



JACKSON COUNTY

Human Resources Department

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Memo

TO: Jackson County Board of Commissioners

FROM: Kathleen Breedlove, Human Resources Director

DATE: August 18, 2020

SUBJECT: Amendment of Criminal History Check Ordinance No. O06-01

The Criminal History Check Ordinance No. O06-01 was adopted April 4, 2006 to provide a policy and procedures for conducting criminal history checks on final applicants for employment through SBI/DCI pursuant to the authority vested in Jackson County as authorized by North Carolina General Statutes 153A-11 and 153A-12.

The most recent biennial audit conducted by the North Carolina State Bureau of Investigation revealed the need for Jackson County to amend the Criminal History Check Ordinance to include Jackson County volunteers and fire department applicants.

The attached amendment is provided for your review and consideration. Additions are *italicized* and deletions are indicated by ~~strike throughs~~.

Attachments: Criminal History Check Ordinance No. O06-01



**JACKSON COUNTY
CRIMINAL HISTORY CHECK ORDINANCE
Adopted April 04, 2006
Amended August 18, 2020**

The Jackson County Criminal Check Ordinance is hereby amended as follows:

This Ordinance adopted by the Jackson County Board of Commissioners is to provide a policy and procedures for conducting criminal history checks through SBI/DCI on final applicants for employment, *volunteers with Jackson County, and fire department applicants*. This ordinance is adopted pursuant to the authority vested in Jackson County by the General Assembly of the State of North Carolina in Sections 153A-11 and 153A-12 of the North Carolina General Statutes.

1. In order to protect the citizens of the county and their properties, the procedures herein are established to provide for fingerprinting and criminal history checks on all final applicants for ~~regular full and part-time positions~~ *employment and volunteers* in the county government, *and fire department applicants*. Subject to Division (C) of this section, employment *and volunteer opportunities with the county*, may be denied for those persons convicted of any crime against a person, or crimes against property where intent is an element, or any drug or gambling related offense.

(A) The County Manager, or designee, may conduct an investigation of any final candidate *applicant for employment a permanent full-time or part-time position, a volunteer with the county government or a fire department applicant.* ~~and it~~ It shall be a precondition of employment ~~that an~~ the applicant *or volunteer for such a position shall authorize the inquiry and* upon request, provide fingerprints and all other necessary personal identification *information, which may include* ~~including~~ a birth certificate, social security number and drivers license, if available, so that the County Manager, or designee, may cause a thorough search to be made of local and state criminal records to determine if the applicant *or volunteer* has a history of criminal convictions or the crimes enumerated above by use of the Division of Criminal Information Network (DCI).

(B) The Emergency Management/Communications Department shall provide the findings from the use of the DCI to the County Manager, or designee, provided that all necessary agreements with the State Bureau of Investigations Division of Criminal Information have been executed.

(C) An evaluation of any crime for purposes of employment will take into account the nature and the circumstances of the offense and the time frame of the offense as it relates to the essential job functions or the position applied.

(D) Prior to denial or termination of employment, *volunteer opportunities, or fire department applicants* based upon criminal history record information (CHRI) received from the Emergency Management Office, the County Manager shall verify the existence of a record by either obtaining a certified public record or by submitting a fingerprint card of the individual to the criminal information and identification section for verification *in accordance with NCGS 143B-943 and NCGS 143B-945* that the CHRI record belongs to the individual.

2. If this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given separate effect and to that end the provisions of this Ordinance are declared to be severable.

3. Any Ordinance or any part of an Ordinance in conflict with this Ordinance, to the extent of such conflict, is hereby repealed.

4. This Ordinance is adopted in the interest of public health, safety, and general welfare of the inhabitants of Jackson County, North Carolina, and shall be in full force and effect from and after its adoption.

Nothing contained herein shall repeal, modify or amend any Federal or State law or regulation, or any County ordinance or regulation pertaining thereto.

(Ord. No. O06-01)

Amendment Adopted the 18th day of August, 2020.

JACKSON COUNTY BOARD OF COMMISSIONERS

By: _____
BRIAN THOMAS MCMAHAN, Chairman

Attest:

ANGELA M. WINCHESTER, Clerk to the Board