

BOROUGH OF NORTHVALE
County of Bergen
State of New Jersey

ORDINANCE #1078-2024

AN ORDINANCE TO AMEND AND REVISE CHAPTER 74 “BACKGROUND CHECKS” OF THE BOROUGH CODE OF THE BOROUGH OF NORTHVALE AND IN PARTICULAR SECTION 74-1C

WHEREAS the Governing Body of the Borough of Northvale believes it is in the best interest of the Borough to amend and revise §74-1C and §74-7.1C of the Borough Code entitled “Criminal history record background checks required for employees and volunteers involved with Borough programs or services for minors” as set forth herein.

BE IT ORDAINED, by the Mayor and Council of Northvale, County of Bergen, State of New Jersey, as follows:

SECTION 1. §74-1C of the Borough Code of the Borough of Northvale, entitled “Criminal history record background checks required for employees and volunteers involved with Borough programs or services for minors” is hereby amended and revised as follows:

§ 74-1Criminal history record background checks required for employees and volunteers involved with Borough programs or services for minors.

Request for criminal background checks; costs. The Borough requires that all employees and volunteers, 18 years of age and older, of any Borough-sponsored program, sports, recreation, or otherwise, involving minors request, through the Recreation Committee, that the State Bureau of Identification within the Division of State Police conduct a criminal history record background check on each prospective and current employee or volunteer of the organization.

A.

The Division of State Police shall inform the Northvale Police Department and the employee and/or volunteer if the person's criminal history record background check reveals a conviction of a disqualifying crime or offense as set forth in § **74-3** of this article.

B.

The Recreation Committee and/or the Police Department shall conduct a criminal history record background check only upon receipt of a written consent to the check from prospective or current employee or volunteer.

C.

The Borough shall bear the costs associated with conducting the criminal history record background checks **including the cost of fingerprinting.**

The Borough shall bear the costs associated with conducting the criminal history record background checks.

§ 74-6Definitions.

As used in this article, the following terms shall have the meanings indicated:

BOROUGH EMPLOYEE

All current or prospective salaried officers and employees of the Borough, including, but not limited to, employees within the Police Department, Department of Public Works, Building Department, Board of Health, library, as well as employees and volunteers in the Fire Department, Fire Prevention Bureau and Ambulance Corps, except those personnel exempted herein.

§ 74-7Exempted personnel.

The personnel of the Borough hereinafter designated shall be exempt from the provisions of this article:

A.

Elected officials.

B.

The Borough Engineer, Borough Attorney, Borough Auditor, Board of Adjustment Attorney, Planning Board Attorney and Borough Judge.

C.

Professional consultants or counsel rendering professional services.

§ 74-7.1Criminal history and motor vehicle record background checks required.

The Borough requires that all current and prospective Borough employees, 18 years of age and older, as hereinabove defined, annually submit a signed consent to the Borough to conduct a criminal history background check and a motor vehicle record background check to the extent permissible by law.

A.

For all prospective employees, the Borough shall abide by N.J.S.A. 34:6B-11 et seq., otherwise known as the "New Jersey Opportunity to Compete Act" (the "Act"). Consistent with this Act, no criminal background checks shall be completed until after the initial employment application process as defined in N.J.A.C. 12:68-1.2 set forth below.:

INITIAL EMPLOYMENT APPLICATION PROCESS

The period beginning when an applicant for employment first makes an inquiry to an employer about a prospective employment position or job vacancy or when an employer first makes an inquiry to an applicant for employment about a prospective employment position or job vacancy, and ending when an employer has conducted a first interview of an applicant for employment, whether the interview has been conducted in person or by any other means.

B.

The Borough shall conduct a criminal history record background check and motor vehicle record background check only upon receipt of a written consent from the prospective or current employee.

C. The Borough shall bear the costs associated with conducting the criminal history , **fingerprinting**, and motor vehicle record background checks.

SECTION 2. All ordinances of the Borough of Northvale, which are inconsistent with the provisions of this ordinance, are hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

SECTION 4. All other provisions of Chapter 74 of the Code of the Borough of Northvale are not further amended and remain in full force and effect.

The ordinance shall take effect immediately upon final passage.

Joseph E. McGuire

Joseph E. McGuire, Mayor

Attest:

Frances M. Weston

Frances Weston
Municipal Clerk

Introduced: February 14, 2024

2nd Reading: March 13, 2024

Effective: March 13, 2024

