

MARANA ORDINANCE NO. 2017.009

RELATING TO PERSONNEL; APPROVING AND ADOPTING AMENDMENTS TO THE TOWN'S PERSONNEL POLICIES AND PROCEDURES, REVISING CHAPTER 2 – EMPLOYMENT PROCESS, POLICY 2-8 “FINGERPRINTING”, SECTION 2-8-1 “AFFECTED POSITIONS”

WHEREAS Chapter 3-3 of the Marana Town Code provides that the Town Council may adopt personnel policies, rules, and regulations that follow the generally accepted principles of good personnel administration and which may be modified or changed from time to time; and

WHEREAS the Town Council adopted Personnel Policies and Procedures via Town of Marana Ordinance 99.12 and Resolution 99-38 on May 18, 1999, which have been amended from time to time; and

WHEREAS the Town Council is authorized by A.R.S. § 41-1750 to adopt an ordinance authorizing the Town to receive criminal justice information from state and federal criminal history repositories for the purpose of evaluating the fitness of current or prospective employees, so long as the ordinance identifies the specific categories of employees subject to the ordinance and requires that the specified employees submit fingerprints in conjunction with the requests for criminal history record information; and

WHEREAS the Town Council has adopted Section 2-8-1 of the Town's Personnel Policies and Procedures which identifies the specific categories of Town employees that must submit fingerprints so that the Town may receive criminal history record information regarding the employees; and

WHEREAS the Council finds that adoption of the amendments to Section 2-8-1 of the Town's Personnel Policies and Procedures as set forth in this ordinance is in the best interests of the Town and its employees.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, as follows:

SECTION 1. Section 2-8-1 (Affected positions) of the Town's Personnel Policies and Procedures is hereby revised as follows (with additions shown with double underlining):

Section 2-8-1 Affected Positions

Candidates for employment in the following positions may be required, as a condition of hire, to furnish a full set of fingerprints on a standard fingerprint card to the town.

- A. Positions in which the employees' job duties include unsupervised contact with minor children.

- B. Parks and recreation department positions in which the employees work directly with children under the age of 18 or vulnerable adults. For purposes of this policy, “vulnerable adult” shall be defined as set forth in the Marana Town Code.
- C. All police department positions.
- D. Positions in the Marana Municipal Court, in accordance with any applicable state law or Arizona Supreme Court administrative orders or directives.
- E. Animal control officer positions.
- F. All technology services department positions.

SECTION 2. The various town officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 3. All ordinances, resolutions, or motions and parts of ordinances, resolutions, or motions of the Council in conflict with the provisions of this ordinance are hereby repealed, effective as of the effective date of this ordinance.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 5. This ordinance is administrative, and shall become effective immediately.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, this 18th day of April, 2017.

Mayor Ed Honea

ATTEST:

APPROVED AS TO FORM:

Jocelyn C. Bronson, Town Clerk

Frank Cassidy, Town Attorney