

CHAPTER 35: PERSONNEL POLICIES

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§ 35.01 WORKERS' COMPENSATION.

All officers of the city elected or appointed for a regular term of office, or to complete the unexpired portion of any regular term shall be included in the definition of *EMPLOYEE*, as defined in M.S. § 176.011, as it may be amended from time to time, relating to coverage for purposes of workers' compensation entitlement.

(Prior Code, § 2.12)

Statutory reference:

Workers' compensation, see M.S. Chapter 176

§ 35.02 PERSONNEL RULES AND REGULATIONS.

The Council may, by resolution, establish personnel rules setting forth the rights, duties and responsibilities of employees. The rules may from time-to-time be amended.

(Prior Code, § 2.51)

§ 35.03 ACCESS TO CRIMINAL HISTORY DATA OF CITY EMPLOYEES AND APPLICANTS.

(A) The Police Department is hereby directed to request and disseminate private data regarding employees and applicants for employment of the city, and for the purpose of licensure where statutorily required. The subject of that private data must give his or her informed consent prior to requested dissemination of the data. Access for these purposes shall be limited to MN CCH public data, and those states that will allow such access only. Access to III for these purposes is prohibited.

(B) The Minnesota BCA, in cooperation with the FBI, has allowed the Police Department access to the CJIS/NCIS system. The Police Department is authorized to request MN CCH and III data, using the appropriate purpose codes to comply with statutory system security requirements. Anyone having unescorted physical access to the Police Department or the

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Department computers also must submit two FBI “applicant” fingerprint cards to the BCA, for the purpose of conducting a criminal history background check. This includes janitorial staff, receptionists and computer technicians employed or contracted to the department.

(C) The subject of the private data must give his or her informed consent in writing on the consent form known as Exhibit A, a copy of which is on file in the office of the Clerk-Treasurer. The subject's signature is to be notarized.

(D) In the event of a questionable identity, where it is not clear if a record based on name and date of birth actually belongs to the applicant, the applicant's identity will be determined by the submission of fingerprint cards to compare against the actual arrest record.

(E) Any information collected as a result of this search will be disseminated to the appropriate supervisor in summary form only. Copies of the information shall not be distributed in any form, and any printed version will be shredded upon completion of a summary.

(F) The city authorizes the use of Minnesota CCH data for the purpose of screening an applicant, and requires the applicant be notified of the reason(s) for denial of employment if the denial is based upon data from the Minnesota CCH.

(G) In administering this section, the city will comply with M.S. Chapter 364 as may be applicable.

(H) Per M.S. § 299C.62, the Child Protection Background Check Act, the city will submit background checks directly to the Minnesota Bureau of Criminal Apprehension for all city employees and applicants who are child contact workers.
(Ord. 124, passed 9-8-2009)

§ 35.99 PENALTY.

Any person violating any provision of this chapter shall be subject to § 10.99.