

**ORDINANCE NO. 2003-3**

**CRIMINAL BACKGROUND CHECK ORDINANCE  
OF  
WYTHE COUNTY, VIRGINIA**

- I. The purpose of this ordinance is for state and national criminal backgrounding of persons seeking employment from Wythe County Virginia or a license from Wythe County Virginia.
- II. This ordinance is enacted pursuant to Virginia Code §15.2-1503.1 and §19.2-389 to regulate the issuance of licenses and the employment of county employees.
- III. An applicant, employee, or volunteer seeking to engage in county employment shall submit, if required, two sets of his/her fingerprints taken by the Wythe County Sheriff's Department to the Wythe County Administrator's office, along with the appropriate fees.
- IV. Upon receipt of the fingerprints and the appropriate fees, the Wythe County Administrator's office will transmit both sets of fingerprints (and appropriate fees, unless a satisfactory billing arrangement has been entered into between the county and the Central Criminal Records Exchange) to the Central Criminal Records Exchange. The Central Criminal Records Exchange will compare the subject's fingerprints against its criminal file and, (1) if no disqualifying conduct is found therein, or (2) if necessary, 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 Wythe County Administrator's office.
- V. If an employer or organization is a private entity, the Wythe County Administrator's office shall render a fitness determination based upon the results of the criminal background check and communicate its fitness determination to such private employer or organization. If an employer or organization is a public entity, the Wythe County Administrator's office shall render a fitness determination based upon the results of the criminal background check and communicate its fitness determination to such public entity.
- VI. In rendering a fitness determination, the Wythe County Administrator's office will decide whether the record subject has been convicted of, or is under pending indictment for a crime that bears upon his/her ability or fitness to serve in that capacity.

- VII. A record subject may request and receive a copy of his/her criminal history record information from the Wythe County Administrator's office. Should the record subject seek to amend or correct his/her record, he/she must contact the state identification bureau for the Commonwealth of Virginia state record or the Federal bureau of Investigation for records from other jurisdictions maintained in its file.
  
- VIII. Certified copies of this ordinance and amendments thereto shall be filed in the Office of the County Administrator. This ordinance was duly considered on November 25, 2003 and was adopted by the Board of Supervisors of Wythe County at its meeting on November 25, 2003, the members voting as follows:

<u>Name</u>	<u>For</u>	<u>Against</u>	<u>Absent</u>
Susan R. Crigger	X		
Anne B. Crockett-Stark	X		
Charles S. Dix	X		
James E. Hagee	X		
Danny C. McDaniel	X		
R. Daniel Porter			X
Wythe B. Sharitz	X		

This ordinance shall be effective on and after 12:01 a.m. on the 26th day of November, 2003.

I certify that this is a true and correct copy taken from the November 25, 2003 minutes of the Wythe County Board of Supervisors.

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R. Cellell Dalton, Clerk