



Background Check Policy

POLICY

The Minneapolis Park & Recreation Board (MPRB) will request all applicants who receive an offer of employment, and volunteers and contract workers in specific positions, be subject to a background investigation which may include criminal history, driver's license records, and/or credit history checks as necessitated by position requirements. Criminal history checks will be conducted in accordance with the Minnesota Child Protection Background Check Act, Minn. Stat. §299C.60 et. seq. (2012) and other background checks as allowed by law. Any offer of employment, volunteer position or contracted work in specific positions will be conditional upon a determination by the MPRB that an applicant's background investigation results do not preclude the individual from employment with the MPRB.

The MPRB specifically reserves any and all rights it may have to request consent to conduct criminal background checks at any time regarding current volunteers, contractors, applicants, or employees. In addition, if the MPRB knows or has reason to believe that a current employee, volunteer, or contractor has a criminal conviction that pertains to their current position, that individual will also be requested to consent to a background investigation as described above. The MPRB will also require a background check on all individuals prior to transfer, or promotion. Adherence to this policy by the MPRB, its employees, and job applicants or others shall in no way limit the MPRB's right to require additional information or to use procedures currently in place or other procedures to gain information concerning criminal activities of employees and applicants.

I. Convictions for which applicant will be denied employment, volunteering, and contracting:

A. The MPRB is a "children's service provider," as that term is defined in Minn. Stat. § 299C.61. It is the policy of the MPRB to consider all employees, volunteers and certain contractors as "children's service workers," and as such, to disqualify from employment, volunteering or contracting with the MPRB all applicants for employment, employees, volunteers and certain contractors who have been convicted of a background check crime set forth in the Minnesota Child Protection Background Check Act, Minn. Stat. § 299C.60 et. seq. The following crimes are included in the Act:

Background check crimes are defined as:

- A. Child Abuse Crimes
- B. Murder
- C. Manslaughter
- D. Felony level assault or
- E. Any assault crime committed against a minor
- F. Kidnapping
- G. Arson
- H. Criminal sexual conduct
- I. Prostitution related crimes



Child Abuse Crimes are defined as any of the below crimes committed against a minor victim:

- A. Murder in the first degree in the commission of child abuse (609.185(a)(5))
- B. Assault in the first degree (609.221)
- C. Assault in the second degree (609.222)
- D. Assault in the third degree (609.223)
- E. Assault in the fifth degree (609.224)
- F. Domestic assault (609.2242)
- G. Solicitation, inducement and promotion of prostitution (609.322)
- H. Engaging, hiring or housing prostitutes (609.324)
- I. Criminal sexual conduct in the first degree (609.342)
- J. Criminal sexual conduct in the second degree (609.343)
- K. Criminal sexual conduct in the third degree (609.344)
- L. Criminal sexual conduct in the fourth degree (609.345)
- M. Solicitation of children to engage in sexual conduct; communication of sexually explicit materials to children (609.352)
- N. Malicious punishment of a child (609.377)
- O. Neglect or endangerment of child (609.378)

Child Abuse Crime is also defined as commission of the following:

- P. Controlled substance crime in the first degree-sale of certain amounts of certain drugs or sale of certain amounts of the same drugs in school zone, park zone, public housing zone, or drug treatment facility (152.021, subd. 1(4))
- Q. Controlled substance crime in the second degree-sale of certain drugs to minor or employing minor to sell certain drugs (152.022, subd. 1(5))
- R. Controlled substance crime in the second degree-sale of certain drugs in a school zone, park zone, public housing zone, or drug treatment facility (152.022, subd. 1(6))
- S. Controlled substance crime in the third degree-sale of certain drugs to minor (152.023, subd. 1(3))
- T. Controlled substance crime in the third degree-conspiracy with or employment of minor to sell certain drugs (152.023, subd. 1(4))
- U. Controlled substance crime in the third degree-possession of certain drugs in school zone, park zone, public housing zone or drug treatment facility (152.023, subd. 2(4))
- V. Controlled substance crime in the third degree-possession of certain drugs in school zone, park zone, public housing zone or drug treatment facility (152.023, subd. 2(6))
- W. Controlled substance crime in the fourth degree-sale of certain drugs to minor (152.024, subd. 1(2))
- X. Controlled substance crime in the fourth degree-conspiracy with or employment of minor to sell certain drugs (152.024, subd. 1(3))
- Y. Controlled substance crime in the fourth degree-sale of certain drugs in school zone, park zone, public housing zone or drug treatment facility. (152.024, subd. 1(4))



- II. In addition to the crimes listed above, it is the policy of the MPRB to disqualify from employment, volunteering or contracting with the MPRB applicants for employment, employees, volunteers and certain contractors in the following divisions, departments or work units as follows:
- i. Environmental Stewardship Division. Individuals with convictions, which may include but are not limited to, the following crimes:
 - ◇ Previous ten years for: Robbery.
 - ◇ Previous five years for: Assault 5th degree – misdemeanor for intent to cause fear of bodily harm or death or intentionally inflict or attempt to inflict bodily harm, theft, extortion, larceny, drug related crimes, weapon related crime.
 - ◇ Failure to disclose any criminal history may result in denial of employment.
 - ii. Recreation Services Division. Individuals with convictions, which may include but are not limited to the following crimes:
 - ◇ Previous ten years for: Robbery.
 - ◇ Previous five years for: Assault 5th degree – misdemeanor for intent to cause fear of bodily harm or death or intentionally inflict or attempt to inflict bodily harm, theft, extortion, larceny, drug related crimes, weapon related crime.
 - ◇ Failure to disclose any criminal history may result in denial of employment.
 - iii. Community Outreach Department. Individuals with convictions, which may include but are not limited to the following crimes:
 - ◇ Previous ten years for: Robbery.
 - ◇ Previous five years for: Assault 5th degree – misdemeanor for intent to cause fear of bodily harm or death or intentionally inflict or attempt to inflict bodily harm, theft, extortion, larceny, drug related crimes, weapon related crime .
 - ◇ Failure to disclose any criminal history may result in denial of employment.
 - iv. Customer Service Department, Superintendent's Office, Human Resources Department, Information Technology Department, Finance Department, Planning Division, Communications and Marketing Department and Park Police Department administrative support staff. Individuals with convictions, which may include but are not limited to the following convictions:
 - ◇ Previous ten years for: Robbery.
 - ◇ Previous five years for: Assault 5th degree – misdemeanor for intent to cause fear of bodily harm or death or intentionally inflict or attempt to inflict bodily harm, theft, extortion, larceny, drug related crimes, weapon related crime.
 - ◇ Failure to disclose any criminal history may result in denial of employment.
 - v. Park Police Department, excluding administrative support staff. Convictions, may include but are not limited to the following crimes:



- ◇ Sworn officers and Park Patrol Agents undergo a separate background investigation conducted by the Park Police that is more rigorous and extensive than background checks used for other positions.
- ◇ For sworn officers, the Minnesota Peace Officer Standards and Training (POST Board) has its own licensing rules; violation of such rules will lead to an individual's inability to be licensed and thus a rejection of employment.
- ◇ Conviction of the following will result in the rejection of police applicants (may include but not limited to):
 - Felony and gross misdemeanor convictions
 - Controlled substance conviction
 - Criminal sexual misconduct conviction
 - Conviction of assaulting, fleeing or eluding a police officer
 - Currently on probation
 - Existence of any outstanding arrest warrants or arrest history record that constitutes a general disregard for the law
 - Misconduct of a public officer or employee
 - Presenting false claims to a public officer or body
 - Conviction of medical assistance or welfare fraud
 - Computer crimes
 - Theft convictions
 - Crimes motivated by bias
 - Maltreatment of vulnerable adults
 - Registered sex offender
 - Conviction of 5th degree assault
 - Evidence that the applicant has misrepresented, omitted, or falsified any information to the Minneapolis Police Department
- ◇ Conviction of the following may result in the rejection of police applicants (may include but not limited to):
 - Gross misdemeanor convictions for all traffic law violations that not inclusive in Minnesota State Statutes
 - Driving under the influence, implied consent, or blood alcohol content over .08 on driving record in last five (5) years
 - Misdemeanor conviction (including traffic convictions, D.A.R., D.A.C., D.A.S. in last three years
 - Any undesirable discharge from the military or an honorable discharge that indicates the applicant is not eligible for re-enlistment
 - Past motor vehicle driving history (citations/accidents), history defined as more than two (2) incidents
 - More than two (2) "at fault" motor vehicle accidents within two (2) years
 - Receiving or concealing stolen property
 - Felony, gross misdemeanor or misdemeanor charge/conviction that resulted in De Novo diversion, a pardon or an expungement.
 - Affiliation or association with documented gang members or known criminals



- Documented pattern of unfitness or patterns of misconduct
- Documented instances of employee misconduct by previous employers
- Documented instances of undesirable work habits
- Evidence or admission of past abuse of controlled substances including the use of marijuana or any other controlled substance
- Failure of drug screen for marijuana or any other controlled substance
- Failure of psychological examination
- Failure of medical/eye examination

The disqualification period begins to run on the date that the applicant completes all court ordered requirements of the sentence or parole. .

- III. **INDIVIDUAL ASSESSMENT OF DISQUALIFYING CRIMES:** For all positions, a person who has been disqualified from employment, volunteering or contracting with the MPRB pursuant to this Policy is entitled to an individual assessment of whether an exception to the Policy should be granted. In determining whether to grant an exception to the Policy, the MPRB shall take into account 1) the nature and gravity of the offense; 2) the amount of time that has passed since the conviction and/or completion of sentence; and 3) the nature of the job held or sought. The disqualifying crimes shall be reviewed pursuant to the MPRB Background Check Procedures, copy attached, to determine whether an exception to the MPRB background check policy will be permitted.