

Chapter 2.36

CRIMINAL CONVICTION AS DISQUALIFICATION FOR CITY EMPLOYMENT

Sections:

- 2.36.010 Consideration of mitigating circumstances.**
- 2.36.020 Notice of disqualification.**
- 2.36.030 Appeal.**
- 2.36.040 Peace officer—Disqualification without appeal.**
- 2.36.050 City officers permitted access to criminal records.**

2.36.010 Consideration of mitigating circumstances.

Except as otherwise provided in this chapter, conviction (including pleas of guilty and nolo contendere) of a felony or misdemeanor shall be prima facie disqualification of any applicant for employment by the city; provided, however, that the appointing authority may disregard such conviction if it is found and determined by such appointing authority that mitigating circumstances exist. In making such determination, the appointing authority shall consider the following factors:

- A. The classification, including, its sensitivity, to which the person is applying or being certified and whether the classification is unrelated to the conviction;
- B. The nature and seriousness of the offense;
- C. The circumstances surrounding the conviction;

D. The length of time elapsed since the conviction;

E. The age of the person at the time of the conviction;

F. The presence or absence of rehabilitation or efforts at rehabilitation;

G. Contributing social or environmental conditions. (Ord, 260 § 1 (part), 1977)

2.36.020 Notice of disqualification.

The appointing authority shall give notice of disqualification to an applicant disqualified under this chapter. Such notice shall be in writing and delivered personally or mailed to the applicant at the address shown on the application for employment. (Ord. 260 § 1 (part), 1977)

2.36.030 Appeal.

An applicant who is disqualified for employment under this chapter may appeal such determination of disqualification. Such appeal shall be in writing and filed with the city clerk within ten days of the date of the notice of disqualification. The city council shall hear and determine the appeal within ninety days after it is filed. The determination of the city council on the appeal shall be final. (Ord. 260 § 1 (part), 1977)

2.36.040 Peace officer—Disqualification without appeal.

Notwithstanding the provisions of Section 2.36.030, an applicant for a peace officer position shall be disqualified, without right of appeal, from employment if the applicant shall have been convicted of a felony or

misdemeanor. (Ord. 260 § 1 (part), 1977)

2.36.050 City officers permitted access to criminal records.

Pursuant to Section 11105 of the Penal Code of the state, the following officers of the city are authorized to have access through the police department criminal records security officer to and to utilize state summary criminal history information when it is needed to assist them in fulfilling employment duties set forth in this chapter: City administrator, city clerk, chief of police, or second in command of the police department. (Ord. 260 § 1 (part), 1977)