ADMINISTRATIVE ORDER NO. 2002-6

AN ADMINISTRATIVE ORDER
BY THE MAYOR

RECEIVED
JUN 28 2002
MUNICIPAL CLERK

AN ADMINISTRATIVE ORDER TO REQUIRE EMPLOYEES IN THE DEPARTMENT OF FINANCE TO SUBMIT TO A BACKGROUND INVESTIGATION

WHEREAS, the Department of Finance is an integral agency of city government because of the nature of its functions and duties; and

WHEREAS, the Department of Finance is charged with the responsibility of maintaining the general accounts of the City, processing payment of all disbursements, administering payroll and pension, collecting revenues, auditing accounts and financial transactions, administering treasury functions including the investment of City funds, administering licensing procedures, providing for the issuance of bonds, performing financial planning and analysis, and other finance-related activities; and

WHEREAS, it is in the best interest of the City of Atlanta to employ personnel in the Department of Finance who demonstrate attributes of strong personal and professional integrity; and

WHEREAS, it is incumbent upon the City of Atlanta to make a concerted effort to verify the personal and professional character of employees in the Department of Finance;

NOW THEREFORE, I, SHIRLEY FRANKLIN, Mayor of the City of Atlanta, hereby order as follows:

Section 1: That employees in the Department of Finance are required to undergo a background investigation which shall include criminal records check, credit history, driving records check, educational background and experience, professional licensure record (where applicable), right to work authorization (where applicable), military record, and property tax record.

Section 2: That this policy shall apply to prospective and existing employees.

Section 3: That prospective and existing employees shall sign a release which authorizes the City to conduct a background investigation. Failure to authorize the release or providing false information shall be a basis upon which to withdraw

a conditional offer of employment or may be grounds for termination if already employed.

Section 4: That documents gathered in the course of this detailed background investigation shall be maintained by the Department of Personnel and Human Resources in a secured file separate from an applicant's/employee's personnel file. Although the City will endeavor to protect exempt information, applicants shall be notified that this investigation or parts thereof may be subject to public disclosure under the Georgia Open Records Act, O.C.G.A. Section 50-18-70, *et seq.*

SO ORDERED THIS 28th day of June, 2002.

SHIRLEY FRANKLIN, MAYOR
CITY OF ATLANTA

Approved as to Form:

Rosalind Rubens Newell

City Attorney

DEPUTY MUNICIPAL CLERK

DECISION RULES

1. Discovery of the following shall constitute a basis upon which to withdraw a conditional offer of employment or may be grounds for termination if already employed.

   A. Criminal offenses which may be bars to employment:

   ►If the applicant or employee has, within the immediately preceding 10 year period pled guilty, been convicted, or found not guilty by reason of insanity for a felony, including but not limited to:

   Abuse of government property
   Aggravated assault
   Aggravated battery
   Aggravated sodomy
   Armed or other felonious robbery
   Arson
   Bribery
   Burglary
   Criminal breach of fiduciary duties
   Child abandonment
   Child molestation
   Cruelty to children
   Dishonesty, fraud or misrepresentation
   Espionage, kidnapping or hostage taking
   Extortion
   Forgery
   Fraud
   Hijacking
   Homicide
   Illegal possession, use, consumption, sale, distribution, importation or manufacture of a controlled substance or illegal drug
   Illegal possession, use, sale, distribution or manufacture of an explosive device, firearm or other destructive device
   Interference with government property
   Perjury or false swearing
   Possession or distribution of stolen property valued in excess of $100
   Rape, attempted rape, sexual assault or sexual battery, sexual harassment
   Sexual exploitation of children
   Stalking
   Tax Evasion
   Theft of property or services valued in excess of $100
   Treason or Sedition

or any other felony offense committed in another jurisdiction which, if committed in this state, would constitute one of the enumerated crimes listed above.

B. The following information shall not act as an absolute bar to employment, but may be considered in conjunction with all other aspects of the candidate or employee's history.

- ►Having been convicted or pled guilty to any misdemeanor or traffic offense, including driving under the influence of drugs or alcohol, within the immediately preceding 5-year period

- ►A current pattern of financial irresponsibility as demonstrated by bankruptcy filings, defaulted federal student loans, failure to pay court-ordered child support, a negative credit report, or a failure to file or pay federal, state or local tax obligations as they become due.

- ►Suspension, discharge, revocation or modification of a required professional or vocational license or permit.

2. Discovery of unsatisfactory background investigation results shall be revealed to and discussed with the candidate or employee. Where the candidate or employee can demonstrate and provide independent verification that item(s) of information are erroneous, his or her application or employment may be reevaluated. Where the candidate or employee can provide extraordinary mitigating factors or can demonstrate dramatic rehabilitation from a disqualifying offense, employment may be extended or maintained, solely at the discretion of the Mayor.