

Date: October 22, 2025

To: Board of Directors

From: Sam Desue, Jr.



Subject: RESOLUTION NO. 25-10-52 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) ADOPTING AN AMENDMENT TO ITS CRIMINAL RECORDS POLICY

1. Purpose of Item

This Resolution requests that the TriMet Board of Directors (Board) adopt an amendment to TriMet's current HR Policy 4.4, pertaining to job applicant and employee Criminal Records.

2. Type of Agenda Item

- ☐ Initial Contract
- ☐ Contract Modification
- ☒ Other – Policy Amendment

3. Reason for Board Action

As mandated by the Oregon Criminal Records statute, ORS 267.237, TriMet's HR Policy 4.4 concerning Criminal Records ("the Policy") was adopted by Board resolution. Similarly, substantive amendments to the Policy require a Board resolution.

4. Type of Action

- ☒ Resolution
- ☐ Ordinance 1st Reading
- ☐ Ordinance 2nd Reading
- ☐ Other _____

5. Background

ORS 267.237 requires TriMet to conduct criminal records checks of job applicants and employees who operate motor vehicles or otherwise transport passengers, and allows criminal background checks of individuals who may have access to critical infrastructure or security sensitive facilities or information. The statute further requires that these statutory provisions be implemented by Board resolution. The purpose of the statute is to protect vulnerable Oregonians.

Pursuant to the statute, in 1999 the Board adopted Resolution No. 99-09-58, initially approving HR Policy 4.4 - Criminal Records, which allows TriMet to conduct criminal records checks of job applicants and employees whose positions permit them to transport members of the public. At its December 9, 2015 meeting, the Board passed Resolution No. 15-12-71, amending the Policy to allow criminal records checks of job applicants and employees whose positions allow them to have access to critical infrastructure or security sensitive facilities or information. At its July 28, 2021 meeting, the Board passed Resolution No. 21-07-39, amending the Policy to allow criminal background checks of job applicants

and employees who are subject to active warrants for arrest. At its December 13, 2023 meeting, the Board passed Resolution No. 23-12-64, amending the Policy to remove the requirement for fingerprint-based background checks for Transportation Network Company drivers (e.g.: Lyft, Uber, et.al.) who provide transportation services to TriMet's LIFT paratransit riders if the driver has already passed a criminal background check under Portland City Code 16.40.270.

The Policy contains a "lookback" period, which considers a certain time frame from the date of conviction for different types and classes of offenses that may disqualify an applicant from employment. For example, a job applicant may be disqualified from employment if, in the last 10 years, they were convicted of an offense against property that was a Class B felony.

The Policy does not address circumstances where a job applicant or current employee is a registered sex offender, but whose conviction date falls outside the "lookback" period outlined in the Policy. This Resolution would amend the Policy to allow TriMet to decline a job applicant employment for an operator or other safety sensitive position if a criminal records check indicates the applicant is a registered sex offender within any jurisdiction, regardless of the conviction date.

The amended Policy is found in the attached Exhibit A, with the specific amendment shown in highlighted text on page 6. Exhibit A also contains non-substantive changes to the Policy to accurately reflect TriMet's current procedures when conducting criminal record checks. There are also proposed changes to streamline the appeal process and make it less onerous for the applicant or employee.

6. Financial/Budget Impact

No financial or budgetary impact. Amendment to the Policy will make internal processes more efficient.

7. Impact if Not Approved

If not approved, TriMet would not have a memorialized policy about what action to take when a job applicant or employee is found to be a registered sex offender, but their underlying conviction is outside the "lookback" period. This could create the potential for legal and reputational harm.

RESOLUTION NO. 25-10-52

**RESOLUTION NO. 25-10-52 OF THE TRI-COUNTY
METROPOLITAN TRANSPORTATION DISTRICT OF OREGON
(TRIMET) ADOPTING AN AMENDMENT TO ITS CRIMINAL
RECORDS POLICY**

WHEREAS, TriMet has authority under ORS 267.237 to conduct criminal records checks on applicants, provided that TriMet Board of Directors (Board) has implemented the statute by adoption of a resolution; and

WHEREAS, pursuant to ORS 267.237, the Board previously adopted Resolution No. 99-09-58, approving HR Policy 4.4 - Criminal Records, allowing TriMet to conduct criminal records checks of job applicants and employees whose positions permit them to transport members of the public; Resolution No. 15-12-71, amending HR Policy 4.4 to allow criminal records checks of job applicants and employees whose positions allow them to have access to critical infrastructure or security sensitive facilities or information; Resolution No. 21-07-39, amending HR Policy 4.4 to allow criminal record background checks of job applicants and employees who are subject to active warrants for arrest; and Resolution No. 23-09-64, amending HR Policy 4.4 to exempt fingerprint-based criminal record background checks for Transportation Network Company Drivers, provided that they have completed and passed criminal background checks pursuant to Portland City Code 16.40.270; and

WHEREAS, the current HR Policy 4.4 Criminal Records does not address instances where a background check shows an applicant or employee to be a registered sex offender, regardless of conviction date; and

WHEREAS, in order to encompass registered sex offenders that may appear in a job applicant's or employee's criminal background check, the Board wishes to amend the current HR Policy 4.4 Criminal Records in the manner shown on Exhibit A, attached hereto;

NOW, THEREFORE, BE IT RESOLVED:

1. That the Board hereby adopts the amendment to HR Policy 4.4 Criminal Records in the manner shown on the attached Exhibit A.
2. That the General Manager or his designee is authorized to implement HR Policy 4.4 Criminal Records, as hereby amended.

Dated: October 22, 2025



Presiding Officer

Attest:



Recording Secretary

Approved as to Legal Sufficiency:



Legal Department