

ARTICLE IV. PERSONNEL***DIVISION 1. GENERALLY****Sec. 2-186. City policy of nondiscrimination.**

(a) There is hereby established a policy of the City of Asheville to oppose any discrimination in the hiring, promotional and disciplinary practices of the city so as to prohibit discrimination against any person for any reason that is not related to bona fide occupational qualifications for the relevant job classification or job performance.

(b) The city manager is hereby directed to establish an administrative policy in order to prohibit such discriminatory practices within the employment practices of the city.

(c) All citizens of the city, individual and corporate, are hereby requested and urged to use their power and influence to the end that this city shall be one of equal opportunity for all citizens.

(d) Nothing in this section shall prohibit the establishment and maintenance of a fair and uniform system of personnel administration which is consistent with the principles contained in this section and with the needs of the city.

(Ord. No. 2103, §§ 1—4, 5-17-94)

Sec. 2-187. Criminal history checks.

In order to protect the citizens of the city and their properties, the procedures herein are established to provide for fingerprinting and criminal history checks on all final candidates for regular full and part-time positions in the city government. Subject to subsection (3) of this section, employment with the city may be denied for those persons convicted of any crime against a person, crimes against property where intent is an element, crimes of moral turpitude, crimes involving operating a motor vehicle while impaired or any drug, prostitution or gambling related offense.

(1) The human resources director, or designee, shall conduct an investigation of any

*Cross reference—Police, ch. 13.

Related Laws reference—Civil service, § 31 et seq.

State law reference—Personnel rules, G.S. 160A-164.

final candidate for a permanent full-time or part-time position with the city government and it shall be a precondition of employment that an applicant for such a position shall, upon request, provide fingerprints and all other necessary personal identification including a birth certificate, social security number and drivers license, if available, so that the human resource director, or designee, may cause a thorough search to be made of local, state and national criminal records to determine if the applicant has a history of criminal convictions or the crimes enumerated above by use of one of the following databases the Division of Criminal Information Network (DCI), Administrative Office of the Courts and/or Police Information Network (PIN) or successor databases.

- (2) The chief of police of the Asheville Police Department or his designee shall provide the findings from the use of the DCI to the human resources director, or designee, provided that all necessary agreements with the state bureau of investigations division of criminal information have been executed.
- (3) An evaluation of any crime for purposes of employment will take into account the nature and the circumstances of the offense and the time frame of the offense as it relates to the essential job functions or the position applied.
- (4) Prior to denial or termination of employment based upon criminal history record information (CHRI), the Asheville Police Department shall verify the existence of a record by either obtaining a certified public record or by submitting a fingerprint card of the individual to the criminal information and identification section for verification that the CHRI record belongs to the individual.

(Ord. No. 2728, § 1, 7-11-00; Ord. No. 3638, § 1, 7-22-08)

State law reference—Authorizes municipal governments to establish personnel rules by ordinance or policy, G.S. 160A-164.