

ORDINANCE NO. 4768

AN ORDINANCE to add a new Section 2-5-6 (CRIMINAL HISTORY RECORDS CHECK OF APPLICANTS RECEIVING A CONDITIONAL OFFER FOR CITY EMPLOYMENT) to Article A (GENERAL PROVISIONS) of Chapter 5 (OFFICERS AND EMPLOYEES) of Title 2 (GENERAL GOVERNMENT) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Article A, Chapter 5, of Title 2 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended, by adding thereto a new section 2-5-6 to read as follows:

[The following is all new language]

Sec. 2-5-6 Criminal history records check of applicants for city employment.

(a) Finding that it is necessary, in the interest of public welfare and safety, that investigations be conducted of all applicants to whom a conditional offer of employment with the city is made to determine if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment under consideration, the city manager or his or her designee shall request, pursuant to Code of Virginia sections 19.2-389 and 15.2-1503.1, as amended, from the Virginia Central Criminal Record Exchange and the Federal Bureau of Investigation, a criminal record check of each applicant for city employment.

(b) Each applicant required to undergo a criminal background check, upon receiving a conditional offer of employment, shall submit to fingerprinting and provide personal descriptive information to be forwarded along with the applicant's fingerprints through the Central Criminal Records Exchange and the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding such applicant. Such applicant may be required to pay the cost of fingerprinting or criminal records check, or both.

(c) Criminal history information considered in accordance with this section shall include outstanding warrants, pending criminal charges, and records of conviction. Records of dispositions which occurred while an applicant was considered a juvenile shall not be referenced unless authorized by court order, federal regulation, or state statute authorizing such dissemination.

(d) The city manager or his or her designee shall review the criminal history record information to determine whether the conviction record, if any, of the applicant is compatible with the nature of the city employment under consideration. In making this determination and in determining whether a criminal conviction directly relates to a position, the city manager or his or her designee shall consider the following criteria: (i) the nature and seriousness of the crime; (ii) the relationship of the crime of the work to be performed in the position applied for; (iii) the extent to which the position applied for might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved; (iv) the relationship of the crime to the ability, capacity or fitness required to perform the duties and discharge the responsibilities of the position being sought; (v) the extent and nature of the person's past criminal activity; (vi) the age of

the person at the time of the commission of the crime; (vii) the amount of time that has elapsed since the person's last involvement in the commission of a crime; (viii) the conduct and work activity of the person prior to and following the criminal activity; and (ix) evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release.

(e) Any applicant who is denied employment on the basis of criminal record information obtained pursuant to this section will be notified in writing and will be given an opportunity to inspect the information for the purpose of clarifying, explaining, or denying the information therein.

(f) The criminal history information provided in accordance with this section shall be confidential, shall be used solely to assess eligibility for city employment, and shall not be disseminated except as provided for in this section.

Section 2. That this ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE
Mayor

Final Passage: June 16, 2012