

To: Board of Directors

Date: 02/15/2024

From: Dawud Brewer, Director of Human Resources

Reviewed by: *WC.*

SUBJECT: Proposed Change to Applicant Background Check Process

Background:

As part of its recruitment and onboarding process, candidates selected for employment at County Connection must successfully complete a background check, drug screening, and additional requirements specific to their job classification. Currently, County Connection utilizes an outside vendor to perform a candidate's background check as part of the pre-employment process. This cost can vary between \$200-\$600 per person.

Penal Code section 11105(b)(11) authorizes a city, state, county, special district, and joint powers authorities to request criminal record information from the Department of Justice (DOJ) to assist in fulfilling employment, certification, or licensing duties. This is completed through a system for electronic submission of applicant fingerprints and subsequent automated background check and response, commonly known as Live Scan and is used by a variety of other public entities statewide.

Comparably to our current process, the DOJ background check fees total approximately \$80 per person which would be a significant savings and allow for expeditious statewide records check rather than the manual process being employed by our current vendor.

The DOJ has established a confirmation program to process background responses. As such, individuals are designated by agencies to serve as Custodian of Records for hiring decisions, and for the security of related DOJ records. The Custodian(s) of Records must complete the livescan process and be confirmed by the DOJ. The Director of Human Resources and Manager of Human Resources have been designated as the Authority's Custodian of Records.

Finally, as a Joint Powers Authority (JPA) and as part of the application process to the DOJ, the County Connection Board of Directors must submit a signed resolution outlining the request to obtain state and federal level summary information pursuant to Penal Code section 11105(b)(11). The resolution must also outline that the federal level summary criminal history information will not be disseminated to a private entity.

Financial Implications:

In 2022, the Authority spent approximately \$13,520 and it is currently budgeted for \$15,000 in FY 2024 for hiring costs. With the implementation of the DOJ background process, the exact savings are unknown, but it is anticipated that the Authority may see a savings of approximately \$6,000-\$8,000 per year from its current process.

Recommendation:

Staff recommends approval of the Application for Authorization Pursuant to Penal Code Section 11105(b)(11), including a signed resolution outlining the request to obtain state and federal level summary information.

Action Requested:

Staff requests that the Board of Directors approve the Application for Authorization Pursuant to Penal Code Section 11105(b)(11), including a signed resolution outlining the request to obtain state and federal level summary information.

Attachment: Resolution 2024-013

RESOLUTION NO. 2024-013

**CENTRAL CONTRA COSTA TRANSIT AUTHORITY
BOARD OF DIRECTORS**

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Authorization for Department of Justice (DOJ) Livescan Process

WHEREAS, the County of Contra Costa and the Cities of Clayton, Concord, the Town of Danville, Lafayette, Martinez, the Town of Moraga, Orinda, Pleasant Hill, San Ramon and Walnut Creek (hereinafter "Member Jurisdictions") have formed the Central Contra Costa Transit Authority ("CCCTA"), a joint exercise of powers agency created under California Government Code Section 6500 *et seq.*, for the joint exercise of certain powers to provide coordinated and integrated public transportation services within the area of its Member Jurisdictions; and

WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) authorize cities, counties, districts and joint powers authorities to access state and local summary criminal history information for employment, licensing or certification purposes; and

WHEREAS, Penal Code Section 11105(b)(11) authorizes cities, counties, districts and joint powers authorities to access federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation; and

WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) require that there be a requirement or exclusion from employment, licensing, or certification based on specific criminal conduct on the part of the subject of the record; and

WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) require the city council, board of supervisors, governing body of a city, county or district or joint powers authority to specifically authorize access to summary criminal history information for employment, licensing, or certification purposes.

NOW THEREFORE, BE IT RESOLVED, that CCCTA is hereby authorized to access state and federal level summary criminal history information for employment with CCCTA (including volunteers and contract employees) and may not disseminate the information to a private entity; and

BE IT FURTHER RESOLVED that the CCCTA shall not consider a person who has been convicted of a violent or serious felony or misdemeanor eligible for employment (including volunteers and contract employees, if applicable), to the extent permissible by applicable federal, state, and local laws and regulations.

Regularly passed and adopted this 15th day of February 2024 by the following vote.

AYES:

NOES:

ABSTAIN:

ABSENT:

Don Tatzin, Chair, Board of Directors

ATTEST:

Lathina Hill, Clerk to the Board