

**Background (continued):**

Currently, Human Resources conducts checks of state and local level records for County departments with employment positions, volunteer assignments, and contractors that require such a check. Departments with employment positions, volunteer assignments, or contractors that require a federal level check conduct the check using their own Live Scan accounts. Departments conducting federal level checks are authorized to do so under Penal Code sections other than Sections 11105(b)(11) and 13300(b)(11).

Recently, a need for Human Resources to conduct federal level checks arose. The Office of Emergency Services (OES) has requested that Human Resources conduct federal level checks of volunteers in its new Disaster Corps Volunteers program; the state requires these volunteers to undergo a federal level check. Resolution 2011-258 is needed for Human Resources to conduct these federal level checks.

Additionally, Resolution 2011-258 is needed to reflect the current/applicable Penal Code Sections 11105(b)(11) and 13300(b)(11) because the Sections referenced in the 2005 Resolution on Background Checks, Sections 11105(b)(10) and 13300(b)(10), were renumbered to Sections 11105(b)(11) and 13300(b)(11). The resolution also is needed to reaffirm that the Human Resources Department may not disseminate state and federal level criminal history information to a private entity. Resolution 2011-258 will supersede Resolution 2005-058.

The federal level background check fee is \$19, which is in addition to the \$32 state level background check fee and the Human Resources Department's \$10 rolling fee. The costs associated with the federal or state background check and a \$10 fingerprint rolling fee are reimbursed to Human Resources by the requesting departments.