



THE CITY OF SAN DIEGO
M E M O R A N D U M

DATE: December 31, 2018
TO: Parks and Recreation Department Supervisors
FROM: Shelly Stowell, Recreation Program Manager, Parks and Recreation
SUBJECT: Background Checks for Volunteer and Contractors

Pursuant to California Public Resources Code section 5164, depending on the type and scope of a volunteer opportunity /contractor activities, some volunteers/contractors, ages 13 and older, may be required to undergo a thorough criminal background check process, including fingerprinting. Specifically, state law requires background checks for contractors and volunteers that have supervisory or disciplinary authority over minors.

The City of San Diego Personnel Department (Personnel) performs all volunteer, intern and contractor background checks including fingerprinting via Live Scan process. (Background checks performed by other organizations are not acceptable). The Parks and Recreation Department (Department) requires background checks for volunteers who assist staff or contractors that provide services such as class instruction, performing arts, sport programs, and sports officials to youth, persons with disabilities, and seniors. However, other activities may also require background checks.

Department supervisors must ensure that all volunteers and contractors who agree to perform activities or provide these services have cleared a background check fingerprint process within the past 5 years, prior to performing volunteer or contractor duties.

When a prospective volunteer/contractor applies for an opportunity which requires a background check, the supervisor must complete the appropriate form (attached) and give it to the volunteer or contractor with instructions as detailed on the form. Upon approval by Personnel, the Department Volunteer Coordinator will notify the supervisor listed on the volunteer or contractor fingerprint form. If you have any questions about the background check process, contact the Volunteer Office, SDVolunteer@sandiego.gov or 619-525-8284.


Shelly Stowell
Recreation Program Manager

Attachments: 1. Contractor Finger Print Form
2. Volunteer Finger Print Form
3. California Public Resource Code, Section 5164

cc: Herman D. Parker, Director, Parks and Recreation
Andrew Field, Assistant Director, Parks and Recreation

VOLUNTEER FINGERPRINT FORM**Park & Recreation Volunteer****INSTRUCTIONS FOR THE DEPARTMENT SUPERVISOR:**

ALL VOLUNTEERS WORKING WITH MINORS AND PEOPLE WITH DISABILITIES WILL NOT BE ALLOWED TO VOLUNTEER (EVEN UNDER DIRECT SUPERVISION) UNTIL THEY HAVE BEEN CLEARED BY THE PERSONNEL DEPARTMENT.

1. Complete this form for each prospective volunteer (including minors 13-17 years of age) who will have “direct contact with minors and people with disabilities” or “supervisory or disciplinary authority over a minor and people with disabilities”.

2. Instruct the volunteer to make an appointment with Testing at (619) 236-6686. Appointments can be made between the hours of **8:30 a.m. and 4:00 p.m. Monday–Friday**. Take this form to the appointment.

**LOCATION: City of San Diego Personnel Department
Civic Center Plaza
1200 Third Ave., Suite 101, San Diego, CA 92101**

3. The volunteer must take his/her valid government issued identification card with a photograph (such as a drivers license, military ID, DMV issued identification card, or passport).

For Minors Only (13 to 17 years of age): In the event the Volunteer does not have a government issued identification card the following will be accepted: School ID card with a photograph **and** a social security card or an original or certified copy of a birth certificate.

4. The Personnel Department will notify the department supervisor on all volunteer clearances. If you have a question on a clearance status, the department supervisor should contact the Medical/Backgrounds Administrator at (619) 236-7137.

DATE: _____/_____/_____

TO: PERSONNEL DEPARTMENT

FROM: Marisol Mendoza, Supervising Recreation Specialist (619) 525-8284 / MAMendoza@sandiego.gov

MAIL STATION: MS804C FAX #: 619-525-8224

VOLUNTEER'S WORK SITE

VOLUNTEER'S SUPERVISOR

VOLUNTEER'S NAME: _____

ADDRESS: _____

PHONE NUMBER: (____) _____ EMAIL: _____

(PERSONNEL OFFICE USE ONLY)

THIS PERSON HAS CLEARED

THIS PERSON HAS NOT CLEARED

PERSONNEL STAFF _____ DATE _____/_____/_____

State of California

PUBLIC RESOURCES CODE

Section 5164

5164. (a) (1) A county, city, city and county, or special district shall not hire a person for employment, or hire a volunteer to perform services, at a county, city, city and county, or special district operated park, playground, recreational center, or beach used for recreational purposes, in a position having supervisory or disciplinary authority over a minor, if that person has been convicted of an offense specified in paragraph (2).

(2) (A) A violation or attempted violation of Section 220, 261.5, 262, 273a, 273d, or 273.5 of the Penal Code, or a sex offense listed in Section 290 of the Penal Code, except for the offense specified in subdivision (d) of Section 243.4 of the Penal Code.

(B) A felony or misdemeanor conviction specified in subparagraph (C) within 10 years of the date of the employer's request.

(C) A felony conviction that is over 10 years old, if the subject of the request was incarcerated within 10 years of the employer's request, for a violation or attempted violation of an offense specified in Chapter 3 (commencing with Section 207) of Title 8 of Part 1 of the Penal Code, Section 211 or 215 of the Penal Code, wherein it is charged and proved that the defendant personally used a deadly or dangerous weapon, as provided in subdivision (b) of Section 12022 of the Penal Code, in the commission of that offense, Section 217.1 of the Penal Code, Section 236 of the Penal Code, an offense specified in Chapter 9 (commencing with Section 240) of Title 8 of Part 1 of the Penal Code, or an offense specified in subdivision (c) of Section 667.5 of the Penal Code, provided that a record of a misdemeanor conviction shall not be transmitted to the requester unless the subject of the request has a total of three or more misdemeanor convictions, or a combined total of three or more misdemeanor and felony convictions, for violations listed in this section within the 10-year period immediately preceding the employer's request or has been incarcerated for any of those convictions within the preceding 10 years.

(b) (1) To give effect to this section, a county, city, city and county, or special district shall require each such prospective employee or volunteer to complete an application that inquires as to whether or not that individual has been convicted of an offense specified in subdivision (a). The county, city, city and county, or special district shall screen, pursuant to Section 11105.3 of the Penal Code, any such prospective employee or volunteer, having supervisory or disciplinary authority over a minor, for that person's criminal background.

(2) A local agency request for Department of Justice records pursuant to this subdivision shall include the prospective employee's or volunteer's fingerprints, which may be taken by the local agency, and any other data specified by the

Department of Justice. The request shall be made on a form approved by the Department of Justice. A fee shall not be charged to the local agency for requesting the records of a prospective volunteer pursuant to this subdivision.

(3) A county, city, city and county, or special district may charge a prospective employee or volunteer described in subdivision (a) a fee to cover all of the county, city, city and county, or special district's costs attributable to the requirements imposed by this section.

(Amended by Stats. 2010, Ch. 719, Sec. 54. (SB 856) Effective October 19, 2010.)