

TAB 1

City of Palmetto Background Check Policy

1. PURPOSE AND INTENT

The purpose of this policy is to provide uniform procedures for identifying and evaluating potential and current employees of the City that have been convicted of crimes. The policy is intended to provide the City with a means of ensuring that no potential or current employees pose a threat to public safety or security, and that potential and current employees are properly qualified for the positions they hold with the City. [This policy shall not apply to employees of the City of Palmetto Police Department???

2. AUTHORITY

This policy is adopted by City Commission pursuant to and consistent with sections 166.0442 and 112.011 Florida Statutes.

3. DIRECTION

The Human Resources Director will review all background checks and seek counsel from the City Attorney when he or she deems it to be appropriate.

4. METHOD OF OPERATION

Level 1 criminal background checks shall be conducted on all applicants for employment with the City and on current employees as a term and condition of continued employment. In addition, all employees must notify their Supervisor or Department Head within two (2) working days of any conviction of a crime. (For purposes of this policy, conviction includes pleading guilty, or nolo contendere, regardless of adjudication.) Failure to comply will result in disciplinary action, up to and including termination. The Department Head shall immediately notify the Human Resources Director of the conviction. The initial determination of whether a conviction may affect initial or continued employment will be made by the Human Resources Director. Each conviction will be considered on an individual, case-by-case basis, with attention being given to the nature and seriousness of the crime, the time elapsed from the conviction date, relevance to the applicant's or employee's job duties, job location, and the term and nature of an employee's service to the City.

5. GUIDELINES

The below general guidelines shall be used to evaluate whether and to what an extent conviction of a crime impacts an employee's qualification for service with the City.

A. Positions that involve close contact with private property, children, or individual members of the public

In furtherance of public security and recognition of the fact that certain staff positions within the City (1) provide employees with access to private property, (2) place employees in proximity to children, and (3) require employees to work in locations or on shifts where there is little or no supervision, employees serving in the following position may be disqualified from employment if they have pled guilty, or nolo contendere, or been adjudicated guilty of any of the crimes listed on “**Exhibit A**, attached hereto and incorporated herein, provided that the crime is classified as a felony or first degree misdemeanor.

Building Department

Parks and Recreation Department

Utility Department

Code Enforcement Department

B. Positions that handle money or negotiable instruments

Employees serving in the following positions may be disqualified from employment if they have been convicted of any of the following crimes, provided that the crime is classified, or was classified at the time of offense, as a felony or first degree misdemeanor:

1. Possession, sale, manufacture, or delivery of a “controlled substance” as defined in Chapter 893, Florida Statutes
2. Theft
3. Robbery

4. Fraud
5. Embezzlement
6. Any other felony or first degree misdemeanor evidencing dishonesty (uttering a forged document, etc.)

THESE GUIDELINES ARE NOT ALL INCLUSIVE. ALL CONVICTIONS WILL BE REVIEWED BY THE HUMAN RESOURCES DIRECTOR IN CONSULTATION WITH THE APPROPRIATE DEPARTMENT HEAD, SUPERVISOR AND CITY ATTORNEY. EACH PLEA OF GUILTY OR NOLO CONTENDERE, OR ADJUDICATION OF GUILT, WILL BE CONSIDERED ON A CASE-BY-CASE BASIS FOR CONFORMANCE WITH FLORIDA LAW AND CONSISTENCY WITH THE BEST INTERESTS OF THE RESIDENTS AND EMPLOYEES OF THE CITY OF PALMETTO.

Adopted by City
Commission on: _____

Last Revised: _____

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EXHIBIT A

The following references are to Florida Statutes, as amended from time to time:

Section 415.111, relating to adult abuse, neglect, or exploitation of aged or disabled persons.

Former section 748.011, relating to assault, if the victim of the offense was a minor.

Section 782.04, relating to murder.

Section 782.07, relating to manslaughter.

Section 782.071, relating to vehicular homicide.

Section 782.09, relating to killing of an unborn child by injury to the mother.

Section 783.03, relating to battery, if the victim of the offense was a minor.

Section 784.021, relating to aggravated assault.

Section 784.045, relating to aggravated battery.

Section 787.01, relating to kidnapping.

Section 787.02, relating to false imprisonment.

Section 794.011, relating to sexual battery.

Former section 794.041, relating to prohibited acts of persons in familial or custody authority.

Chapter 796, relating to prostitution.

Section 798.02, relating to lewd and lascivious behavior.

Chapter 800, relating to lewdness and indecent exposure.

Section 806.01, relating to arson.

Section 812, relating to theft, robbery, and related crimes.

Section 825.102, relating to abuse or neglect of an elderly person or disabled adult.

Section 825.1025, relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled person.

Section 825.103, relating to exploitation of an elderly person or disabled adult.

Section 826.04, relating to incest.

Section 827.03, relating to aggravated child abuse.

Section 827.05, relating to negligent treatment of children.

Section 827.071, relating to sexual performance by a child.

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