

Implementing Order



Implementing Order No.: IO 7-41

Title: PRE-EMPLOYMENT FINGERPRINT-BASED CRIMINAL HISTORY RECORDS CHECK

Ordered: 3/17/2015

Effective: 3/27/2015

AUTHORITY:

Section 1.01 and 2.02 of the Miami-Dade County Home Rule Amendment and Charter; Section 2-30 of the Code of Miami-Dade County.

SUPERSEDES:

This Implementing Order supersedes Administrative Order 7-41, approved by the Board on October 18, 2005 and effective October 28, 2005.

POLICY:

It is the policy of Miami-Dade County to perform a comprehensive pre-employment fingerprint-based criminal history records check on applicants, volunteers, interns, contractors, and contractual temporary personnel prior to commencement of employment or service with the County, who have been identified as critical to security or public safety; and any private contractor or employee of a private contractor who have direct contact with individual members of the public or access to any public facility or publicly-operated facility where such contact or access is critical to security or public safety. The review of criminal history information and its potential relevance to job responsibilities is a pre-employment requirement and no person shall be appointed or permitted to begin work or service with the County without an appropriate level of review of this information by each department's hiring authority. Criminal history information should be used by hiring managers to make informed selection decisions and to minimize exposure to any post-employment misconduct.

APPLICABILITY OF THIS ORDER:

The County's background check will be administered by the Human Resources Department (HRD) or its successor department and will include a pre-employment fingerprint-based criminal history records check through the Florida Department of Law Enforcement (FDLE) and Federal Bureau of Investigations (FBI) databases. As herein provided, all new hire employees, appointees, personnel and individuals as specified above will undergo such a background check, including new hire employees of certain County departments that are subject to special provisions of the Florida Statutes mandating fingerprint-based criminal history records checks that include an FDLE and FBI database search. Additionally, departments required to conduct special background checks under other Florida statutory requirements must comply with these provisions.

PROCEDURE:

It is vitally important to ensure the timely and fair use of such information as a component of Miami-Dade County's hiring process.

Due to the sensitivity of information contained in the criminal history background checks and the potential liability of maintaining and/or misusing such information, the Human

Resources Department (Recruitment and Internal Placement and Fair Employment Practices sections or its successor department or office) will consult with the U.S. Equal Employment Opportunity Commission, Florida Department of Law Enforcement, Miami-Dade Police Department and the County Attorney's Office to maintain appropriate guidelines on the interpretation, utilization and safeguarding of criminal history information. This information will be disseminated to hiring departments through mandatory training that will be provided to those individuals responsible for requesting, interpreting, and maintaining the results of background checks to ensure that this information is used in a responsible manner that provides for fair, non-discriminatory treatment.

Criminal history information obtained through the FDLE and FBI databases are exempt from public records requests and therefore must be maintained accordingly.

This Implementing Order is hereby submitted to the Board of County Commissioners of Miami-Dade County, Florida.