



CITY COUNCIL AGENDA REPORT

MEETING DATE: February 16, 2010

ITEM NUMBER: Item Number

SUBJECT: ADOPT RESOLUTION OF THE CITY COUNCIL TO AUTHORIZE STATE AND FEDERAL LEVEL CRIMINAL BACKGROUND CHECKS FOR NEW EMPLOYEES AND EMERGENCY MEDICAL TECHNICIANS

DATE: FEBRUARY 16, 2010

FROM: ADMINISTRATIVE SERVICES DEPARTMENT/HUMAN RESOURCES DIVISION
FIRE DEPARTMENT/EMS DIVISION

PRESENTATION BY: LANCE NAKAMOTO, HUMAN RESOURCES ADMINISTRATOR
LARRY GRIHALVA, EMS COORDINATOR

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RECOMMENDATION:

1. Adopt Resolution 10 - ____ (Attachment I) authorizing the City to access state and federal level criminal history information for employment purposes and authorizing the Fire Department to access state and federal level criminal history information for certification purposes.

BACKGROUND:

Currently, the City performs Live Scan fingerprinting of all new employees and submits them to the California Department of Justice (DOJ) for a criminal background check. The City receives summary criminal history on a state and local level on all employees who have been fingerprinted. Currently, the City receives summary criminal history on a federal level through the Federal Bureau of Investigation (FBI) on employees employed only in a safety and/or sworn capacity.

ANALYSIS:

Pre-Employment Criminal Background Checks

Penal Code Section 11105(b)(11) and 13300(b)(11) authorizes cities to access state, local and federal summary history information for employment, licensing or certification purposes through the DOJ. Summary criminal history received from the CA DOJ includes only criminal information for acts that were committed within the State of California. Currently the City can access criminal information for acts that were committed outside the State of California for safety employees only. The Human Resources Division wishes to expand the current Live Scan process to include a federal level criminal background check for all City employment.

Emergency Medical Technician Background Checks

Currently, all California Mobile Intensive Care Paramedics (MICPs) –who provide Advanced Life Support (ALS) level care– are *licensed* by the California Emergency Medical Services Authority (EMSA), and are listed in a centralized state registry. In contrast, California Emergency Medical Technicians (EMTs) –who provide Basic Life Support (BLS) level care– are *certified* by myriad different organizations (e.g., public safety agencies, county departments of health), and there is no centralized registry that allows efficient monitoring of EMTs by EMSA. This inconsistency was resolved with California Assembly Bill No. 2917 (Chaptered September 25, 2008), which mandates criminal background checks and subsequent arrest notification for all EMTs, and integration of all EMTs into the EMSA centralized registry.

The Costa Mesa Fire Department is an EMT “certifying entity” pursuant to Health & Safety Code Division 2.5 (Chapter 2, Section 1797.62), which means that the Fire Department is authorized to provide the requisite 24 hours of continuing education each 2-year certification cycle, as well as to issue renewal EMT certification cards to all Firefighter EMTs. As a condition of employment, all Costa Mesa Firefighters are required to be EMT certified. Pursuant to AB 2917, the Fire Department is required to perform Live Scan fingerprinting of all Fire Department EMTs, to include a state Department of Justice (DOJ) criminal background check, a Federal Bureau of Investigation (FBI) criminal background check, and initiation of Subsequent Arrest Notification (SAN) service by the DOJ. This must be a separate process from the pre-employment criminal background check that is conducted by the Human Resources Division. The Fire Department must be listed as the primary recipient of the subsequent arrest notification and the State EMS Authority as the secondary recipient. Before this process can occur, the Fire Department must send to the DOJ a resolution from the City Council that specifically authorizes the Fire Department to access state and federal summary criminal history information for purposes of EMT certification.

ALTERNATIVES CONSIDERED:

The resolution is a mandatory prerequisite for establishing an official agreement with the DOJ that allows the Fire Department and Human Resources Division to access criminal history information.

FISCAL REVIEW:

Once the resolution has been submitted to the DOJ and the Fire Department’s application has been approved, there will be costs for all current employees to be fingerprinted. These costs include:

1. **Initial Costs** (70 EMTs) – **\$6580.00** (one time cost)
 - \$37.00 EMSA Registry Fee
 - \$38.00 DOJ Fee
 - \$19.00 FBI Fee

2. **Ongoing Costs** (70 EMTs) – **\$2590.00** (every 2 years)
 - \$37.00 Registry Fee

The initial cost of \$6,580 can be paid from existing appropriations and therefore no further budget increases will need to be made at this time. Ongoing costs will be incorporated into the annual budget when necessary.

LEGAL REVIEW:

The City Attorney's Office has reviewed the attached document and, where appropriate, approved them as to form.

CONCLUSION:

So that the Human Resources Division can carefully and responsibly expand the criminal history check to include the federal level; and the Fire Department is enabled to comply with state law, Staff respectfully requests that the City Council approve the resolution as written.

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ATTACHMENTS: | [021610 Resolution # 10 - DOJ FBI Checks Pre-Employment & Certification](#)