

MEMORANDUM

Agenda Item No. 11(A)(9)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: October 4, 2011

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution directing the County Mayor to develop a procedure for ensuring that the county does not use credit history as a criteria for hiring or promoting employees except for positions where such a history is related to the duties of the position

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.



R. A. Cuevas, Jr.
County Attorney

RAC/cp



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

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County Attorney

SUBJECT: Agenda Item No. 11(A)(9)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(9)
10-4-11

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR DESIGNEE TO DEVELOP A PROCEDURE FOR ENSURING THAT THE COUNTY DOES NOT USE CREDIT HISTORY AS A CRITERIA FOR HIRING OR PROMOTING EMPLOYEES EXCEPT FOR POSITIONS WHERE SUCH A HISTORY IS RELATED TO THE DUTIES OF THE POSITION

WHEREAS, the County wishes to insure that all qualified applicants be given an opportunity to compete for County jobs; and

WHEREAS, an employment applicant's credit history should be required only when such a history is substantially related to the duties of a position; and

WHEREAS, requiring applicants to provide a credit history when it is not job related can lead to the arbitrary rejection of otherwise qualified applicants; and

WHEREAS, requiring applicants to provide a credit history when it is not related to the job involves unnecessary intrusion into private matters; and

WHEREAS, credit history may be relevant to the duties of positions in law enforcement, finance and other positions involving an exercise of public trust or control of public funds,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

1. The Board directs the County Mayor or designee to develop a procedure to ensure that credit history and credit reports are not used routinely to screen applicants for County employment or promotion.

2. The procedure shall include exceptions for employees whose duties involve positions of public trust and for whom a credit history is job related, including:

- (a) Positions in law enforcement, corrections and firefighting;
- (b) Positions with signatory power over public assets of \$100 or more per transaction;
- (c) Managerial positions which involve setting the direction or control of County services;
- (d) Positions involving access to personal or confidential information, financial information, or local, State or national security information;
- (e) Positions for which a credit history is required by State or federal law or regulation;
- (f) Positions for which a credit history is otherwise substantially related to the position's duties.

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman
Audrey M. Edmonson, Vice Chairwoman
Bruno A. Barreiro
Esteban L. Bovo, Jr.
Sally A. Heyman
Jean Monestime
Rebeca Sosa
Xavier L. Suarez
Lynda Bell
Jose "Pepe" Diaz
Barbara J. Jordan
Dennis C. Moss
Sen. Javier D. Souto

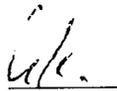
The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of October, 2011. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Lee Kraftchick

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