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WASCO COUNTY

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KAREN LEBRETON COATS  
COUNTY CLERK

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IN THE COUNTY COURT OF THE STATE OF OREGON  
IN AND FOR THE COUNTY OF WASCO

IN THE MATTER OF THE ADOPTION )  
OF AN ORDINANCE ESTABLISHING )  
CRIMINAL HISTORY CHECK ) ORDINANCE  
POLICIES CONCERNING )  
APPLICANTS FOR EMPLOYMENT )  
AND APPOINTED VOLUNTEERS. )

WHEREAS, ORS 181.555 and OAR 257-10-025 establish procedures for access to criminal record information possessed by the Oregon State Police (OSP) through the Law Enforcement Data System (LEDS) and the National Crime Information Center (NCIC); and

WHEREAS, ORS 181.555(1) provides access to criminal offender information by criminal justice agencies and by other state and local agencies; and

WHEREAS, OAR 257-10-025(a) permits a Criminal Justice Agency access to OSP criminal offender information required to implement a local ordinance; and

WHEREAS, OAR 166-40-080 provides for retention of employment selection information for a period of three years; and

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1 - ORDINANCE

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WHEREAS, the Wasco County Court, and the Wasco County Sheriff find for the reasons cited below in ordaining this Ordinance that it is in the public interest to access OSP and NCIC criminal offender information through the LEDS system, for applicants for employment and public service volunteers with Wasco County.

NOW, THEREFORE, THE COUNTY COURT OF WASCO COUNTY, OREGON, ORDAINS AS FOLLOWS:

SECTION 1. SHORT TITLE

Ordinance establishing Criminal History Check Policies.

Section 2. ORDINANCE OBJECTIVES

1. In order for Wasco County Government to operate effectively, persons selected for employment or as a public service volunteer with Wasco County must have the highest degree of citizen and public trust and confidence.
2. All Wasco 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. Most County employees have the ability and authority to bind the County contractually, and have access to public funds and property, and possess access to privileged and proprietary information submitted to the County in confidence.

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1 SECTION 3. POLICY AND PROCEDURES

- 2 1. Applicants for employment and appointed volunteers with Wasco  
3 County may be required to authorize the County to conduct a  
4 criminal offender information check through the OSP LEDS  
5 System, and/or the National Crime Information Center (NCIC).  
6  
7 2. The criminal history authorization form will be maintained by the  
8 Wasco County Employee & Administrative Services Department  
9 who will request that the check be conducted by the Sheriff's  
10 Office.  
11  
12 3. A member of the Sheriff's Office trained and authorized to perform  
13 criminal history checks through the LEDS System will conduct the  
14 check on the prospective employee or volunteer and orally report  
15 to the Wasco County Employee & Administrative Services  
16 Department that the applicant's records indicates a criminal history  
17 or no criminal history. Prior to employment all selected members  
18 shall submit a fingerprint card for processing. If the applicant has a  
19 criminal history the Wasco County Employee & Administrative  
20 Services Department may, under OAR 257-10-025(c), request a  
21 written criminal history report from the OSP Identification Services  
22 Section and pay the applicable fee for this service. Wasco County  
23 Employee & Administrative Services will make the written criminal  
24 history report available to the employment or volunteer  
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selecting official for his or her consideration in making the selection.

4. The written criminal history report on persons that are not hired or appointed as a volunteer will be retained in accordance with the requirements of OAR 166-40-080 for a period of three years and thereafter will be destroyed by shredding. The criminal history report 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.
5. Hiring or appointing a volunteer with a criminal history will require a positive recommendation by the selecting official and the approval of the appropriate County elected official or governing body, after full disclosure and consideration of the criminal history of the applicant.

SECTION 4. SEVERABILITY CLAUSE.

If any portion of this Ordinance is held invalid by a Court of competent jurisdiction, such decision shall apply only with respect to the specific portion held invalid by the decision. It is the intent of Wasco County that the remaining portions of this Ordinance continue in full force and effect.

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SECTION 5. EMERGENCY CLAUSE.

This Ordinance being immediately necessary for the preservation of the public well being, an emergency is declared to exist and this Ordinance shall take effect on March 4, 2009.

Regularly passed and adopted by a unanimous vote of all members of the County Court of the County of Wasco, State of Oregon, this 4th day of March, 2009.

WASCO COUNTY COURT

ATTEST:

  
\_\_\_\_\_  
Dan Ericksen, County Judge

  
\_\_\_\_\_  
Kathy McBride  
Executive Assistant

  
\_\_\_\_\_  
Sherry Holliday, County Commissioner

  
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Bill Lennox, County Commissioner

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Eric J. Nisley  
District Attorney

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