

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 11, PERSONNEL,
ARTICLE 5, COMPETITIVE, EXAMINATION, PERMANENT STATUS, TO CREATE
A NEW SECTION WHICH SHALL BE ENTITLED SECTION 7 - REQUIRED CRIMINAL
HISTORY BACKGROUND CHECK OF EMPLOYEES AND VOLUNTEERS, OF THE
MUNICIPAL CODE OF THE CITY OF PLAINFIELD

Additions are in **bold and underlined**

WHEREAS, the City of Plainfield wants to ensure that it is providing the safest possible recreational and other programs for its youth; and

WHEREAS, all member municipality in the New Jersey Municipal Excess Liability Joint Insurance Fund are required to conduct a criminal history record background check on each prospective and current employee or volunteer participating in any City sponsored program which provide recreational, cultural, charitable, social or other activities or services for persons younger than eighteen (18) years of age; and

WHEREAS, N.J.S.A. 15A:3A-1, et seq. authorizes municipalities to request that the Attorney General's office conduct a criminal history record background check for purposes of screening employees and volunteers participating in any City of Plainfield sponsored program which provides recreational, cultural, charitable, social or other activities or services for persons younger than 18 years of age; and

WHEREAS, the City of Plainfield desires that all employees and volunteers involved with youth programs sponsored by the City of Plainfield be required to submit to a criminal background check;

NOW THEREFORE BE IT ENACTED, by the City Council of the City of Plainfield, County of Union, State of New Jersey that Chapter 11, Personnel, Article 5, Competitive, Examination, is hereby amended by the addition of the following new Section 7:

11:5-7 Required Criminal History Background Check of Employees and Volunteers

- A. **Criminal history background checks shall be required of all prospective and current employees or volunteers, eighteen (18) years or older, participating in any City sponsored program which provide recreations, cultural, charitable, social or other activities or services for persons younger than eighteen (18) years of age.**
- B. **Definitions Relative to Criminal History Background Checks for employees and volunteers involved with City sponsored Programs Involving minors.**
1. **Criminal history record background check means a determination of whether a person has a criminal record by cross referencing that person's name and fingerprints with those on file with the Federal Bureau of Investigation, Identification Division and the State Bureau of Identification in the Division of the New Jersey State Police.**
 2. **Sponsored program means any programs sponsored by the City of Plainfield utilizing City facilities or City property.**
- C. **Request for Criminal History Background Check; Costs.**
1. **The City requires that all employees, prospective employees and volunteers hired to work with minors or participating in any City sponsored program which provide recreations, cultural, charitable, social or other activities or services for persons younger than eighteen (18) years of age, request through the Personnel Division, that the New Jersey State Bureau of Identification in the Division of**

the New Jersey State Police conduct a criminal history record background check.

2. The New Jersey Division of State Police shall inform the Personnel Division whether the person's criminal history record background check reveals a conviction of a disqualifying crime or offense as specified in Section 11:5-7(D) of this Ordinance.
3. A prospective or current employee or volunteer shall submit their name, address, fingerprints and written consent to the Personnel Division for a criminal history background check to be performed.
4. The criminal history background check shall commence only upon receipt of the written consent from the prospective or current employee or volunteer.
 - a. The City shall bear the costs associated with conducting the criminal history background check.

D. Conditions under which a Person will be is Disqualified From Working or Volunteering to Work with children or youths eighteen years or younger.

1. A person may be disqualified from serving as an employee or volunteer if that person's criminal history record background check reveals a record of conviction of any of the following crimes and offenses:
 - a. In New Jersey, any crime or disorderly persons offense: involving danger to the person, meaning those crimes and disorderly persons offenses set forth in N.J.S. 2C:11-1 et seq., N.J.S. 2C:12-1 et seq., N.J.S.2c:13-1 et seq., N.J.S. 2C:14-1 et seq. or N.J.S. 2C:15-1 et seq;
 - b. Against the family, children or incompetents, meaning those crimes and disorderly persons offenses set forth in N.J.S. 2C:14-1 et seq.
 - c. Involving any controlled dangerous substance or controlled substance analog as set forth in chapter 35 of Title 2C of the New Jersey Statutes except paragraph (A) of subsection a. of N.J.S. 2C:35-10.
2. In any other state or jurisdiction, conduct which, if committed in New Jersey would constitute any of the crimes or disorderly persons offenses described in subsection 1 of this section.

E. Limitation on Access of Criminal History Record Information.

1. Access to criminal history information for non-criminal justice purposes, including licensing and employment is restricted to authorized personnel of the designated department, on a need to know basis, as authorized by Federal or State statute, rule, regulation, executive order, administrative code, local ordinance or resolution.
2. The City shall limit its use of the criminal history record information solely to the authorized purpose for which it was obtained and the criminal history record information furnished shall not be disseminated to persons or organizations not authorized to receive such information. Use of this record shall be limited solely to the authorized purpose for which it was given and it shall not be disseminated to any unauthorized persons. All records shall be destroyed immediately after has served its intended and authorized purposed. Any person violating Federal or State regulations

governing access to criminal history record information may be subject to criminal and/or civil penalties.

F. Employee or Volunteer May Challenge Accuracy of Report

If the criminal history record disqualifies an applicant or volunteer for any purpose, the Personnel Director shall provide the applicant or volunteer with an opportunity to challenge the accuracy of the information contained in the criminal history record.

G. Required Notification by the Employee or Volunteer of a Subsequent Disqualifying Offense.

Should an employee or volunteer be convicted of a disqualifying crime or offense as specified in Section 11:5-7(D) after he or she has cleared the required background check, he or she must immediately notify the Personnel Director.

H. The validity or enforceability of any provision of this Ordinance shall not effect the remaining provisions of this Ordinance, which shall remain in full force and effect.

This Ordinance shall take effect twenty (20) days after final passage and approval as provided by law.

First Reading

Second Reading and Final Passage

Adopted by the City Council

Approved by the Mayor

Attested by the City Clerk
