File #: 18-0569, **Version:** 1

Human Resources Department recommending the Board approve and authorize the Chair to sign Resolution **062-2018** authorizing the Director of Human Resources to serve as a Custodian of Records with the California Department of Justice for the County of El Dorado Human Resources Department.

FUNDING: General Fund.

DEPARTMENT RECOMMENDATION

Human Resources Department recommending the Board approve and authorize the Chair to sign Resolution **062-2018** authorizing the Director of Human Resources to serve as a Custodian of Records with the California Department of Justice for the County of El Dorado Human Resources Department.

DISCUSSION / BACKGROUND

The California Department of Justice (DOJ) is mandated to maintain the statewide criminal record repository for the State of California. Authorized by California statute, the DOJ has processed State of California and Federal Bureau of Investigation (FBI) fingerprint-based background checks. While all criminal background check requests must be authorized by statute, some are mandatory while others are permissive. In the past few years there has been a heightened awareness of the availability of criminal background checks to aid in regulatory hiring decisions.

A Custodian of Records means that the individual designated by an agency as responsible for the hiring decisions, and for the security, storage, dissemination, and the destruction of the criminal records furnished to the agency, and who serves as the primary contact for the DOJ for any related issues. Each agency must have at least one Custodian of Records; the Director of Human Resources will serve as the Custodian of Records for Human Resources Department background requests only.

Penal Code section 11105(b)(11) authorizes a city, county, or special district to request criminal record information from the DOJ in order to assist in fulfilling employment, certification, or governing board of the city, county, or district if the criminal history information is required to implement a statute, ordinance, or regulation that expressly refers to specific criminal conduct applicable to the subject person of the state summary criminal history information, and contains requirements or exclusions, or both, expressly based upon that specified criminal conduct. In addition to state level summary criminal history information, a city, county, or special district may request federal level summary criminal history information from the FBI.

In order for the DOJ to determine whether the County of El Dorado, Department of Human Resources and the current Director of Human Resources meets the requirements to obtain state and federal level summary criminal history information pursuant to Penal Code section 11105 (b)(11), the Board of Supervisors must sign a resolution outlining the request, which will then be submitted with the Director of Human Resources' application.

ALTERNATIVES
The Board could choose not to approve and authorize the Chair to sign the resolution authorizing the current Director of Human Resources to serve as a Custodian of Records with the California Department of Justice for the County of El Dorado.

OTHER DEPARTMENT / AGENCY INVOLVEMENT
California Department of Justice

CAO RECOMMENDATION
It is recommended that the Board approve this item.

FINANCIAL IMPACT
The Human Resources Department will pay a total of $79 in fees ($49 state/federal background check and $30 for a confirmation fee).

CLERK OF THE BOARD FOLLOW UP ACTIONS
Upon Board approval, please provide Katie Lee in Human Resources with a copy of the fully executed Resolution.

STRATEGIC PLAN COMPONENT
Good Governance

CONTACT
Tameka Usher, Director of Human Resources