

PARK DISTRICT OF THE CITY OF FARGO
CRIMINAL BACKGROUND CHECK POLICY
POLICY NO. 115

Date Approved by Park Board 03/17/09

Date Reviewed by Staff 04/01/19

In order to preserve the safety and well-being of all those who participate in the Fargo Park District (FPD) activities, including employees and volunteers, the Board of Commissioners adopts the following policy requiring background screening for hiring of employees.

Applicants for employment will be required to sign a written authorization form allowing FPD to order an individual criminal background check of the applicant. The authorization form must be turned in prior to the start of employment. The applicant's employment, if service is provided prior to the background check being completed, is conditional. The conditional employment status with the FPD may be terminated immediately, for cause, if the background check discloses prior conduct such as listed below.

Seasonal part-time and temporary full-time employees will have a background check completed every year. Regular full-time and regular part-time employees will have a background check completed every 3 years. Background checks might not be done on employees who are minors because there is typically an inability to receive any background information on minors. However, minors who are in positions that require operating FPD licensed vehicles will have a driver's history and licensure check completed.

FPD reserves the right to conduct random checks of its current full-time and part-time employees.

All background checks will minimally include a check for conduct involving the matters described below. FPD will determine what, if any, additional areas to check are required by position. e.g. Drivers history, licensure and credit history.

FPD, in its sole discretion, will select a reporting agency or method to conduct the criminal background checks. The program administrator will administer the process of requesting and reviewing background checks. All authorizations and information received as a result of the background check will be kept confidential and not disclosed to anyone outside of FPD.

Should the background check disclose that the applicant was subject to any of the following offences, which would result in the application being rejected, the program administrator is responsible for notifying that applicant in a confidential manner.

In the event the applicant believes a mistake has been reported in their criminal background check, it is the applicant's responsibility to contact the reporting agency and resolve any issues. FPD and its' employees are not responsible for errors or omissions that may be reported on background checks.

A person will be disqualified and prohibited from serving as an employee for the FPD if the person has been found guilty of the crimes described in items 1 through 4 below. Guilty means the person was found guilty following a trial, entered a guilty plea, entered a no contest plea accompanied by court's finding of guilty, regardless of whether there was an adjudication of guilt (conviction) or a withholding of guilt or the record has been expunged. This policy does not apply if criminal charges resulted in acquittal or dismissal.

1. Any sexual offense, regardless of the amount of time since the offense. Examples include, but are not limited to:

- Child molestation, rape, sexual assault, sexual battery, sodomy, prostitution, solicitation, indecent exposure.

2. Any felony that constitute offenses against the person, regardless of the amount of time since the offense. Examples include, but are limited to:

- Murder, manslaughter, aggravated assault, kidnapping, robbery, aggravated burglary.

3. Any crime, misdemeanor or felony involving children, regardless of the amount of time since the offense.

4. Any felony offense, other than those against the person or sexual, within the past 10 years. Examples include, but are not limited to:

- Drug offenses, theft, embezzlement, fraud.

A person may be disqualified and prohibited from servicing as an employee for the FPD if the person has been found guilty of the crimes described in items 5 through 7 below. The consent or concurrence of the Executive Director, the HR Director and one other department head, not to include the department head for the department to which the applicant would be assigned, (collectively, the "Background Check Committee") is required to effect the employment of a person found guilty of an offense or subject to an order under items 5 through 9 below. Careful consideration will be given by the Background Check Committee as to the nature of the offense, the rehabilitation of the individual, the offense as it relates to the position being applied for and the potential risk to the children, volunteers or employees. Under no circumstances will the applicant be considered if the crime was one against children, involved violence, or was of a sexual nature. Misdemeanor convictions, particularly when remote in time, may be reviewed particularly where the applicant's conduct since the conviction indicates rehabilitation and lack of risk to children. Fraud or theft convictions may prevent the applicant from any positions regarding handling money or property. The decision of this committee will be final.

5. Any misdemeanor that constitutes an offense against the person within the past 5 years. Examples include, but are not limited to:

- Simple assault, battery, domestic violence, hit & run.

6. Any misdemeanor drug and alcohol offense within the past 3 years or multiple of such offenses in the past 10 years. Examples include, but are not limited to:

- Driving under the influence, simple drug possession, drunk and disorderly, public intoxication, possession of drug paraphernalia.

7. All other misdemeanors within the past 3 years that could be considered a potential danger to children or is directly related to the functions of the applicant. Example of this is theft if the person is handling money.

In addition, applicants may be disqualified if they have:

8. Been adjudged liable for civil penalties or damages involving conduct substantially similar to the criminal activity described in items 1 through 7 above.

9. Been subject to any court order involving sexual abuse or physical abuse of a minor, including but not limited to a domestic order of protection.

Should any charges for the above-mentioned offenses be pending or brought against an employee during the term of their employment with FPD, the employee shall be suspended until such time as the charges have been cleared or dropped and they are reinstated by the staff. An employee is required to disclose to the Department Director or the HR Director any charges that are brought during his/her time with the department.

Nonwaiver:

Nothing in this policy shall be construed as a waiver or limitation of the discretion of the FPD to disqualify an applicant for employment when, in the sole opinion of FPD, such is in the interests of the FPD, its staff, or its program participants and the FPD programs.