

TO: GCSB Board of Directors

FROM: Peter Kampa, General Manager

DATE: May 14, 2024

SUBJECT: Agenda Item 6C: Adoption of a Resolution Authorizing the General Manager to Submit an Application to the Department of Justice for the Implementation of Live Scan Background Checks for District Pre-Employment, and District Volunteers

RECOMMENDED ACTION:

I move to adopt Resolution 08-2024 authorizing staff to apply to the Department of Justice for the implementation of Live Scan background checks for District pre-employment, and District volunteers.

BACKGROUND:

Employers conduct background checks through the Department of Justice (DOJ) for pre-employment and volunteers for several crucial reasons:

1. **Safety and Security:** Employers have a responsibility to ensure a safe and secure work environment for their employees, customers, and clients. Background checks help identify any past criminal behavior or other red flags that could pose a risk to the workplace.
2. **Legal Compliance:** Many industries, especially those involving vulnerable populations such as children, the elderly, or individuals with disabilities, are required by law to conduct background checks on employees and volunteers. These legal requirements aim to protect these vulnerable groups from potential harm.
3. **Protecting Reputation:** Hiring individuals with criminal histories or other problematic backgrounds can damage an organization's reputation. Background checks help mitigate this risk by allowing employers to make informed decisions about whom they hire or allow to volunteer.
4. **Preventing Liability:** Employers can be held liable for the actions of their employees or volunteers, especially if those actions result in harm to others. Conducting thorough background checks can help identify any potential risks and prevent future liabilities.

5. Maintaining Trust: Background checks help build trust between employers, employees, volunteers, and the community. By demonstrating a commitment to safety and accountability, organizations can enhance trust and credibility in the eyes of stakeholders.

Overall, background checks through the Department of Justice are essential tools for employers to ensure the safety, security, and integrity of their workforce and operations. They not only help mitigate risks but also demonstrate a commitment to legal compliance, reputation management, and fostering trust within the community.

ATTACHMENTS:

1. Department of Justice Application Hyperlink
www.gcsd.org/files/0cd3b4ff2/Item+6C+Department+of+Justice+Application.pdf
2. Resolution 08-2024

RESOLUTION NO. 08-2024

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE GROVELAND COMMUNITY SERVICES DISTRICT AUTHORIZING THE GENERAL MANAGER TO SUBMIT AN APPLICATION TO THE DEPARTMENT OF JUSTICE FOR THE IMPLEMENTATION OF LIVE SCAN BACKGROUND CHECKS FOR DISTRICT PRE-EMPLOYMENT, AND DISTRICT VOLUNTEERS

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

WHEREAS, Penal Code Section 11105(b)(11) authorizes cities, counties, districts and joint powers authorities 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; and

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 city council, board of supervisors, governing body of a city, county or district or joint powers authority to specifically authorize access to summary criminal history information for employment.

NOW THEREFORE, BE IT RESOLVED, that the Groveland Community Services District is hereby authorized to access state and federal level summary criminal history information for employment with Groveland Community Services District and Groveland CERT (including volunteers and contract employees) and may not disseminate the information to a private entity; and

BE IT FURTHER RESOLVED that the Groveland Community Services District shall not consider a person who has been convicted of a violent or serious felony or misdemeanor eligible for employment (including volunteers and contract employees, if applicable).

The Board Secretary of the Groveland Community Services District shall certify as to the adoption of this Resolution.

AYES:

ABSENT:

APPROVED:

Nancy Mora, Board President

ATTEST:

Rachel Pearlman, Board secretary

CERTIFICATE OF SECRETARY

I, Rachel Pearlman, the duly appointed and acting Secretary of the Board of Directors of the Groveland Community Services District, do hereby declare that the foregoing Resolution was duly passed and adopted at a Regular Meeting of the Board of Directors of the Groveland Community Services District, duly called and held on May 14, 2024.

DATED: _____