

**RESOLUTION NO. 3595**

**A RESOLUTION APPROVING A CITY OF MILES CITY RSVP CRIMINAL HISTORY CHECK POLICY**

*WHEREAS*, the City of Miles City sponsors the Retired Senior Volunteer Program, hereinafter referred to as “RSVP;”

*AND WHEREAS*, RSVP has requested that the City of Miles City approve a City of Miles City RSVP Criminal History Check Policy in order to comply with certain Federal requirements;

*AND WHEREAS*, the City Council finds that such policy should be adopted;

**NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA AS FOLLOWS:**

1. That the City of Miles City RSVP Criminal History Check Policy, attached hereto as Exhibit “A,” and made a part hereof, is hereby approved and adopted.
2. Said policy shall become effective immediately upon the passage of this resolution.

**SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 28th day of May, 2013.**

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C.A. Grenz, Mayor

ATTEST:

\_\_\_\_\_  
Connie Watts, Deputy City Clerk

## Exhibit "A"

### City of Miles City

#### RSVP CRIMINAL HISTORY CHECK POLICY

Under the Serve America Act (SAA), RSVP grantees are required to conduct and document a National Service Criminal History Check that includes a fingerprint based FBI criminal history on individuals, paid through Corporation for National & Community Service (CNCS) grant funds, who begin work on or after April 21, 2011.

The National Service Criminal History Check must include (1) a nationwide check of the Department of Justice's National Sex Offender Public Web site (NSOPW) (<http://www.nsopw.gov>) and (2) either (a) a name or fingerprint-based search of the official state criminal history registry in the state in which the grantee is operating and of the official state criminal history registry in the state in which the individual resides at the time of application, or (b) submission of fingerprints through a state central record repository to the Federal Bureau of Investigation for a national criminal history background check.

Because of the importance of proper screening and because the NSOPW is a widely-available and free public resource, the NSOPW search must be nationwide (i.e. all states and territories) in order to meet the National Service Criminal History Check requirement. If any of the databases comprising the NSOPW are down, offline, or otherwise unavailable, the NSOPW check is incomplete until all databases are checked. Additionally, because of the availability of this free public resource, grantees must conduct an NSOPW check for any individual currently serving or working in a covered position defined under this rule, regardless of when the individual was hired or stated service, and regardless of their access to vulnerable populations. Finally, as a prudential action, all Corporation of National and Community Service grantees, when conducting a search of the name-based NSOPW, should include not only the applicant's current legal name, but also any previous names or aliases by which the applicant may have been known.

**RSVP employees** must complete the NSOPW check *before* beginning work.

It is not necessary to perform an additional National Service Criminal History Check on an individual who serves consecutive terms of service with the same grantee (City of Miles City) when the break in service does not exceed 120 days, as long as the original check is a compliant check.

CNCS considers the cost of this required National Service Criminal History Check a reasonable and necessary program grant expense, such cost being presumptively eligible for reimbursement. In any event, a grantee should include the costs associated with its screening process in the grant budget it submits to CNCS for approval.

Refusal to participate in background check: Any individual who refuses to consent to the Criminal History Check, or makes a false statement in connection with a grantee's inquiry concerning the individual's criminal history, is not eligible to serve as an employee of RSVP/City of Miles City.

**Documentation Requirements:**

The City of Miles City must retain the criminal history check results along with written documentation that they considered the results in selecting the individual. The City of Miles City must review and determine that the information returned by the governmental body issuing criminal history registry results provides information that would allow the City to determine whether or not an individual was eligible to work or serve. For example, if the City received a document from the statewide criminal history registry that indicates that they individual is "cleared" for service/employment based upon an agreement that describes CNCS's standards for eligibility, that clearance document may be retained as the sufficient documentation of the criminal history check results, along with written documentation that the grantee considered the result in selecting the individuals.

**Disqualification of Registered Sex Offenders and Convicted Murderers:**

An individual who has been convicted of murder and/or is registered, or who is required to be registered, on a state sex offender registry is deemed unsuitable for, and may not serve as an employee of RSVP.

**Right to Review and Challenge:**

Applicants have the right to review and challenge the results of the National Service Criminal History Check. A copy of such results shall be provided to the applicant upon request.