

BACKGROUND CHECK POLICY

Background checks required: Background checks are required of all candidates age 18 or over, for all paid positions. Background checks will also be administered for each employee or that works directly or indirectly with children/youth/minors every three years. The ***Fire Department, Recreation Commission/committee, and Public Library, Etc.*** shall be responsible for and set policies governing background checks on their respective volunteers.

Background check procedure: The Clerk will perform or initiate background checks after a conditional offer of employment for prospective candidates and if applicable, existing employees, and be the recipient of reports from outside agencies or contractors. The Clerk will discuss disqualifying information received with the employee's department head. Written information received as a result of a "Request for Criminal History Record Information For A Noncriminal Justice Purpose" will be destroyed immediately after it has served its authorized purpose, as required by the State Police. Such information will be kept confidential and will not be published or disclosed in any manner not consistent with the procedures listed herein. Such information will not be deemed a public record under P.L. 1963, c.73 (C:47:1A-1, et seq.) as amended and supplemented by P.L. 2001, c.404 (C:47:1A-5, et seq.).

The Clerk will inform the candidate or employee, in writing, of any information that disqualifies the individual from employment and follow all applicable procedures consistent with State law regarding same. If the ***(name of local unit)*** contracts with an outside vendor to process the background checks, that contractor may be authorized to inform the person in writing of any information that would disqualify the person. Existing employees will be placed on immediate suspension pending the outcome of a hearing or appeal. Employee suspensions may be with or without pay at the discretion of the ***(name of local unit governing body)***.

Conditions pursuant to which Disqualified will Occur:

A candidate or employee may be disqualified from employment if that person's criminal record history background check reveals a record of conviction of any of the following crimes and disorderly persons offenses as defined by New Jersey law or by analogous laws in other States:

- Homicide (N.J.S.A. 2C:11)
- Assault, reckless endangerment, threats, stalking (N.J.S.A. 2C:12)
- Kidnapping (N.J.S.A. 2C:13)
- Sexual Offenses (N.J.S.A. 2C:14)
- Offenses Against the Family, Children and Incompetents (N.J.S.A. 2C:24)
- Controlled Dangerous Substances (N.J.S.A. 2C:35 except for 2C:35-10(a)4)
- Robbery (N.J.S.A. 2C:15)
- Theft (N.J.S.A. 2C:20)

A disqualification from any position will be based only on a conviction for one or more of the above disqualifying crimes and offenses. An acquittal, a dismissal, successful completion of Pre-Trial Intervention (PTI), or an expungement of a criminal offense, including a disqualifying criminal offense, is not a disqualifying conviction.

Appeal Process: The Appeals Committee will be comprised of the (*ex: Borough Manager, Police Chief*) and other designated management official(s) of the (*name of local unit*).

Once a candidate or employee has been notified of a disqualifying conviction, the employee has 14 calendar days to file a Notice of Appeal with the (*name of local unit*). Such Notice of Appeal must be sent in writing to the Administrative Clerk. The Notice of Appeal shall include a Notice of Rehabilitation and/or a Notice that the information is inaccurate or incorrect, pursuant to N.J.A.C. 13:59-1.6.

During the 14-day period listed above, and until the issuance of the decision of the Appeals Committee, an employee will be on a suspension with pay, pending the outcome of the Notice of Appeal.

In making a determination on the appeal, the following information will be considered:

1. The nature and responsibility of the position which the convicted individual would hold, has held, or currently holds, as the case may be.
2. The nature and seriousness of the crime or offense.
3. The circumstances under which the crime or offense occurred.
4. The date of the crime or offense.
5. The age of the individual when the crime or offense was committed.
6. Whether the crime or offense was an isolated or a repeated incident.
7. Any social conditions which may have contributed to the commission of the crime or offense.
8. Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received.
9. Acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of those who have had the individual under their supervision.

The (*name of local unit*) will issue a written determination on the employee's appeal of their disqualifying conviction, setting forth the reasons for the determination.