

**TOWN OF WEST NEW YORK  
COUNTY OF HUDSON**

**ORDINANCE #14/15**

**AN ORDINANCE AMENDING PART II, GENERAL LEGISLATION, AUTHORIZING  
BACKGROUND CHECKS FOR EMPLOYEES AND VOLUNTEERS IN POSITIONS  
REQUIRING INDIVIDUAL INVOLVEMENT WITH CHILDREN UNDER THE AGE  
OF EIGHTEEN (18) YEARS**

**WHEREAS**, the Town of West New York bears certain responsibility for the conduct of its employees and volunteers in the course of their work on behalf of the Town; and

**WHEREAS**, a satisfactory police background report is an appropriate employment requirement for all employees and volunteers whose duties place them in sensitive positions;

**WHEREAS**, the Town of West New York previously introduced Ordinance #9/15, which Ordinance was effective on August 11, 2015, and which mandates a satisfactory police background report as an appropriate employment requirement for current and prospective volunteer coaches in the Town of West New York Recreation Department in positions requiring individual involvement with children under the age of eighteen (18) years;

**WHEREAS**, the Town of West New York is desirous of expanding the scope of the above-described Ordinance to include the mandating of a satisfactory police background report as an appropriate employment requirement for all Town of West New York's current and prospective employees and volunteers in positions requiring individual involvement with children under the age of eighteen (18) years;

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Board of Commissioners that:

**SECTION ONE**

The new Chapter added to Part II, General Legislation, by way of Ordinance #9/15, is replaced as follows:

- (a) All current and prospective employees and volunteers with the Town of West New York in positions requiring individual involvement with children under the age of eighteen (18) years shall be subject to criminal background checks upon every three (3) years of continuous service with the Town. In order to facilitate such background checks, such persons shall execute the appropriate consent form and provide their executed consent form to their respective Department Head, who shall inform the person of the procedures required for completion of the background check;

- (b) Current employees and volunteers with the Town of West New York in positions requiring individual involvement with children under the age of eighteen (18) years must execute and submit the appropriate consent form to their Department Head within thirty (30) days of the effective date of this Ordinance and every three (3) years of continuous service with the Town thereafter, to be calculated from the date of submission of the individual's appropriate consent form;
- (c) Prospective employees and volunteers with the Town of West New York in positions requiring individual involvement with children under the age of eighteen (18) years must execute and submit the appropriate consent form to their prospective Department Head within ten (10) days of submission of their application for employment or volunteer service, and every three (3) years of continuous service with the Town thereafter, to be calculated from the date of submission of the prospective employee or volunteer's appropriate consent form;
- (d) The results of the background checks shall not be considered public information and shall be released only to the Board of Commissioners, Town Administrator, Police Director, or Town Corporation Counsel, as needed;
- (e) If the Town Administrator or Police Director determines to recommend the dismissal of or otherwise take adverse action against a current employee or volunteer, or determines to reject a prospective employee or volunteer as a result of the information obtained from the background investigation, the current or prospective employee or volunteer shall be advised of this fact and the portions of the report upon which the recommendation is based;
- (f) There shall be no right of current or prospective volunteers who have been dismissed from their position or rejected from appointment to appeal the decision of the Town Administrator or Police Director;
- (g) With respect to volunteer positions, the costs of the background checks shall be borne by the current volunteer, or prospective volunteer applicant for the position. With respect to Town employees or prospective Town employees, the costs of the background checks may be borne by the current employee or prospective applicant for the position.

## SECTION TWO

**Severability.** The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

### SECTION THREE

**Repealer.** All Ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all Ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

### SECTION FOUR

This Ordinance shall take effect upon passage and publication as required by law.

### SUMMARY OF ORDINANCE

This Ordinance expands the scope of previously introduced Ordinance #9/15, which mandated criminal background checks for all volunteer coaches with the Town of West New York's Recreation Department in positions requiring individual involvement with children under the age of eighteen (18) years, to mandate criminal background checks for all Town of West New York employees and volunteers in positions requiring individual involvement with children under the age of eighteen (18) years.

**Introduced: 8/19/15**

### Notice

The foregoing Ordinance was adopted for first reading by the Mayor and Board of Commissioners of the Town of West New York, New Jersey, on **August 19, 2015** and ordered published, and will be further considered before final passage at a public hearing on **September 16, 2015 at 7:00 pm** at the Commission Chambers, Municipal Building, West New York, NJ. A copy of this Ordinance has been posted on the bulletin board upon which public notices are customarily posted on in the Town Hall of the Town of West New York, and a copy (at no charge) is available up to and including the time of such meeting to the members of the public of the Town who shall request such copies, at the Office of the Town Clerk in said Town Hall in West New York, N.J.

Carmela Riccio, RMC  
Town Clerk