

### 24-3. Statutory authority.

This article is enacted pursuant to Code of Virginia, § 27-6.2, Code of Virginia, § 15.2-1503.1, and in accordance with Code of Virginia, § 19.2-389, to regulate the employment of persons seeking to engage or newly engaged in employment with the County of Northumberland, Virginia, and to require certain applicants, new employees, and volunteers to submit to fingerprinting for the purpose of obtaining the person's state and national criminal history record.

### § 24-4. Policies and procedures; subject request for copy of record.

A. On and after the effective date of this article, an applicant or new employee seeking to engage in any type of employment with the County of Northumberland, or a volunteer seeking to engage in certain volunteer activities involving the public safety, including, but not limited to, Fire Department and Fire Companies, shall submit, if required, ~~two~~ **one** sets of his/her fingerprints taken by the Northumberland County Sheriff's Office, along with personal descriptive information, to the Sheriff of Northumberland County, along with appropriate fees. Such applicant, new employee, or volunteer may be required to pay the cost of the fingerprinting or a criminal records check, or both.

B. Upon receipt of the fingerprints and the appropriate fees, the Sheriff of Northumberland County will transmit both sets of fingerprints, along with the subject's personal descriptive information, and appropriate fees (unless a satisfactory billing arrangement has been entered into between the County of Northumberland and the Virginia Department of State Police/ Central Criminal Records Exchange) via the Virginia Department of State Police to the Central Criminal Records Exchange for the purpose of obtaining criminal history record information regarding such applicant, new employee, or volunteer. The Central Criminal Records Exchange will compare the subject's fingerprints against its criminal file and, if ~~no disqualifying conduct is found therein, or if necessary,~~ will submit the fingerprints to the Federal Bureau of Investigation for a comparison with nationwide records. The results of the Federal Bureau of Investigation check will be returned to the Central Criminal Records Exchange, which will disseminate the state and national results to the ~~Sheriff of Northumberland County.~~ **administrator of the County of Northumberland or his designee, who must be a governmental employee, for a fitness determination.**

~~C. The Sheriff of Northumberland County shall disseminate the results of the criminal background check to the County Administrator of the County of Northumberland or his designee for a fitness determination.~~

~~D. C.~~ In rendering a fitness determination, the County of Northumberland will decide whether the record subject has been convicted of, or is under pending indictment for, a crime which bears upon his/her ability or fitness to serve in the desired capacity; any felony or a misdemeanor which involved force or threat of force, controlled substances, or was a sex-related offense; or other disqualifying conduct or pattern of behavior that would render him/her unable or unlikely to serve effectively in the desired position.

~~E. D.~~ If an applicant or new employee is denied employment because of the information appearing in his/her criminal history record, the County of Northumberland shall notify the applicant or new employee that information obtained from the Central Criminal Records Exchange contributed to such denial.

~~F~~E. The information obtained under this article shall not be disseminated except as provided for in **Federal or State Law** Code of Virginia, § 15.2-1503.1.

~~G~~B. A record subject may request and receive a copy of his/her criminal history record information from the ~~Northumberland County Sheriff's Office.~~ **Central Criminal Records Exchange**. Should the record subject seek to ~~amend or correct~~ **challenge** his/her record, he/she must contact the Virginia Department of State Police/Central Criminal Records Exchange ~~for a Virginia state record~~ or the Federal Bureau of Investigation ~~for records from other jurisdictions maintained in its file.~~