

**RESOLUTION No. 2-01-2018**

**A RESOLUTION OF THE SANTAQUIN CITY COUNCIL REGARDING  
BACKGROUND VERIFICATION FOR EMPLOYMENT WITH  
SANTAQUIN CITY.**

**WHEREAS**, Santaquin City ("City") regularly hires Full-time, Part-time, Seasonal and Volunteer Fire/EMS positions and also utilizes the service and talents of community volunteers; and

**WHEREAS**, the City desires to take reasonable measures to protect the safety, health and security of the citizens of Santaquin by assuring that those working for the City have high moral character and judgment; and

**WHEREAS**, the City is currently using a third party company to perform background verifications on all persons seeking employment with the City, excluding Volunteers, and

**WHEREAS**, the City passed Resolution No. 5-07-15, "A Resolution of the Santaquin City Council regarding requirements for background verification for Volunteer employment for Santaquin City" on May 6, 2015 allowing the Santaquin Police Department to perform criminal background verifications for Volunteer employees and the City desires to expand services that can be provided by the Right of Access Approval, to include all employees or persons seeking employment with the City, over the age of 18; and

**WHEREAS**, Santaquin Police Department has received Right of Access Provider Approval, which allows the Police Department to perform criminal background verifications for all employees and persons being considered for employment or volunteer service with the qualifying entity; and

**WHEREAS**, the city desires to create a uniform process for background verifications for both prospective employees and volunteers and do so in a cost effective manner;

**NOW THEREFORE, BE IT RESOLVED BY THE SANTAQUIN CITY COUNCIL THAT:**

A. The Santaquin City Council adopts the following Background Verification Policy.

1. Prior to being employed with Santaquin City all persons, eighteen years and over, being considered for Full-time, Part-time, Seasonal, or Volunteer Fire/EMS positions shall undergo a criminal background verification as outlined in the policy. This requirement also applies to Volunteers who provide services on an on-going (more than one day) basis, involving associating with minors and/or the elderly. Groups or individuals who provide volunteer services for not more than a single day are excluded from this policy. The City reserves the right to periodically perform criminal background verifications on current employees and volunteers.

2. The City will only use the Right of Access program according to the terms and conditions set forth by Utah Code Ann §53-10-108, Utah Administrative Rule R722-900-7 and Utah Bureau of Criminal Identification (BCI) policy.

3. Right of Access. Persons seeking employment and/or current employees shall sign the appropriate documentation authorizing the City to obtain Utah Computerized Criminal History (UCCH) information from the Utah Bureau of Criminal Identification (BCI).

4. The City will bear the cost of obtaining criminal histories for persons being considered for employment with the City and/or current employees when periodic verifications are performed. The applicant and or/current employee may obtain a copy of the criminal history upon request and payment of a fee as outlined in the Santaquin City Fee Schedule.

5. All such histories will be deemed confidential and are classified private under the Government Records Access and Management Act (GRAMA).

6. The City will follow these procedures in obtaining criminal history background information as required by the Utah Bureau of Criminal Identification:

a. Rights of Access, as allowed by this policy, shall be made through the Santaquin City Police Department. This policy is implemented to assist the Police Department in administering rights of access.

b. Applicants shall request their UCCH from BCI through the Santaquin City Police Department. The person requesting a copy of his/her own criminal history record must appear in person and complete and sign an application and waiver of liability in the presence of a designated City employee.

c. Applicants must present valid photo identification. Acceptable forms of identification include driver's license, state identification card, military identification card, passport, alien registration card, or any state or federally issued photo identification card. A designated City employee will check the signature on the photo identification card with the signature on the Right of Access waiver and will compare the photo on the identification card with the person who is present.

d. The City employee authorized to obtain UCCH information will obtain the information from the BCI online connection. The auditing purpose code will be Right of Access (ROA). The purpose code on the formatted screen will be "P". The requestor will be the applicant.

e. Once the history is received, each printed page will be stamped and dated. The stamp will indicate that the record is only valid as of the date of retrieval. The history may then be released to the applicant, if requested, for a fee as outlined in the Santaquin City Fee Schedule.

f. In compliance with BCI regulations, the Right of Access waiver for all applicants will be retained by the Santaquin Police Department for a period of three years and thereafter as required by GRAMA.

7. The City may decline to: hire or retain as an employee; or permit any person to participate in any activity or program of the City as a volunteer; who has provided false information on the background application, or has been convicted of, entered into a plea in abeyance for, or has pending charges for, any offense described in 7.a. through 7.e. below.

a. Any felony; including, but not limited to:

- i. Any crime involving sexual offense or child molestation; or lewdness involving a minor;
- ii. Any crime involving the use, manufacture, transportation, sale, possession or distribution of drugs or alcohol;
- iii. Any crime involving the use of force or the threat of force to or upon a person or property, including but not limited to robbery, aggravated assault, stalking, kidnapping, arson, manslaughter and murder;
- iv. Any crime of theft or other theft related offense;
- v. Any offense of recklessly endangering another person, terroristic threat, unlawful detention, domestic violence, luring or enticing a child into a motor vehicle or isolated structure;
- vi. Any crime of criminal mischief, burglary, threats or other improper influences, perjury and false swearing, resisting arrest, abuse or escape;
- vii. Any conspiracy to commit or attempt to commit any of the crimes described above.

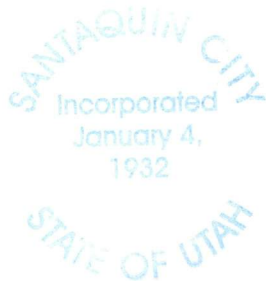
b. Any felony or misdemeanor crime involving children as either an accomplice or victim.

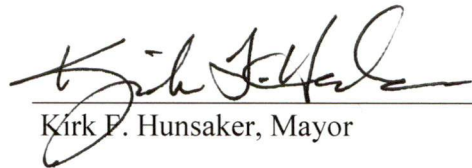
c. Any of the following misdemeanor offenses pending, or for which a conviction, or plea in abeyance was entered within past seven (7) years:

- i. Driving Under the Influence/Driving While Intoxicated;
- ii. Impaired Driving;
- iii. Reckless Driving;
- iv. Possession, Distribution, or Use of a Controlled Substance;
- v. Domestic Violence;
- vi. Assault;

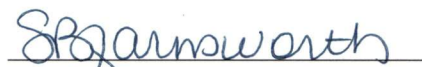
- vii. Arson; or
- viii. any Theft.
- d. Three or more traffic citations during the immediately preceding two (2) year period.
- 8. The City shall notify the applicant in writing of any disqualification.
- 9. The applicant may challenge the completeness and accuracy of the criminal history record information by following the procedures established by BCI.
- 10. City employees authorized to access UCCH information shall follow all rules and requirements of BCI, in addition to those imposed herein. No City employee shall commit any violation, misuse or abuse of rules and requirements that could cause City employees and the City to lose their rights of access to the BCI online connects.
- 11. This Resolution shall take effect immediately upon its passage.

PASSAGE AND APPROVED this 7 day of February, 2018.



  
Kirk F. Hunsaker, Mayor

ATTEST:

  
Susan B. Farnsworth  
Santaquin City Recorder