



Legislation Text

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Hiring Vendors/Workers at Fairs/Events (NB)

This item provides a report from the Recreation, Cultural Affairs and Public Works Committee regarding the process of hiring vendors/workers at fairs/events.

At the February 5, 2015 City Commission meeting, the process of hiring employees, background checks; as well as, the selection of vendors for events such as the Hoggetowne Medieval Faire was referred to the Recreation, Cultural Affairs and Public Works Committee (RCAPW).

With regards to background checks for City employees and/or City Temps, the Human Resources Department (HR) follows, in all cases, Equal Employment Opportunity Commission (EEOC) guidance related to the use of arrest and conviction records. This guidance requires that each case be reviewed individually regardless of the level of offense.

When reviewing backgrounds, HR takes into consideration the nature of work to be performed and responsibilities, the level of unreasonable risk the offense may pose, and the time that has passed since the offense or sentence.

The EEOC stresses the fact that an individual being arrested is not proof that the individual engaged in criminal conduct. Therefore, an individual's arrest record standing alone cannot be used by an employer to take a negative employment action. However, an arrest may trigger an inquiry into whether the conduct underlying the arrest justifies such action.

Additionally, if there appears to be a pattern of same or similar violations over a period of time, additional scrutiny may be given to the applicant's record.

To ensure compliance with the Department of Children and Families' (DCF) personnel standards and screenings, Parks, Recreation and Cultural Affairs (PRCA) positions that provide oversight of programs for children and youth require background screenings and fingerprinting, as a condition of employment which is done through Human Resources.

In cases where a background screening may negatively impact a hiring decision, the HR Director and, in some instances, the City Attorney is involved. In these cases, candidates are notified of the decision and afforded the opportunity to provide additional information he/she may wish to have considered. Depending on the circumstances the hiring department may or may not be notified about information found during the background check.

Regarding the selection and contracting of vendors for events and programming provided by Parks, Recreation and Cultural Affairs (PRCA), staff advertises and receives applications each year for the various annual events sponsored by the City. The application process outlines the vendor's requirements and responsibilities including indemnification and waiver of claims. PRCA receives approximately 200 applications for the Hoggetowne

Medieval Faire (HMF). Each vendor might have from a few to dozens of employees or participants that work with them during the show. Limitations of staff and budget currently do not permit the background screening of each vendor, as well as their employees. It should be noted that more than 93% of the vendors at HMF have participated in this event for many years.

Based on this referral PRCA staff researched the background screening procedures for vendors/workers at fairs/events similar to the City's. Nine renaissance/medieval fairs that were directly contacted and three municipalities that were contacted through the National Recreation and Parks Association online forum responded to PRCA's request for information about their background screening procedures. The majority of respondents do not run background checks and have not felt it necessary; however, two municipalities have implemented a new background screening process in the last year, which is undertaken and underwritten by their local police departments. Based upon the research results, staff determined that current contract procedures used with vendors are appropriate and consistent with other organizations. Staff is implementing a moderate change in its security procedures to increase overnight security presence on site throughout the duration of the Faire.

At the April 9, 2015 Recreation, Cultural Affairs and Public Works Committee meeting, Commissioner Poe asked that City Attorney's Office staff research third party policies on background checks to ensure they are as high as the City standards. Results of that research indicated the City could require by contract that sponsors and vendors of special events such as the Faire perform criminal background checks on their own employees, contractors, vendors, and volunteers who are to work at the event. Depending upon the type or "level" of the desired criminal background check, it may be necessary or advisable for the City to adopt an ordinance. However, Legal staff cautions that it should be recognized that lawful and appropriate background checks may need to vary, based on the essential functions of the position and that stringent background check requirements may have an impact on the number of small businesses or minority- or women-owned businesses able to do business with the City.

At the meeting Commissioner Poe also suggested that PRCA staff research the cost and time of requiring background screenings on all workers through GPD, as compared to increasing security measures. Staff estimates that the Faire would require 500 background checks on vendors and 165 additional checks on performers. The fee for background checks through the software PRCA uses for employees who work with children is \$17 per person; alternatively, with the new "Shield" software GPD will be utilizing next calendar year the cost is \$24 per person. In addition, there would be a cost for contractual staffing assistance to oversee the process, estimated at roughly \$5,000. PRCA estimates a cost of roughly \$16,300 using PRCA's software, or roughly \$21,000 using GPD's software.

For the 2016 Faire increasing overnight security at the HMF will be done with existing, budgeted funds for \$6,150. Conducting background checks for vendors and performers would incur an additional expense of approximately \$16,300 to \$21,000; currently this is not a budgeted expense for the event.

The City Commission: 1) accept a report from the Recreation, Cultural Affairs and Public Works Committee regarding a referral by the City Commission on February 5, 2015 about hiring vendors/workers at fairs/events, and 2) remove this item from the referral list.