

**CHAPTER 3 DEPARTMENTS**

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### ORDINANCE 300 EMPLOYMENT POLICIES

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Section 300.01: COUNCIL TO MAKE POLICIES. The City Council may, from time to time, establish, adopt, revise, amend, and rescind such policies governing employment with the City of Kimball as may be deemed necessary and appropriate in the sole discretion of the City Council.

Section 300.02: NO CONTRACT OF EMPLOYMENT. Employment with the City of Kimball shall be employment at will. Employees shall serve at the pleasure of the City Council. All terms and conditions of employment, including specifically, but not exclusively, hiring, wages, benefits, compensation, working conditions, hours of work, duties, and termination, may be altered or amended by the City Council at any time for any lawful reason. Nothing herein shall be construed as a contract of employment, a guarantee of continued employment, or a guarantee of continued benefits.

Section 300.03: ORAL CONTRACTS NOT BINDING. No contract of employment shall be binding upon the City of Kimball unless it is in writing, signed by the Mayor and attested by the City Clerk. No oral promise, contract, or guarantee of employment shall be binding on the City.

Section 300.04: PRIOR CONTRACTS VOIDED. Any contract of employment, whether express or implied, made by the City of Kimball prior to the effective date of this Code, shall be null and void as of the effective date of this Code. No employee who was previously covered by a contract of employment with the City of Kimball, whether express or implied, shall, by reason of continued employment with the City of Kimball, be deemed to have given adequate consideration to support a finding that such prior contract survived the effective date of this Code.

Section 300.05: EMPLOYMENT BACKGROUND CHECKS.

Subd. 1. Applicants for City Employment:

- (a) Purpose. The purpose and intent of this Section is to establish regulations that will allow Law Enforcement access to Minnesota's Computerized Criminal History information for specified non-criminal purposes of employment background checks for the positions described in Section 1.B.(1).
- (b) Criminal History Employment Background Investigations. The City of Kimball Police Department is hereby required, as the exclusive entity within the City, to do a criminal history background investigation on the applicants for the following positions within the City, unless the City's hiring authority concludes that a background investigation is not needed:

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1. Employment positions: all seasonal, regular part-time and full-time employees and volunteers of the City of Kimball and other positions that work with children or vulnerable adults.
2. In conducting the criminal history background investigation in order to screen employment applicants, the Kimball Police Department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehensions Computerized Criminal History information system in accordance with BCA policy. Any data that is accessed and acquired shall be maintained at the Kimball Police Department under the care and custody of the chief law enforcement official or his or her designee. A summary of the results of the Computerized Criminal History data may be released by the Kimball Police Department to the hiring authority, including the City Council, the City Clerk, or other City Staff or consultants involved in the hiring process.
3. The City shall not request the criminal background check until the applicant has been selected for an interview or, if there is not an interview, before a conditional offer of employment is made to the applicant.
4. The background check, criminal history, and related background data are considered private, non-public data.
5. Before the investigation is undertaken, the applicant must authorize the Kimball Police Department by written consent to undertake the investigation. The written consent must fully comply with the provisions of Minnesota Statutes Chapter 13 regarding the collection, maintenance and use of the information. Except for the positions set forth in Minnesota Statutes Section 364.09, the City will not reject an applicant for employment on the basis of the applicant's prior conviction unless the crime is directly related to the position of employment sought and the conviction is for a felony, gross misdemeanor, or misdemeanor with a jail sentence. If the City rejects the applicant's request on this basis, the City shall notify the applicant in writing of the following:
  - A. The grounds and reasons for the denial.
  - B. The applicant complaint and grievance procedure set forth in Minnesota Statutes Section 364.06.
  - C. The earliest date the applicant may reapply for employment.
  - D. That all competent evidence of rehabilitation will be considered upon reapplication.