

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

ORDINANCE #9/15

**AN ORDINANCE AUTHORIZING BACKGROUND CHECKS FOR
CERTAIN VOLUNTEERS**

WHEREAS, the Town of West New York bears certain responsibility for the conduct of its 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 volunteers whose duties place them in sensitive positions;

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

SECTION ONE

A new Chapter shall be added to Part II, General Legislation, as follows:

- (a) All current and prospective volunteer coaches with the Town of West New York Recreation Department 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 be subject to fingerprinting by the Police Department and shall execute the appropriate consent form and provide their executed consent form to the Director of Recreation;
- (b) Current volunteer coaches with the Town of West New York Recreation Department in positions requiring individual involvement with children under the age of eighteen (18) years must execute and submit the appropriate consent form to the Director of Recreation 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 volunteer coach's appropriate consent form;
- (c) Prospective volunteer coaches with the Town of West New York Recreation Department in positions requiring individual involvement with children under the age of eighteen (18) years must execute and submit the appropriate consent form to the Director of Recreation within ten (10) days of submission of their application for 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 volunteer coach'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, Chief of Police, Town Corporation Counsel, as needed;
- (e) If the Town Administrator or Chief of Police determines to recommend the dismissal of a current volunteer coach or rejection of a prospective volunteer coach as a result of the information obtained from the background investigation, the current or prospective volunteer coach 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 the current volunteer coach or rejection of a prospective volunteer coach who has been dismissed from their position to appeal the decision of the Town Administrator or Chief of Police;
- (g) The costs of the background checks shall be borne by the current volunteer coach 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 establishes a new Chapter to the Town of West New York's Municipal Code, mandating criminal background checks for volunteer coaches with the Town's Recreation Department.

Introduced: 6/17/15

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 **June 17, 2015** and ordered published, and will be further considered before final passage at a public hearing on **July 15, 2015 at 12:00 noon** 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