

**ORDINANCE NO. 1620 AUTHORIZING CRIMINAL HISTORY RECORD
BACKGROUND CHECKS FOR EMPLOYEES AND VOLUNTEERS INVOLVED WITH
TOWNSHIP PROGRAMS OR SERVICES FOR MINORS.**

WHEREAS, the Township Council of the Township of Galloway is aware that numerous programs and services are offered to the minor residents of the Township; and

WHEREAS, the Township Council of the Township of Galloway wishes to ensure that the Township of Galloway is providing the safest possible recreational and other programs for the minors involved; and

WHEREAS, a recently enacted law of the State of New Jersey, N.J.S.A. 15A: 3A-1st seq. permits the Township to request that the New Jersey Attorney general's office conduct a criminal history record background check on each prospective and current employee or volunteer participating in any Township endorsed, or sponsored programs which will provide recreational, cultural, charitable, social or other activities for persons younger than 18 years of age; and

WHEREAS, the Township of Galloway recommends that all such current and prospective employees and volunteers involved with youth programs be required to submit to such criminal history record background checks at a cost to be borne by the Township and supplemented through grants, fundraising, and the volunteer organizations involved; and

WHEREAS, the Township Council of the Township of Galloway desires that all youth programs sponsored by the Township be required to submit to criminal history record background checks on their employees and volunteers, as a condition of Township sponsorship; and

WHEREAS, the Township Council of the Township of Galloway desires to allow other Township non-profit organizations involved with youth programs to participate in this program at their expense;

NOW BE IT THEREFORE ORDAINED by the Township Council of the Township of Galloway, County of Atlantic, State of New Jersey, as follows:

SECTION 1. Definitions relative to criminal history background checks for employees and volunteers of nonprofit youth organizations and/or employees and volunteers involved with township sponsored programs or the use of township facilities or parks involving minors.

As used in this Ordinance:

- (a) "Criminal history record background check" means a determination of whether a person has a criminal record by cross-referencing that person's name, fingerprints, social security number and date of birth, with those on file with the Federal Bureau of Investigation, Identification (SBI) Division and/or the State Bureau of Identification of the New Jersey State Police.
- (b) "Criminal history record information of "CHRI" means information collected by criminal justice agencies concerning persons and stored in the computerized databases of the New Jersey State Police SBI Criminal History Information System, the National Law Enforcement Telecommunications Systems or other

states computerized repositories containing criminal history record information consisting of identifiable descriptions and notations of arrests, indictments, or other formal criminal charges, and any dispositions, arising there from, including convictions, dismissals, correctional supervision and release.

(c) "Department" means the Township of Galloway Department of Community Services/Recreation

(c) "Township sponsored and/or supported programs" means any programs sponsored or funded by the Township, which provide and/or utilize Township facilities and/or Township property.

SECTION 2. CRIMINAL BACKGROUND CHECK COSTS are to be borne by the Township and supplemented through grants, fundraising, and the volunteer organizations involved.

SECTION 3. CONDITIONS UNDER WHICH A PERSON IS DISQUALIFIED FROM SERVICE.

(a) A person may be disqualified from serving as an employee or volunteer of a Nonprofit youth serving organization if that person's criminal history record background check reveals a record of conviction of any of the following crimes or

Offenses;

2C: 11 HOMICIDE

-All offenses

2C: 12 ASSAULT; ENDANGERING; THREATS

-All offenses

2C: 13 KIDNAPPING

-All offenses

2C: 14 SEXUAL OFFENSES

-All offenses

2C: 15 ROBBERY

-All offenses

2C: 20 THEFT

-All offenses

2C: 24 OFFENSES AGAINST THE FAMILY, CHILDREN AND INCOMPETENTS

-All offenses

2C: 35 CONTROLLED DANGEROUS SUBSTANCES

-All offenses except paragraph (4) of subsection a. of N.J.S.2C: 35-10

SECTION 4. REQUEST FOR CRIMINAL BACKGROUND CHECKS;

The Township shall conduct a criminal history background check only upon receipt of the written consent to the check from the prospective or current employee or volunteer.

SECTION 5. SUBMISSIONS, EXCHANGE OF BACKGROUND CHECK INFORMATION

(a) Prospective or current employees and volunteers of nonprofit youth serving organizations and/or employees and volunteer of Township sponsored and/or supported programs involving minors shall submit a completed list of names, addresses and a written consent form from all volunteers and contractors starting

at 16 years of age i.e....sports camps, trainers, park maintenance, anyone that will have any interaction with a minor.

- (b) The organization shall submit this documentation to the Director of Community Services of the Township of Galloway who shall coordinate the background checks, schedule the fingerprinting through the Township of Galloway's Police Department and the taking of photos for ID's with the completion of the Criminal Background Check.
- (e) The Township will engage the services of a third party independent agency to conduct the criminal history record background checks authorization under this ordinance.

Scope of required services of third party independent agency follows;

- (1) collect and review for accuracy all fingerprint cards and deliver to the New Jersey State Police.
- (2) Processing all volunteers on site to include all fingerprinting forms.
- (3) Provide onsite representatives to photo all volunteers and/or employees.
- (4) Issue photograph identification cards to volunteers and/or employees who have successfully completed the background record check, by delivery to the Department of Community Services for delivery to the applicant.
- (5) Notify Galloway Department of Community Services of the qualification of each applicant based upon information received from the New Jersey State Police.
- (6) Issue and update rosters of all proceeded applicants to GTCS.
- (7) Insurance. Third party agency shall secure and maintain at all times during the term of this contract general public liability insurance with a minimum limit of liability of a \$1,000,000.00, and workers compensation, with coverage's in amounts as required by New Jersey statute. The agency shall provide the Township of Galloway with a Certificate of Insurance evidencing the above coverage and limits of liability, and provide a minimum of ten days advance written notice prior to any cancellation or alteration of any of the policies referred to in the certificate.

SECTION 6. NOTIFICATION OF DISQUALIFICATION OF APPLICANT WILL BE SENT FROM THE FOLLOWING:

- (a) A copy of the Notification will be sent from the State of New Jersey Office of the Attorney General Department of Law and Public Safety Division of State Police, directly to the applicant. If the applicant wishes to obtain a copy of his/her criminal history record, they must contact the New Jersey State Police, directly.
- (b) No entity within this process is privy to specific contents of the applicant's criminal background other than the applicant, if he/she makes a request for a copy of their criminal history record through the office of the State Bureau of Identification Volunteer Review Operation directly for the sole purpose of challenging the accuracy of these findings.

SECTION 7. CRIMINAL BACKGROUND CHECKS: APPEAL PROCESS AND CRIMINAL BACKGROUND CHECK APPEAL PANEL

- (a) Criminal Background Check appeal process: If the Director of Community Services receives a disqualification notice from the third party provider, the volunteer and or employee denies the challenge or accuracy of the criminal background history report, the employee or volunteer may appeal that determination by filing a written notice of appeal with the Director of Community no later than 20 days after receiving the determination from the third party

agency. Any appeal request shall proceed before the Youth Protection Program Criminal Background Check Appeal Panel.

SECTION 8. YOUTH PROTECTION PROGRAM CRIMINAL BACKGROUND APPEAL PANEL:

In order to monitor and supervise the enforcement of this Ordinance by the Director of the Department of Community Services, the Township of Galloway hereby creates a Youth Protection Program Criminal Background Check Appeal Panel, which shall consist of (3) members. The composition of the Criminal Background Appeal Panel shall be as follows; One (1) member of the Criminal Background Check Appeal Panel shall be the Chief of Police of the Township of Galloway, one (1) member shall be the Township Manager of the Township of Galloway, one (1) member shall be the Director of Community Services of the Township of Galloway. Each member will serve without compensation.

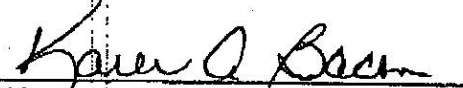
SECTION 9. All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 10. The Ordinance shall take effect upon final passage, approval and publication as provided by law.

SECTION 11. To the extent that any part or parts of this ordinance are repealed or otherwise modified or voided by State Statute or case law, the remaining sections of this ordinance shall remain in full force and effect.

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed first reading at a regular meeting of the Township Council of the Township of Galloway, County of Atlantic and State of New Jersey, held on the 23rd day of August, 2005 and said ordinance will be further considered for final passage and adoption and the public hearing held thereon at a regular meeting of the Township Council to be held in the Municipal Building, 300 E. Jimmie Leeds road, Galloway, NJ 08205, on the 13th day of September, 2005, at 7:30 PM or as soon thereafter as the matter may be reached.

BY ORDER OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF GALLOWAY


Karen A. Bacon, Township Clerk