

## #1292

### **ORDINANCE OF THE TOWNSHIP OF HADDON, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AMENDING CHAPTER 18 OF THE CODE OF THE TOWNSHIP OF HADDON ENTITLED "CRIMINAL HISTORY RECORD CHECK"**

**WHEREAS**, the Township of Haddon ("Township") is a municipal entity organized and existing under the laws of the State of New Jersey and located in Camden County; and

**WHEREAS**, Chapter 18 of the Township Code provides for criminal history records checks of employees of the Haddon Township Board of Education; and

**WHEREAS**, the Governing Body has determined that it is in the best interest of public health, safety and welfare to have all municipal employees undergo criminal background checks; and

**WHEREAS**, pursuant to N.J.S.A. 40:48-1.4, the Township is authorized to enact an ordinance providing that an authorized municipal official or officer may request a criminal history record background check of any person for an official governmental purpose, including but not limited to, employment.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Board of Commissioners of the Township of Haddon, County of Camden, and State of New Jersey, as follows:

**SECTION 1:** Section 18 of the Code of the Township of Haddon is hereby amended, revised and supplemented as follows:

#### **§ 18-1. Declaration of policy.**

It is the declared public policy of the Township of Haddon that all municipal employees, as well as all employees of the Board of Education, shall undergo a criminal history record check, including, if necessary to complete the record check, the fingerprinting thereof.

#### **§ 18-2. Confidentiality of information.**

All information secured as a result of the criminal history record check shall be confidential and shall be released only to appropriate officials and members of the Township or Board of Education, as the case may be, involved in reviewing and acting on applications for employment.

#### **§ 18-3. Procedure.**

**A.** All job applicants for any office of employment with the Township or Board of Education shall complete an appropriate "Request for Criminal History Record Information," including a security check authorization as an applicant for noncriminal justice employment.

**B.** The security check authorization shall indicate that any criminal history record information shall be released to the Township, or Board of Education of the Township of Haddon, as the case may be.

**C.** The completed request form shall be forwarded to the Haddon Township Police Department and thence to the New Jersey State Police, State Bureau of Identification, and/or Federal Bureau of Investigation for report along with any fingerprint data.

**D.** In the event that the Police Department requests it, a job applicant shall be fingerprinted by the Police Department in accordance with applicable State and Federal laws, rules and regulations.

**E.** The Police Department shall, upon receipt of the completed background check, notify the applicant and appropriate Township, or Board of Education official, of the result of the criminal history record check.

**§ 18-4. Ineligibility.**

**A.** In the event the criminal background check reveals any prior convictions for crimes or offenses which negatively impact the health, safety and welfare of the residents of the Township of Haddon, said person shall not be eligible for employment with the Township, or the Board of Education, as the case may be. Such offenses shall include, but not to be limited to:

1. In New Jersey, any crime or disorderly persons offense:

(a) involving danger to the person, meaning those crimes and disorderly persons offenses set forth in N.J.S.A. 2C:11-1 et seq., such as criminal homicide; N.J.S.A., 2C:12-1 et seq., such as assault, reckless endangerment, threats, stalking, N.J.S.A. 2C:13-1 et seq., such as kidnapping; N.J.S.A. 2C:14-1 et seq., such as sexual assault; or N.J.S.A. 2C:15-1 et seq., such as robbery;

(b) involving theft as set forth in Chapter 20 of Title 2C of the New Jersey Statutes;

(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 (4) of subsection a. of N.J.S. 2C: 35-10;

(d) any 4<sup>th</sup> degree offense or higher.

2. In any state or jurisdiction, conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offenses described in this section.

**B.** The list of crimes and violations contained in this section is for illustrative purposes only and shall not be construed as a limitation on those criminal activities or violations that would be grounds for ineligibility for employment.

**C.** Refusal to submit to background checks will result in ineligibility for employment with the Township, or Board of Education, as the case may be.

**SECTION 2:** The Table of Contents of Chapter 18 shall be amended to add a new Section 18-4 -- "Ineligibility."

**SECTION 3:** All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

**SECTION 4:** If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

**SECTION 5.** This Ordinance shall take effect upon passage and publication according to law.

THE TOWNSHIP OF HADDON

BY: \_\_\_\_\_  
RANDALL W. TEAGUE, MAYOR

BY: \_\_\_\_\_  
JOHN C. FOLEY, COMMISSIONER

BY: \_\_\_\_\_  
PAUL C. DOUGHERTY, COMMISSIONER

**Adopted:**  
ATTEST:

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DAWN M. PENNOCK, RMC - TOWNSHIP CLERK

The foregoing Ordinance was introduced by the Mayor and Commissioners at the regular meeting held on April 24, 2012. This Ordinance will be considered for adoption on final reading and public hearing to be held on May 22, 2012 at 7:00 p.m. in the Meeting Room, Haddon Township Municipal Building, 135 Haddon Avenue, Westmont, New Jersey.

The purpose of this Ordinance is to authorize amendments to the existing Ordinance regarding criminal history record checks, codified in Chapter 18 of the Code of Haddon Township, to include all municipal employees. A copy of this Ordinance is available at no charge to the general public between the hours of 8:30 AM to 4:30 PM, Monday through Friday (Legal Holidays excluded), at the Office of the Township Clerk, Haddon Township Municipal Building, 135 Haddon Avenue, Westmont, New Jersey.