

Section 315 - Personnel

315.01. Appointments. The City Manager shall make every appointment to a position of City employment, except when State law, City Charter, or ordinance otherwise provides. Each appointment shall be based on merit and qualifications for the position as determined by the City Manager. (Amended Ord. No. 90-688)

315.02 Discipline. Except as otherwise provided by State law, City Charter, or ordinance, the City Manager or designee shall make all decisions regarding discipline of City employees, including suspension and termination. (Amended Ord. No. 90-688)

315.03 Administration. The City Manager may establish such administrative policies and rules as may be appropriate to administer the employment practices of the City. All City employees shall comply with these policies and rules. Changes to the personnel policy shall be distributed to the City Council for their review. (Amended Ord. No. 90-688)

315.05 Background Investigations. Subd. 1 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 background checks for the individuals described in Subdivision 2.

Subd. 2 Criminal History Employment Background Investigations: The Hopkins Police Department is hereby required, as the exclusive entity within the City, to perform criminal history background investigations, at the request of the hiring authority on all:

- a) applicants for the following positions within the City, unless the City's hiring authority concludes that a background investigation is not needed: finalists for City positions of employment, volunteers who are expected to work alone with minors or vulnerable adults, and persons volunteering in the Police or Fire Departments.
- b) applicants for liquor, massage, pawn shop, adult establishment, peddler, and solicitor licenses.
- c) adult applicants for, or tenants of, public housing for purposes of applicant screening, lease enforcement, and eviction. This information must be provided for persons 18 years of age or older, or for those convicted of a crime as an adult. Upon request the Police Department must provide the same information for juveniles but only to the extent that the release of such information is authorized by state or local laws.

Subd. 3 In conducting the criminal history background investigation in order to screen employment applicants, the Police Department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehensions (BCA) Computerized Criminal History information system in accordance with BCA policy. Any data that is accessed and acquired shall be maintained at the Police Department under the care and custody of the chief law enforcement official or his or her designee. Only a summary of the results of the Computerized Criminal History data may be released by the Police Department to the hiring authority, including the City Manager, Assistant City Manager, or other City staff involved in the hiring process.

Subd. 4 Before the investigation is undertaken, the applicant must authorize the Police Department by written consent to undertake the investigation. The written consent must fully comply with the provisions of Minn. Stat. Chap. 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 for which a jail sentence may be imposed. 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.

(Section 315.05 was revised and Section 315.07 repealed by Ord. 2009-1010)