DRAFT

AN ORDINANCE TO ENACT SECTION 2-100, CRIMINAL BACKGROUND CHECKS OF APPLICANTS FOR TOWN EMPLOYMENT, OF ARTICLE III, OFFICERS AND EMPLOYEES, CHAPTER 2, ADMINISTRATION, OF THE CHRISTIANSBURG TOWN CODE; PROVIDING FOR CRIMINAL BACKGROUND CHECKS FOR PROSPECTIVE EMPLOYEES OF THE TOWN OF CHRISTIANSBURG; PROVIDING AN EFFECTIVE DATE

WHEREAS, in the interest of public health and safety, the Town of Christiansburg requires criminal background checks for prospective employees; and

WHEREAS, the Town desires to update and codify its policy concerning same;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF CHRISTIANSBURG, VIRGINIA that it hereby enacts Section 2-100, Criminal background checks of applicants for town employment, of Article III, Officers and Employees, Chapter 2, Administration, as follows:

Sec-2-100. - Criminal background checks of applicants for town employment.

(a) In order to determine whether, in the interest of public welfare and safety, an applicant for public employment or a volunteer position may be disqualified from such position by reason of a criminal record, the applicant, either upon identification as a finalist in the personnel selection and placement process or upon offer of employment with the town, as determined by the town manager or his/her designee, shall be required to provide personal descriptive information and to submit to a criminal background check. The applicant will not be required to pay the cost of the criminal background check.

(b) The criminal history record information regarding such applicant may be obtained through the central criminal records exchange or other appropriate qualified private source.

(c) Town employees are required to promptly notify the human resource department upon notice that the employee is the subject of a criminal investigation by law enforcement or a child protective services investigation by any department of social services.

(d) The criminal history record information provided in accordance with this section shall be used solely to assess eligibility for public employment or service, and shall not be disseminated to any person not involved in the assessment process. If an applicant is denied employment because of information appearing in his or her criminal record history, the town manager or his/her designee shall notify the applicant in writing that information from the Virginia Central Criminal Records Exchange or other appropriate qualified private source contributed to such denial. Additionally, the applicant shall be provided a copy of the criminal history record, a copy of his or her rights under the Fair Credit Reporting Act, as well as the name, address, and phone number for the agency that

provided the information should the applicant desire to contest the contents of his or her criminal history record information.

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This ordinance shall become effective upon adoption. If any part of this ordinance is deemed unlawful by a court of competent jurisdiction all remaining parts shall be deemed valid.

Upon a call for an aye and nay vote on the foregoing ordinance at a regular meeting of the Council of the Town of Christiansburg, Virginia held September ___, 2012, the members of the Council of the Town of Christiansburg, Virginia present throughout all deliberations on the foregoing and voting or abstaining, stood as indicated opposite their names as follows:

	Aye	Nay	Abstain	Absent
Mayor Richard G. Ballengee*				
D. Michael Barber				
Cord Hall				
Steve Huppert				
Henry Showalter				
Bradford J. Stipes				
James W. “Jim” Vanhoozier				

*Votes only in the event of a tie vote by Council.

SEAL:

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Michele M. Stipes, Town Clerk Richard G. Ballengee, Mayor