

94622

Date: July 6, 2022

To: The Honorable Board of Acquisition and Contract

From: Helen May
Acting Commissioner of Human Resources

Re: Authorizing the County of Westchester to enter into an agreement with the State of New York Division of Criminal Justice Services allowing the Department of Human Resources to perform pre-employment searches of its criminal history database.

Authorization of your Honorable Board is requested for the County of Westchester to enter into an agreement with the State of New York Division of Criminal Justice Services ("DCJS") allowing the Department of Human Resources ("Department") to perform pre-employment searches of the DCJS criminal history database ("Agreement"). The term of the Agreement will commence upon execution by DCJS and will remain in effect until terminated by either party.

Under the Agreement, authorized users in the Department will have access to criminal history data as may be contained in DCJS files and, if applicable, federal and other state repository files. Pursuant to New York State Executive Law section 837(8-a), DCJS may charge a fee that is reasonably related to conducting a search, currently not to exceed \$25 plus a surcharge of \$50. The current fee to access the federal database is \$13.25. The County currently charges an administrative fee of \$31.75. These fees are subject to change. Candidates for salaried annual positions pay the fees, while HR covers the fees for hourly and seasonal positions. Based on past usage, the total charge to the County will not exceed \$150,000/annum, with annual salaried job applicants reimbursing the County for approximately half the total cost.

The Agreement requires the County, as the User Agency, to provide the following indemnification:

"The User Agency, to the extent permitted by State or federal law, agrees to indemnify and hold DCJS, its officers and employees, harmless from and against any and all claims, demands, actions, suits, and proceedings brought by others arising out of the terms of this Agreement founded upon the negligence or other tortious conduct of the User Agency

including, but not limited to, any liability for loss or damage by reason of any claim of false imprisonment or false arrest.”

Because the Agreement is with an agency of the State of New York, it is exempt from the Westchester County Procurement Policy and Procedures pursuant to section 3 (a) iii thereof.

The goals and objectives of the proposed agreement are to background screen candidates to help departments onboard appropriate candidates to conduct County business. Department of Human Resources will monitor the contract.

The proposed Agreement will serve a public purpose by helping to ensure that public servants do not pose an undue risk to the constituents.

A proposed form of Resolution to accomplish the foregoing is attached for your consideration.

HM/DLV/dv
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 07/21/2022 - RAYMOND SCULKY, SECRETARY

RESOLUTION

Upon a communication from the Acting Commissioner of Human Resources, be it hereby

RESOLVED, that the County of Westchester is authorized to enter into an agreement with the State of New York Division of Criminal Justice Services (“DCJS”) allowing the Department of Human Resources (“Department”) to perform pre-employment searches of the DCJS criminal history database (“Agreement”). The term of the Agreement shall commence upon execution by DCJS and shall remain in effect until terminated by either party; and be it further

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RESOLVED, that the County Executive, or his authorized designee, is authorized and empowered to execute all instruments and take all action necessary to implement the purposes hereof.

Account to be Charged/credited	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	101	12	6010	4380		75,000
	101	12	6010	9141		75,000

Budget Funding Year(s) _____ Start Date _upon execution _____ End Date _until terminated _____
 (must match resolution)

Funding Source Tax Dollars \$ _150,000 _____
 State Aid _____
 \$ _150,000 _____ Federal Aid _____
 (must match resolution)
 Other _____

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