

BEFORE THE BOARD OF SUPERVISORS
OF THE
COUNTY OF FRESNO, STATE OF CALIFORNIA

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IN THE MATTER OF FINGERPRINTING)
CURRENT AND PROSPECTIVE EMPLOYEES)
OF THE DEPARTMENT OF SOCIAL SERVICES) RESOLUTION
WHO HAVE ACCESS TO FEDERAL TAX)
INFORMATION)

WHEREAS, the Department receives and utilizes Federal Tax Information (FTI) and Social Security Administration (SSA) provided information in its administration of social services programs; and

WHEREAS, the Privacy and Security Agreement, Section 11, with the California Department of Social Services (CDSS), and the Medical Privacy and Security Agreement with the California Department of Health Care Services (DHCS), Section 12, require the Department of Social Services (DSS) to comply with the Computer Matching and Privacy Protection Act (CMPPA) Agreement between the Social Security Administration and the California Health and Human Services Agency (CHHSA); and

WHEREAS, the CMPPA Agreement, Section 8, between the Social Security Administration and the CHHSA requires compliance with the security and safeguarding requirements of the current revision of the Internal Revenue Service Publication 1075, Tax Information Security Guidelines for Federal, State, and Local Agencies (Pub 1075); and

WHEREAS, the CHHSA, Section 9.B.7, requires CHHSA to ensure that the local government entity, including its employees, abide by all relevant Federal laws, restrictions on access, use, and disclosure, and security requirements in the CMPPA, including the IRS Publication 1075; and

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1 WHEREAS, IRS Publication 1075, Section 5.1.1 requires DSS to implement a personnel
2 security program that ensures a background investigation for any individual who will have access to FTI
3 to determine whether they are suitable to have such access, which must include Federal Bureau of
4 Investigation (FBI) fingerprint results and a check of local law enforcement agencies where the subject
5 has lived, worked and/or attended school within the last five years. This background investigation must
6 be conducted prior to an employee being permitted access to FTI and at least every ten years
7 thereafter; and

8 WHEREAS, DSS has developed the required written policies that identify the process, steps,
9 timeframes, and favorability standards that define what would result in preventing or removing an
10 employee's access to FTI as stated in IRS Pub 1075; and

11 WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) authorize cities, counties,
12 districts and joint powers authorities to access State and local criminal history information for
13 employment, licensing or certification purposes; and

14 WHEREAS, Penal Code Section 11105(b)(11) authorizes cities, counties, districts and joint
15 powers authorities to access Federal level criminal history information by transmitting fingerprint images
16 and related information to the Department of Justice (DOJ) to be transmitted to the FBI; and

17 WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) require that there be a
18 requirement or exclusion from employment, licensing, or certification based on specific criminal conduct
19 on the part of the subject of the record; and

20 WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) require the City Council,
21 Board of Supervisors, or governing body of a city, county, district or joint powers authorities to
22 specifically authorize access to criminal history information for employment, licensing, or certification
23 purposes.

24 NOW THEREFORE, BE IT RESOLVED, that the County of Fresno Board of Supervisors
25 authorizes DSS to transmit fingerprint images to the California DOJ, and receive in return local, State
26 and Federal level criminal history information to determine the suitability of individuals who may have
27 access to FTI; and

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1 BE IT FURTHER RESOLVED, that the County of Fresno Board of Supervisors authorizes the
2 DSS Director or designee to implement the minimum suitability standards for individuals to access FTI
3 according to the individual's level of access to FTI; and

4 BE IT FURTHER RESOLVED, that the County of Fresno Board of Supervisors authorizes DSS
5 to implement a process for determining the suitability of individuals who may have access to FTI, before
6 permitting access to FTI, and at least every ten years thereafter.

7 THE FOREGOING was passed and adopted by the following vote of the Board of Supervisors
8 of the County of Fresno this 5th day of November, 2019, by the following vote:

9 AYES: Supervisor Brandau, Magsig, Mendes, Pacheco Quintero

10 NOES: None

11 ABSENT: None

12 ABSTAINED: None



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14 Nathan Magsig, Chairman of the Board
15 of Supervisors of the County of Fresno

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18 ATTEST:
19 Bernice E. Seidel
20 Clerk of the Board of Supervisors
County of Fresno, State of California

21 By: 

22 Deputy
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