



**DATE:** December 8, 2020

**CATEGORY:** Consent

**DEPT.:** Human Resources

**TITLE:** **Authorization to Access Criminal History Information for Prospective Employees, Volunteers, or Contractors**

### **RECOMMENDATION**

Adopt a Resolution of the City Council of the City of Mountain View Authorizing the Human Resources Director, or Designee, to Access Criminal History Information for Prospective Employees, Volunteers, or Contractors Through the Department of Justice, to be read in title only, further reading waived (Attachment 1 to the Council report).

### **BACKGROUND AND ANALYSIS**

California Penal Code Sections 11105 and 13300 authorize the Department of Justice (DOJ) to provide criminal history information to a city as part of the employee recruitment process. The City of Mountain View conducts criminal background checks for all prospective employees, volunteers, and contractors in compliance with California Government Code Section 12952, recently amended by Assembly Bill 1008 (Ban the Box). When the City hires an applicant, or proceeds with placing a volunteer or contractor, the City receives records of convictions, if any, from the DOJ. This information is considered in accordance with DOJ policies and Federal and State law to determine whether any past criminal conduct warrants exclusion from employment. The DOJ also reports current employees' subsequent arrests and convictions, if any, to the City.

The City of Mountain View expanded its background check process in 2010 to include fingerprinting and State of California criminal records through the DOJ for all prospective employees, volunteers, and contractors. Currently, the City's general DOJ account is not set up to provide access to Federal Bureau of Investigation (FBI) criminal history records for prospective employees. In order to adjust the account to include access to the FBI's national criminal history database, the City Council must adopt a resolution authorizing the Human Resources Director to access criminal history information.

Staff recommends modifying the City's electronic LiveScan fingerprinting account with the DOJ to include an option for accessing FBI criminal history information in addition to State of California records for prospective employees (including volunteers and contractors).

**FISCAL IMPACT**

There is no fiscal impact associated with this resolution.

**ALTERNATIVES**

1. Direct staff to provide additional information.
2. Provide other direction.

**PUBLIC NOTICING** – Agenda posting.

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Attachment: 1. Resolution