

**POLICY/PROCEDURE
FOR BACKGROUND CHECKS**

TO COMPLY WITH RISK AWARE LLC END-USER AGREEMENT

AND APPLICABLE LAWS – August 2021

1. Candidates complete “Town of Irvington Application for Employment”.
2. Final candidate provided conditional offer of employment.
3. Town and final candidate enter into “Agreement Regarding Background Checks” which authorizes certain background checks to be performed by Riskaware, LLC.
4. Riskaware, LLC runs background checks requested by the Town.
5. If a credit check is to be performed, the Town shall notify the final candidate in writing that credit information may only be requested for permissible purposes listed in the Fair Credit Reporting Act (“FCRA”). The Town must ask the final candidate for informed consent to run a credit check. (Under FCRA, the final candidate has the right to review the background check information and correct any mistakes, and the right to be informed if any of this information is used to make decisions that adversely affect them, and to appeal adverse decisions made based on this data when they believe the information used was inaccurate.)
6. Riskaware provides the deliverable report(s) to the Town contact person. The Town contact person shall be the Town Clerk.
7. The results shall be treated by the Town as confidential personnel records not subject to inspection under the Virginia Freedom of Information Act (“FOIA”) unless the final candidate, minimum age of 18, waives the protections of FOIA in writing, or other applicable laws require release, or a court of competent jurisdiction orders inspection or release.
8. The Town officials with a need to know the results of the background checks are: Town Clerk, Mayor, Chair of HR Committee, Town Attorney or other legal counsel (“Town Officials”).
9. The subject of the deliverable report(s) is entitled to a copy of them.
10. The Town will retain the deliverable reports received from Riskaware, LLC in accordance with applicable law and will make same available to Riskaware upon request.
11. The Town shall comply with all applicable laws (local, state and federal) and the Riskaware, LLC End-User Agreement.
12. Town Officials will consult with the Town Attorney or other legal counsel on an on-going basis regarding interpretation of the applicable laws (local, state and federal), the Riskaware, LLC End-User Agreement, and this Policy/Procedure for Background Checks.

THE TOWN OF IRVINGTON IS SEEKING A TOWN ATTORNEY

Person or law firm in this position is to follow the Town Code, train, counsel and participate as follows:

TOWN CODE

32.07 TOWN ATTORNEY – Town Code

Licensed Virginia Attorney

Legal advisor, attorney and counsel for: the Town, all officers – in matters relating to their official duties

For the town – conduct cases in court

Prepare and pass upon – all contracts, bonds and written instruments of the Town; and,

Certifying before execution the legality and correctness

Other powers and duties as may be provided for by ordinances – the Charter – laws of the State.

TRAINING ROLE

Orientation and training of Town Officers and Council

Conducting governance workshops

FOIA training

Orientation and training for members *of* the Planning Commission

COUNSELING ROLE

Advising the Town Officers and Council on legal issues or component touching all subjects when running a government. Advice should address proper protocol, procedures, postings, public policy, governance...

PARTICIPATORY ROLE

Should attend public meetings to protect Town Officers and Town Council from violating legal process that could occur since no Officer or Council member are municipal experts.

shall be responsible for the collection of all taxes, license fees, levies and charges due to the town and shall disburse the monies of the town in the manner prescribed by the Council as it may direct by ordinance. He or she shall make such reports at such times as the Council may prescribe. The books and accounts of the Treasurer shall be examined and audited at such times as the Town Council may prescribe, and such examinations and audits shall be reported to the Town Council.

(1961 Code, § 2-28)

Charter reference:

Town Treasurer generally, see Char. Art. III, § 13

Cross-reference:

Duty of Town Treasurer relative to tax on bankstock, see § 34.22

§ 32.06 CODE ENFORCEMENT OFFICER.

The Code Enforcement Officer shall have the same powers and discharge the same duties as constables within the corporate limits of the town and to a distance of one mile beyond the same. He or she shall have all the powers vested in the Code Enforcement Officer by general law and shall hold office at the pleasure of the Town Council. His or her duties shall be such as the Town Council prescribes and he or she shall be vested with the powers of a conservator of the peace. His or her compensation shall be fixed by the Council. It shall be the duty of the Code Enforcement Officer to use his or her vested power to prevent the commission in the town of offenses against the laws of the state and offenses against the ordinances and regulations of the town; to observe and enforce all such laws, ordinances and regulations; to detect and arrest offenders against the same; to preserve the good order of the town and secure the inhabitants of the town from violence and the property therein from injury. He or she shall have such other powers and perform such other duties as may be provided for by ordinances, the Charter or by the laws of the state.

(1961 Code, § 2-29)

Cross-reference:

Code Enforcement Officer as Building Official, see § 150.002

§ 32.07 TOWN ATTORNEY.

The Town Council shall elect a Town Attorney, who shall be a regular practicing attorney in the courts of this state. His or her term of office shall be for the two ensuing years beginning on September 1 after each regular town election. He or she shall be the legal adviser of, and attorney and counsel for, the town and all of its officers in matters relating to their official duties; he or she shall conduct for the town all cases in court whenever the town is a party thereto, and upon request of the Mayor, he or she shall appear before the Mayor to represent the town on violations of this code or other town ordinances. He or she shall prepare and officially pass upon all contracts, bonds and instruments in writing in which the town is concerned and certify before execution to the legality and correctness thereof. He or she shall receive such compensation as the Council shall direct and shall have such other powers and perform such other duties as may be provided for by ordinances, the Charter or the Laws of the state.

(1961 Code, § 2-30)

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