

**TOWN OF WEST NEW YORK**

**COUNTY OF HUDSON, STATE OF NEW JERSEY**

**ORDINANCE #12/16**

**AN ORDINANCE AMENDING CHAPTER 125 “BACKGROUND CHECKS”**

**WHEREAS**, the Town of West New York currently mandates a satisfactory police background report as an appropriate employment requirement for current and prospective volunteers and employees in positions requiring individual involvement with children under the age of eighteen (18) years; and

**WHEREAS**, the Town of West New York now seeks to clarify the frequency upon which volunteers and employee must submit to a background check and who will bear the cost of same, as well as issue a further mandate with respect to notification of arrests, pleas and verdicts.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Board of Commissioners that:

**SECTION ONE**

Chapter 125 Section 1, is replaced as follows:

All current and prospective employee and volunteers with the Town of West New York in positions requiring individual involvement with children under the age of 18 years shall be subject to criminal background checks. In order to facilitate such background check, such persons shall execute the appropriate consent form and provide their executed consent form to their respective Department head, who shall inform the person of the procedures required for completion of the background check.

**SECTION TWO**

Chapter 125 Section 2, is replaced as follows:

Current employees and volunteers with the town of West New York in positions requiring individual involvement with children under the age of 18 years must execute and submit the appropriate consent form to their Department Head within 30 days of the effective date of this article. Should the responsibilities of a current employee or volunteer change in the future to require involvement with children under the age of 18, the employee or volunteer will submit to a background check immediately upon notification of the change of job responsibilities. Current employees are required to submit to a background check once during the course of their uninterrupted term of employment with the Town; current volunteers are required to submit to a background check once every two years of continuous service with the Town, to be calculated from the date of submission of the individual’s appropriate consent form.

### **SECTION THREE**

Chapter 125 Section 3, is replaced as follows:

Prospective employees and volunteers with the Town of West New York in positions requiring individual involvement with children under the age of 18 years must execute and submit the appropriate consent form to their prospective Department Head within 10 days of submission of their application for employment or volunteer service. Prospective employees shall submit to a background check once during the time of their uninterrupted term of employment. Prospective volunteers shall submit to a background check upon every two years of continuous service with the Town, to be calculated from the date of submission of the prospective employee or volunteer's appropriate consent form.

### **SECTION FOUR**

Chapter 125 Section 7, is replaced as follows:

With respect to volunteer positions, the costs of the background checks shall be borne by the Town of West New York. With respect to prospective Town employees, the costs of the background checks will be borne by the prospective employee for the position, and the cost associated with the background check shall be deducted from the first paycheck received after the background check is conducted. In the event the prospective Town employee is rejected, the Town may seek payment for the cost associated with the background check from the prospective employee. The cost of current employees' background checks shall be borne by the Town.

### **SECTION FIVE**

In addition to the change noted in Sections One thru Four above, the following new section will be added to Chapter 125 as Section 8 as follows:

In the event a volunteer, prospective volunteer, employee or prospective employee is arrested/charged with a crime and/or pleads to or is found guilty of a crime, the individual shall notify their respective Department Head of same within 24 hours.

### **SECTION SIX**

**Severability.** The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

## **SECTION SEVEN**

**Repealer.** All Ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all Ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

## **SECTION EIGHT**

This Ordinance shall take effect upon passage and publication as required by law.

## **SUMMARY OF ORDINANCE**

This Ordinance clarifies that volunteers submit to a background check every two years of continuous employment and employees submit to a background check once during their uninterrupted tenure with the Town. This ordinance also clarifies that the Town will cover the cost of the background check for volunteers but that prospective employees shall bear this cost themselves by way of a deduction in their paycheck. The costs of background checks associated with current employees will be borne by the Town. In addition, this Ordinance now requires 24 hour notification of arrests, pleas and guilty verdicts.

**Introduced: 5/26/16**

## **Notice**

The foregoing Ordinance was adopted for first reading by the Mayor and Board of Commissioners of the Town of West New York, New Jersey, on **May 26, 2016** and ordered published, and will be further considered before final passage at a public hearing on **June 22, 2016 at 6:00 p.m.** at the Commission Chambers, Municipal Building, West New York, NJ. A copy of this Ordinance has been posted on the bulletin board upon which public notices are customarily posted on in the Town Hall of the Town of West New York, and a copy (at no charge) is available up to and including the time of such meeting to the members of the public of the Town who shall request such copies, at the Office of the Town Clerk in said Town Hall in West New York, N.J.

Carmela Riccio, RMC  
Town Clerk