

KING GEORGE COUNTY
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Background Checks & Disqualifications

Sec. 2-7. - Criminal background checks for local government applicants.

- (a) Any applicant who is offered or accepts employment with the county, or any of its subdivisions, departments or agencies of any kind, shall submit, to the county administrator's office, two sets of fingerprints taken by the sheriff's office and/or the Virginia State Police Department along with the with the applicant's name, address, date of birth, Social Security number, race, gender, weight, height, hair color, eye color and any and all other descriptive information required by the county or its designee.
- (b) Upon receipt of the fingerprints, the county administrator's office shall transmit both sets of fingerprints and all descriptive information to the Virginia Central Criminal Records Exchange and to the Federal Bureau of Investigation to obtain criminal record information. The results of the Federal Bureau of Investigation check will be returned to the Virginia Central Criminal Records Exchange, which shall disseminate the state and national results to the county administrator's office. The county administrator's office shall either conduct its own fitness determination for the position applied for, or disseminate the results of the criminal background checks to the appropriate public entity for a fitness determination by the head of that agency, who shall be a public employee, as designated by the county administrator.
- (c) The agency determining fitness shall consider, at least, the following criteria:
 - (1) The nature and seriousness of the crime;
 - (2) The relationship of the crime to the work to be performed in the position applied for;
 - (3) The extent to which the position applied for might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved;
 - (4) The relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of the position being sought;
 - (5) The extent and nature of the persons past criminal activity;
 - (6) The age of the person at the time of the commission of the crime;

- (7) The amount of time that has elapsed since the person's last involvement in the commission of the crime;
 - (8) The conduct and work activity of the person prior to and following the criminal activity;
 - (9) Evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release;
 - (10) Whether the crimes were felonies or misdemeanors;
 - (11) Whether the crimes involved force, threat, intimidation;
 - (12) Whether the crimes involved controlled substances or drugs;
 - (13) Whether the crimes were sex related offenses;
 - (14) Whether the crimes were against children; and
 - (15) Whether the crimes resulted in a loss of privilege or license to drive or operate motor vehicles and/or equipment.
- (c) Convictions for the following offenses shall automatically disqualify an applicant or employee from employment with the locality or any department, subdivision, or agency:
- (1) Any felony;
 - (2) Any crime of violence against a child;
 - (3) Any crime involving sexual misconduct;
 - (4) Any crime involving controlled substances;
 - (5) Any drunk driving or driving under the influence conviction if that person's job requires or relates to the operation of equipment and/or vehicle;
 - (6) Any second or subsequent drunk driving or driving under the influence conviction;
 - (7) Any crime of moral turpitude; that is lying, cheating, or stealing.
- (d) The applicant may receive a copy of his/her criminal history record information from the county administrator's office.
- (e) If the applicant contests the accuracy of the record, the applicant must contact the Virginia Central Criminal Records Exchange and/or the Federal Bureau of Investigation. If any applicant is denied employment because of information appearing in his criminal history record, the locality shall notify the applicant that information obtained from the Virginia Central Criminal Records Exchange and/or the Federal Bureau of Investigation contributed to the denial or loss of employment. The information shall not be disseminated except for as provided in this section.

(Ord. of 12-2-2003)