



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 4/23/2019
Agenda Placement: 9B
Set Time: 10:15 AM PUBLIC HEARING
Estimated Report Time: 15 Minutes

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Karen Taylor - Interim Director
Human Resources
REPORT BY: Kevin Lemieux, Senior Human Resources Analyst - 253-4000
SUBJECT: First Reading of Amended Ordinance 2.100.181 (Fingerprinting and Background Checks)

RECOMMENDATION

First reading and intention to adopt an ordinance amending Section 2.100.181 of the Napa County Code as it relates to fingerprints and background checks for employees and contractors who serve minors, the elderly, and the disabled and employees who have access to federal tax information.

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

EXECUTIVE SUMMARY

Internal Revenue Service Publication 1075 augmented background check requirements for new and existing employees, contractors, and volunteers with direct access to Federal Tax Information (FTI). The amendment to Napa County Code Section 2.100.181 will ensure Napa County's compliance with fingerprinting and background check requirements for those with direct access to FTI. The amendment also reflects Federal Bureau of Investigation screening for all employees having access to criminal offender record information including custodians and building maintenance employees assigned to the Napa County Sheriff and/or District Attorney Offices.

PROCEDURAL REQUIREMENTS

1. Open Public Hearing.
2. Staff reports.
3. Public comments.
4. Close Public Hearing.
5. Clerk reads the Ordinance Title.
6. Motion, second, discussion and vote to waive the balance of the reading of the ordinance.

7. Motion, second, discussion and vote on intention to adopt the ordinance.

FISCAL IMPACT

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| Is there a Fiscal Impact? | Yes |
| Is it currently budgeted? | No |
| What is the revenue source? | Funding for background and fingerprint checks is appropriated each year in the Adopted Budget for the Human Resources Department however non-General Fund Departments reimburse the General Fund through the annual Cost Plan. |
| Is it Mandatory or Discretionary? | Mandatory |
| Is the general fund affected? | Yes |
| Future fiscal impact: | The increased cost of Federal Bureau of Investigation criminal background checks is estimated at \$2,200, which will be budgeted accordingly in future years. |
| Consequences if not approved: | The County risks noncompliance with Internal Revenue Service Publication 1075 regarding criminal background checks and fingerprinting. |
| Additional Information: | |

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

The Internal Revenue Service (IRS) added requirements to maintain the security of Federal Tax Information (FTI) used in the course of County business. IRS Publication 1075 states that employees with direct access to FTI must be fingerprinted and are subject to a Federal Bureau of Investigation (FBI) background search, and excluded from accessing FTI for certain criminal offenses. Napa County Code Section 2.100.181 designates when new and existing employees are subject to fingerprinting and background checks. The proposed amendment to the Napa County Code implements the changes prescribed by IRS Publication 1075.

The amendment also requires FBI screening for all employees having access to criminal offender record information and custodians and building maintenance employees assigned to the Napa County Sheriff and/or District Attorney Offices.

The amended ordinance will take effect 30 days after the second reading of the amended ordinance, with a slight impact to the County General Fund. With the second reading, staff will be recommending a policy change to reflect the new regulations. This policy change did require the County to meet and confer with its bargaining groups.

SUPPORTING DOCUMENTS

- A . Exhibit A - Amended Ordinance (final version)
- B . Exhibit A - Amended Ordinance (with tracked changes)

CEO Recommendation: Approve

Reviewed By: Helene Franchi