

Montgomery County Board of Commissioners

Ordinance 2021-12

An Ordinance Amending the County's Policies to Require Criminal Background Checks

WHEREAS, the Board of Commissioners periodically reviews County policies in order to manage risk related to providing government services and receives recommendations from the Risk Management Committee; and

WHEREAS, as a result of these reviews and recommendations, the Board has determined that criminal background checks should be required for all persons applying for employment with the County government; and

WHEREAS, the Board has recently entered into an agreement with Safe Hiring Solutions to provide background check services; and

WHEREAS, the Board also finds that the County's policies should be amended to require criminal background checks of all persons applying for employment with the County government.

NOW, THEREFORE, IT IS ORDAINED by the Montgomery County Board of Commissioners that a new section, namely Section 36.34 is hereby added to the County Code and that this new section will read as follows:

“§36.34 CRIMINAL HISTORY BACKGROUND CHECKS REQUIRED

- (A) **Criminal History Background Checks Required.** Hiring agents of Montgomery County shall cause a criminal history background check for all persons applying for employment with the County government. These checks must be completed prior to employment of the person applying for the position.

- (B) **Vendor.** Montgomery County has engaged a vendor to provide these criminal history background checks, and the hiring agent will coordinate the use of this service with the County Administrator.
- (C) **Use of Information.** Hiring agents will evaluate the information received from a criminal history background check and use the information, along with other information gathered from the applicant, in order to make hiring decisions. Applicants will not be automatically disqualified from employment because of the existence of a criminal history; rather, this information will be considered along with other information, and the hiring agent will consider the totality of the circumstances in order to make hiring decisions.
- (D) **Condition of Consideration.** Any person who applies for employment must consent to and authorize the background check as a condition of being a candidate for a position of employment with the County government.
- (E) **Exemption.** The Sheriff may utilize a separate service for background checks as part of the Sheriff's hiring process, and the Sheriff, the Sheriff Merit Board or other entity making the hiring decision for a position in the Sheriff's Department may use the information gathered from such background checks in any lawful manner.

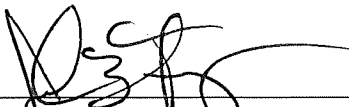
(Added by Ordinance 2021- 12, adopted March 22, 2021)”

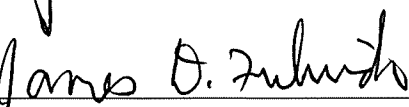
IT IS FURTHER ORDAINED that the County Administrator will inform all hiring personnel of this new policy.

IT IS FURTHER ORDAINED that all other provisions of the County Code which are not expressly amended by this ordinance will remain in full force and effect.

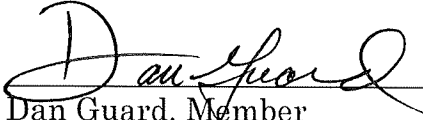
Adopted this 22nd day of March, 2021.


Montgomery County
Board of Commissioners:



John Frey, President

James D. Fulwider, Vice President


Dan Guard, Member

Attest 
Jennifer Andel, Auditor