

**ORDINANCE #08-2020**  
**ORDINANCE AUTHORIZING CRIMINAL HISTORY RECORD BACKGROUND**  
**CHECKS FOR EMPLOYEES AND VOLUNTEERS INVOLVED WITH CITY**  
**PROGRAMS OR SERVICES FOR MINORS**

**WHEREAS**, the City of Margate provides numerous programs and services to minors; and

**WHEREAS**, the Board of Commissioners of the City of Margate wish to ensure that the City provides the safest possible recreational and other programs for minors; and

**WHEREAS**, N.J.S.A. 15A:3A-1 et seq. permits the City to request that the New Jersey Attorney General's Office through the NJ State Police conduct a criminal history background check on prospective and current employees and volunteers participating in any City endorsed or sponsored programs which provide recreational, cultural, charitable, social, or other activities for persons younger than 18 years of age; and

**WHEREAS**, criminal history background checks are now required by the Atlantic County Municipal Joint Insurance Fund (JIF) as part of the required "Policy Addressing the Protection and Safe Treatment of Minors;" and

**WHEREAS**, the Board of Commissioners desire that all employees and volunteers involved in youth programs sponsored by the City be required to submit to a criminal history background check, as a condition of employment or a condition of City sponsorship.

**NOW, THEREFORE, BE IT ORDAINED**, by the Board of Commissioners of the City of Margate, County of Atlantic and State of New Jersey as follows:

**SECTION 1. DEFINITIONS relative to criminal history background checks for employees and volunteers involved with City sponsored programs and the use of City facilities or parks involving minors.**

As used in this Ordinance:

"Criminal history background check" means a determination of whether the person has a criminal record of convictions through the use of the NJ State Police's approved Applicant Live Scan Fingerprinting Vendor IDEMIA, who takes digital fingerprints and sends them to the NJ State Police who conduct the record check of their data base and also the FBI data base.

In addition, the City is required by the JIF to make an annual record check of the "Megan's Law Registry," which is also maintained by the NJ State Police.

“City sponsored and/or supported programs” means any programs conducted, sponsored by or funded by the City and which provide or utilize City facilities and/or property.

**SECTION 2. CRIMINAL BACKGROUND CHECK COSTS** are to be borne by the City and may be supplemented through grants, fundraising, and the volunteer organizations involved, except for the cost of missed fingerprint appointments, late cancellations, or arriving at a fingerprint session without the required documentation. That cost is \$12.80 and is paid by the applicant, employee or volunteer, which will not be reimbursed by the City.

IDEMIA’s entire registration system is online. The employee, candidate for employment, and the volunteer must provide a credit card or a money order for payment when arriving at the fingerprinting appointment. The payment of \$56.05 for an employee or candidate for employment or \$24.05 for a volunteer will be reimbursed by the City upon submission of the fingerprint session receipt.

**SECTION 3. CONDITIONS UNDER WHICH A PERSON IS DISQUALIFIED FROM SERVICE:** A person may be disqualified from serving as a City employee or a volunteer of a non-profit youth organization if that person’s criminal history background check reveals a record of conviction for any of the following crimes or offenses:

- NJSA 2C:11 CRIMINAL HOMICIDE – all offenses
- NJSA 2C:12 ASSAULT; ENDANGERING; THREATS – all offenses
- NJSA 2C:13 KIDNAPPING – all offenses
- NJSA 2C:14 SEXUAL OFFENSES – all offenses
- NJSA 2C:15 ROBBERY – all offenses
- NJSA 2C:20 THEFT – all offenses
- NJSA 2C:24 OFFENSES AGAINST THE FAMILY, CHILDREN & INCOMPETENTS – all offenses
- NJSA 2C:35 CONTROLLED DANGEROUS SUBSTANCES – all offenses except NJSA 2C:35-10a (4)

**SECTION 4. REQUEST FOR CRIMINAL HISTORY BACKGROUND CHECKS.** The City shall conduct a criminal history background check post-employment-offer but before the actual start date of employment or volunteer assignment, upon receipt of the written consent form from a prospective employee or prospective volunteer. Existing employees, who work in any City

endorsed or sponsored programs which provide recreational, cultural, charitable, social, or other activities for persons younger than 18 years of age, must also present the written consent form prior to the criminal history background check.

## **SECTION 5. EMPLOYEES AND VOLUNTEERS REQUIRED TO HAVE A CRIMINAL HISTORY BACKGROUND CHECK:**

### Employees:

Lifeguards

All Recreation Dept. Employees

Summer Camp Employees

Maintenance and Administrative Positions pertaining to Such Programs

School Crossing Guards

### Volunteers:

All Volunteers who work in the City's Youth Sports Leagues, including Coaches and Referees, and Volunteers who work as Instructors in any of the City sponsored Recreation activities and classes

All background checks will be performed post-employment-offer and before the start date of employment, and every three (3) years thereafter. If anyone has had such a criminal history background check through another agency, they can present documentation, and then they can be placed on a three-year recheck schedule.

## **SECTION 6. SUBMISSIONS, EXCHANGE OF BACKGROUND CHECK INFORMATION**

The Recreation Department Head, the Chief of Police, and the Beach Patrol Chief shall submit a list of all prospective and current employees (18 years of age and older) who work in City sponsored programs involving persons younger than 18 years of age, including maintenance and administrative staff, and a list of all Volunteers (18 years of age and older), along with the Signed Consent Forms to the Personnel Officer, who is also the Business Administrator.

The Recreation Department Head, the Chief of Police, and the Beach Patrol Chief shall distribute the "Background Check Administrative Procedures" to all above-named Employees and Volunteers, and explain that they must follow the procedures for making and keeping their fingerprint appointments so that the results can be received by the Personnel Office prior to the start of work for prospective employees and volunteers.

All information will be received by the Personnel Officer and will be maintained in a confidential file in the Personnel Office.

**SECTION 7. NOTIFICATION OF DISQUALIFICATION OF APPLICANT, EMPLOYEE OR VOLUNTEER WILL BE SENT FROM THE FOLLOWING:**

The NJ State Police State Bureau of Identification (SBI) will send a disqualification notification directly to the person fingerprinted. They will include the form that must be submitted if the applicant, employee or volunteer wishes to obtain a copy of the criminal history record. The NJ State Police SBI will also send a notification to the Personnel Officer's Designee who is on record with the NJSP SBI.

**SECTION 8. CRIMINAL BACKGROUND CHECK APPEAL PROCESS.**

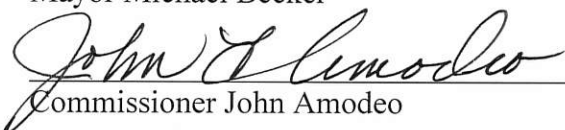
Once an applicant, employee or volunteer has been notified of a disqualifying conviction, that person has 14 calendar days to file a written Notice of Appeal with the City Personnel Officer/Business Administrator.

The Notice of Appeal shall include a Notice of Rehabilitation and/or a Notice that the information is inaccurate or incorrect, pursuant to NJAC 13:59-1.6. The applicant or volunteer will not be able to start work during this 14-day period up until the issuance of the decision of the Appeals Committee; a permanent full-time or part-time employee will be placed on a suspension with pay during this period of time.

The Appeals Committee will be comprised of the Personnel Officer, the Police Chief or other designated Superior Officer, and the City Solicitor. The decision of the Appeals Committee will be sent in writing to the applicant, the employee or the volunteer.

**SECTION 9.** This Ordinance shall take effect upon final passage, approval and publication as provided by law.

  
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Mayor Michael Becker

  
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Commissioner John Amodeo

  
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Commissioner Maury Blumberg

Board of Commissioners of the City of  
Margate City, New Jersey

Introduction: May 7, 2020

Enactment: May 21, 2020