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MEMORANDUM

To: Mayor and City Council Members

Through: Ritchie Haynes, City Manager

From: Tanya Osborne, Human Resources Director

Re: Addition to City of Lincolnton Personnel Policy:
Article II Section 11-Background Checks (New Section)

Date: September 26, 2025

This past summer a new state law (Session Law 2025-16 known at "Fostering Care in NC Act") was put into place and will require cities and counties in North Carolina to have all applicants for positions that require working with children in any capacity to complete a criminal history record check. This criminal history record check must be completed by the NC State Bureau of Investigation (SBI), and must be conducted in accordance with G.S. 143B-1209.26 which authorizes the SBI to provide a fingerprint-based state and national criminal record check to cities and counties.

The specific general statute which applies to cities is G.S 160A-164.2(b) and now reads:
(b) Notwithstanding the provisions of subsection (a) of this section, **if the position being filled requires an applicant for employment to work with children in any capacity, the council shall require the applicant, if offered the position, be subject to a criminal history record check conducted by the State Bureau of Investigation in accordance with G.S. 143B-1209.26. The city must extend a conditional offer of the position pending the results of a criminal history record check required by this section**."

The City of Lincolnton's normal process is to conduct pre-employment screenings after an applicant receives a conditional offer for employment and completes the authorization documents for the screenings. The new law adds an additional step requiring the City to have the SBI conduct a criminal history background which will only apply to the candidates for positions which have job functions working with children. The required SBI criminal history background check will only include crimes specific to children, and will not include other types of criminal records an individual may have.

In the Personnel Policy, Article II Recruitment and Selection, there is not a section which speaks to the reasons for the use of criminal background checks in the selection of employees or current employees who may have legal actions or proceedings occur. The attached addition to the City of Lincolnton Personnel Policy outlines the purpose for criminal background checks and is modeled after policies received from other entities and information published by the UNC School of Government. The new law, which is now a requirement, has been incorporated into the section.

Attachment: Proposed Personnel Policy Addition, Article II Recruitment and Selection, Section 11-Background Checks

Council Consideration:

Approval of the addition to the *City of Lincolnton Personnel Policy, Article II Recruitment and Selection, Section 11-Background Checks* with an effective date of October 2, 2025.