



Meeting Date: January 30, 2019

Agenda Item: # 12

AGENDA SUMMARY REPORT

SUBJECT:

Consideration of Amendment to MTA Personnel Policies Section 3.6 – Criminal Records Checks Policy

SUMMARY:

In order for MTA to conduct State and Federal level criminal background checks on applicants that have received a conditional offer of employment, MTA must update its policy related to background checks.

The updated policy outlines the steps associated with receiving the conditional employee's written permission to do the background check, outlines the procedure and the type of information that is included in the background checks.

STAFF RECOMMENDATION:

Approve Amendment to MTA's Personnel Policy Manual Section 3.6 – Criminal Records Checks Policy

ATTACHMENTS:

MTA Policy Manual Amendment Section 3.6
Example Request for Live Scan Service
Applicant Fingerprint Processing Fees

January 30, 2019

Agenda Item # 12

Amendment to Mendocino Transit Authority (MTA) Personnel Policies

dated January 25, 1996 and Revised January 25, 2001

Section 3.6

Strike section 3.6 as follows:

~~Candidates shall not be rejected solely on the basis of past criminal convictions. However, if rejection is required by law, or if the General Manager should determine that the offense resulting in the conviction was such that the employment of the applicant would be detrimental to the operation and/or public trust of MTA, the applicant must be rejected.~~

Add to current policy:

Section 3.6 - Criminal Records Checks Policy

All offers of employment at Mendocino Transit Authority are contingent upon clear results of a thorough Live Scan background check. Background checks will be conducted on all final candidates and on all employees who are promoted, as deemed necessary.

Background checks will include:

- **Social Security Verification:** validates the applicant's Social Security number, date of birth and former addresses.
- **Prior Employment Verification:** confirms applicant's employment with the listed companies, including dates of employment, position held and additional information available pertaining to performance rating, reason for departure and eligibility for rehire. This verification will be run on the past two employers or the previous five years, whichever comes first.
- **Personal and Professional References:** calls will be placed to individuals listed as references by the applicant.
- **Educational Verification:** confirms the applicant's claimed educational institution, including the years attended and the degree/diploma received.
- **Criminal History:** includes review of criminal convictions and probation. The following factors will be considered for applicants with a criminal history:
 - The nature of the crime and its relationship to the position.
 - The time since the conviction.
 - The number (if more than one) of convictions.

- Whether hiring, transferring or promoting the applicant would pose an unreasonable risk to Mendocino Transit Authority, its employees or its customers and vendors.
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- **Motor Vehicle Records:** provides a report on an individual's driving history in the state requested. This search will be run when driving is an essential requirement of the position.

Procedure

After a candidate receives and accepts a conditional written job offer, the candidate must complete a Live Scan background check authorization form and return it to MTA Human Resources.

Human Resources will order the background check upon receipt of the signed release form.

The HR representative will notify the hiring manager regarding the results of the check. In instances where negative or incomplete information is obtained, the appropriate management and hiring manager will assess the potential risks and liabilities related to the job's requirements and determine whether the individual should be hired.

Background check information will be maintained in a file separate from employees' personnel files for a minimum of five years.



REQUEST FOR LIVE SCAN SERVICE

[Print Form](#)[Reset Form](#)

Applicant Submission

ORI (Code assigned by DOJ)

Authorized Applicant Type

Type of License/Certification/Permit OR Working Title (Maximum 30 characters - if assigned by DOJ, use exact title assigned)

Contributing Agency Information:

Agency Authorized to Receive Criminal Record Information

Mail Code (five-digit code assigned by DOJ)

Street Address or P.O. Box

Contact Name (mandatory for all school submissions)

City

State

ZIP Code

Contact Telephone Number

Applicant Information:

Last Name

First Name

Middle Initial

Suffix

Other Name
(AKA or Alias) Last

First

Suffix

Date of Birth

Sex ☐ Male ☐ Female

Driver's License Number

Height

Weight

Eye Color

Hair Color

Billing
Number

(Agency Billing Number)

Place of Birth (State or Country)

Social Security Number

Misc.
Number

(Other Identification Number)

Address Street Address or P.O. Box

City

State

ZIP Code

Your Number:

OCA Number (Agency Identifying Number)

Level of Service: ☐ DOJ ☐ FBI

(If the Level of Service indicates FBI, the fingerprints will be used to check the criminal history record information of the FBI)

If re-submission, list original ATI number:
(Must provide proof of rejection)

Original ATI Number

Employer (Additional response for agencies specified by statute):

Employer Name

Mail Code (five digit code assigned by DOJ)

Street Address or P.O. Box

City

State

ZIP Code

Telephone Number (optional)

Live Scan Transaction Completed By:

Name of Operator

Date

Transmitting Agency

LSID

ATI Number

Amount Collected/Billed

ORIGINAL - Live Scan Operator

SECOND COPY - Applicant

THIRD COPY (if needed) - Requesting Agency



REQUEST FOR LIVE SCAN SERVICE

Privacy Notice

As Required by Civil Code § 1798.17

Collection and Use of Personal Information. The California Justice Information Services (CJIS) Division in the Department of Justice (DOJ) collects the information requested on this form as authorized by Business and Professions Code sections 4600-4621, 7574-7574.16, 26050-26059, 11340-11346, and 22440-22449; Penal Code sections 11100-11112, and 11077.1; Health and Safety Code sections 1522, 1416.20-1416.50, 1569.10-1569.24, 1596.80-1596.879, 1725-1742, and 18050-18055; Family Code sections 8700-87200, 8800-8823, and 8900-8925; Financial Code sections 1300-1301, 22100-22112, 17200-17215, and 28122-28124; Education Code sections 44330-44355; Welfare and Institutions Code sections 9710-9719.5, 14043-14045, 4684-4689.8, and 16500-16523.1; and other various state statutes and regulations. The CJIS Division uses this information to process requests of authorized entities that want to obtain information as to the existence and content of a record of state or federal convictions to help determine suitability for employment, or volunteer work with children, elderly, or disabled; or for adoption or purposes of a license, certification, or permit. In addition, any personal information collected by state agencies is subject to the limitations in the Information Practices Act and state policy. The DOJ's general privacy policy is available at <http://oag.ca.gov/privacy-policy>.

Providing Personal Information. All the personal information requested in the form must be provided. Failure to provide all the necessary information will result in delays and/or the rejection of your request.

Access to Your Information. You may review the records maintained by the CJIS Division in the DOJ that contain your personal information, as permitted by the Information Practices Act. See below for contact information.

Possible Disclosure of Personal Information. In order to process applications pertaining to Live Scan service to help determine the suitability of a person applying for a license, employment, or a volunteer position working with children, the elderly, or the disabled, we may need to share the information you give us with authorized applicant agencies.

The information you provide may also be disclosed in the following circumstances:

- With other persons or agencies where necessary to perform their legal duties, and their use of your information is compatible and complies with state law, such as for investigations or for licensing, certification, or regulatory purposes;
- To another government agency as required by state or federal law.

Contact Information. For questions about this notice or access to your records, you may contact the Associate Governmental Program Analyst at the DOJ's Keeper of Records at (916) 210-3310, by email at keeperofrecords@doj.ca.gov, or by mail at:

Department of Justice
Bureau of Criminal Information & Analysis
Keeper of Records
P.O. Box 903417
Sacramento, CA 94203-4170

**APPLICANT FINGERPRINT PROCESSING FEES**

(As of August 17, 2012 - Subject to Change)

[Print Form](#)

Purpose of Fingerprint Submission	State	Federal	CACI Fee	Firearms	Application Fee	
	CORI Fee	CORI Fee		Eligibility	Initial	Renewal
Employment						
General	\$32	\$17	N/A	N/A	N/A	N/A
Criminal Justice Agency (non-sworn/vendor access)	\$32	\$0	N/A	N/A	N/A	N/A
Peace Officer Auxiliary	\$32	\$0	N/A	\$19	N/A	N/A
Peace Officer Firearms with CACI	\$32	\$0	\$15	\$19	N/A	N/A
Human Resource Agency Employee (non-profit)	\$0	\$17	N/A	N/A	N/A	N/A
In-Home Support Services	\$32	N/A	N/A	N/A	N/A	N/A
Trustline Registry/CASA* Employee with CACI	\$32	\$17	\$15	N/A	N/A	N/A
All other employees are charged the 'General" fee						
Volunteer						
Human Resource Agency/Youth Org. (non-profit)	\$0	\$15	N/A	N/A	N/A	N/A
Human Resource Agency/Youth Org. (for profit)	\$32	\$15	N/A	N/A	N/A	N/A
Trustline Registry/CASA* Volunteer with CACI	\$32	\$15	\$15	N/A	N/A	N/A
Child Day Care Volunteer (small/home)	\$0	\$15	\$0	N/A	N/A	N/A
Child Day Care Volunteer (large/facility)	\$42	\$15	\$15	N/A	N/A	N/A
Foster Care Mentor Volunteer	\$0	\$15	\$15	N/A	N/A	N/A
All other volunteers use the "Employment" fee schedule						
Certificates/Licenses/Permits						
General	\$32	\$17	N/A	N/A	N/A	N/A
Check Casher	\$32	N/A	N/A	N/A	\$50	\$50
Child Day/Residential Care (small/home)	\$0	\$17	\$15	N/A	N/A	N/A
Child Day/Residential Care (large/facility)	\$42	\$17	\$15	N/A	N/A	N/A
Adult Day/Residential Care	\$42	\$17	N/A	N/A	N/A	N/A
Custodian of Records	\$32	\$17	N/A	N/A	\$30	N/A
Fingerprint Roller	\$32	\$17	N/A	N/A	\$25	N/A
Certificate/License/Permit with Firearm	\$32	\$17	N/A	\$38	N/A	N/A
Secondhand Dealer/Pawnbroker	\$32	N/A	N/A	N/A	\$300	\$300
All other certificates/licenses/permits are charged the "General" fee						
Other						
Application for Visa/Immigration	\$32	N/A	N/A	N/A	N/A	N/A
Emergency Child Placement	\$0	\$17	\$0	N/A	N/A	N/A
Petition for Adoption	\$32	\$17	\$15	N/A	N/A	N/A
Record Review	\$25	N/A	N/A	N/A	N/A	N/A
POST Training Certificate	\$32	N/A	N/A	\$19	N/A	N/A

N/A - Not Applicable

CACI - Child Abuse Central Index

CASA - Court Appointed Special Advocate

*SA CACI checks available 1/1/08 and are permissive, not mandatory