AGENDA _____ June 30, 2009

Human Resource Services

Lakeside Plaza Building 1401 Lakeside Drive, Suite 200 Oakland, CA 94612-4305

Alameda County

June 15, 2009

Honorable Board of Supervisors
Administration Building
Oakland, CA 94612

Subject: RESOLUTION

Dear Board Members:

Recommendation:

That your Board adopt a Resolution authorizing Federal Bureau of Investigation (FBI) background checks for new hires.

Discussion/Findings:

Several of our customer departments have requested additional information on the criminal history background checks we conduct for them.

The background checks that we currently receive rely exclusively on California State criminal history information, which is furnished by the Department of Justice, for routine background investigations for employment purposes (including volunteers and contract employees). By adding the FBI information, we would be informed of convictions from other states and federal courts, in addition to California convictions.

Financing:

No expenditures in Fiscal Year 2008-2009.

Very truly yours,

Mary Welch, Interim Director
Human Resource Services

MW:vb

C: County Administrator
Auditor-Controller
County Counsel
Agency/Department Heads

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Approved as to Form
Richard E. Winnie
County Counsel
By _____

THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA
STATE OF CALIFORNIA

RESOLUTION NUMBER: R- -

RESOLUTION
TO PERMIT ACCESS CERTAIN FEDERAL, STATE AND LOCAL CRIMINAL HISTORY INFORMATION FOR EMPLOYMENT PURPOSES

WHEREAS, Alameda County currently relies exclusively on California State criminal history information, which is furnished by the Department of Justice, for routine background investigations for employment purposes (including volunteers and contract employees); and

WHEREAS, relevant criminal history information from federal and other state and local jurisdictions is not currently being made available to Alameda County as part of these background investigations; and

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

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

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

WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) require the County Board of Supervisors, as the governing body of the County, to specifically authorize access to summary criminal history information for employment purposes.

NOW, THEREFORE, BE IT RESOLVED:

1. To the fullest extent permitted by law, Alameda County is hereby authorized to access federal, state and local summary criminal history information compiled by the Federal Bureau of Investigation, the Attorney General or by any local criminal justice agency as provided in Penal Code sections 11105 and 13300 in order to assist the County in fulfilling its employment (including volunteers and contract employees) duties; and may not disseminate the information to a private entity.

2. Except as provided by law, Alameda County shall not consider a person who has been convicted of a felony or misdemeanor involving moral turpitude eligible for employment (including volunteers and contract employees); provided, however, that such conviction may be disregarded if it is determined that mitigating circumstances exist, or that the conviction is not related to the employment in question.

Alameda County Board of Supervisors, Oakland, California, _____, 2009

Ayes-
Noes-
Absent-
Abstention-

Attest-_____