

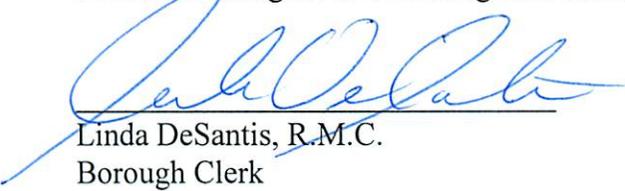
**RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF MOUNT ARLINGTON, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964"**

**WHEREAS**, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

**WHEREAS**, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

**NOW, THEREFORE BE IT RESOLVED**, that the Mayor and Borough Council of the Borough of Mount Arlington, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

This is to certify that the above is a true and correct copy of a resolution adopted by the Borough of Mount Arlington at a meeting held on April 3, 2018.

  
Linda DeSantis, R.M.C.  
Borough Clerk

**GOVERNING BODY CERTIFICATION PURSUANT TO P.L. 2017, C.183 OF COMPLIANCE  
WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S  
"Enforcement Guidance on the Consideration of Arrest and Conviction Records in  
Employment Decisions Under Title VII of the Civil Rights Act of 1964"**

**GROUP AFFIDAVIT FORM FOR MUNICIPALITIES AND COUNTIES  
NO PHOTO COPIES OF SIGNATURES**

STATE OF NEW JERSEY  
COUNTY OF MT. ARLINGTON

We, members of the governing body of the Borough of Mt. Arlington being duly sworn according to law, upon our oath depose and say:

1. We are duly elected (or appointed) members of the governing body of the Borough of Mt. Arlington in the county of Morris;
2. Pursuant to P.L. 2017, c.183, we have familiarized ourselves with the contents of the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012);
3. We are familiar with the local unit's hiring practices as they pertain to the consideration of an individual's criminal history;
4. We certify that the local unit's hiring practices comply with the above-referenced enforcement guidance.

(Mayor Stanzilis)

(Council President Sorge)

(Councilman Sadow)

(Councilman Cangiano)

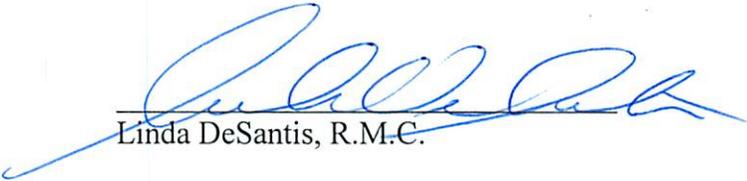
(Councilman Windish)

Absent 04/03/18

(Councilman Delaney)

(Councilman Loughridge)

Sworn to and subscribed before me this  
4th day of 2018, April  
Notary Public of New Jersey

  
Linda DeSantis, R.M.C.

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The Municipal Clerk (or Clerk of the Board of Chosen Freeholders as the case may be) shall set forth the reason for the absence of signature of any members of the governing body.

IMPORTANT: This certificate must be executed before a municipality or county can submit its approved budget to the Division of Local Government Services. The executed certificate and the adopted resolution must be kept on file and available for inspection.

## **Chapter 25 CRIMINAL HISTORY BACKGROUND CHECKS OF EMPLOYEES AND VOLUNTEERS**

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| <p><b>§ 25-1. Definitions relative to criminal history background checks for employees and volunteers.</b></p> <p><b>§ 25-2. Request for criminal background check; costs.</b></p> <p><b>§ 25-3. Conditions under which person is disqualified from service.</b></p> | <p><b>§ 25-4. Limitations on access and use of criminal history record information.</b></p> <p><b>§ 25-5. Employee or volunteer may challenge accuracy of report.</b></p> |
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**[HISTORY: Adopted by the Mayor and Council of the Borough of Mount Arlington 2-27-2006 as Ord. No. 04-06. Amended in its entirety 5-8-2006 by Ord. No. 13-06. Subsequent amendments noted where applicable.]**

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### **§ 25-1. Definitions relative to criminal history background checks for employees and volunteers.**

As used in this chapter:

- A. **CRIMINAL HISTORY RECORD BACKGROUND CHECK** — A determination of whether a person has a criminal record by cross-referencing that person's name and fingerprints with those on file with the Federal Bureau of Investigation, Identification Division and the State Bureau of Identification in the Division of State Police.
- B. **DEPARTMENT** — The Mount Arlington Police Department.
- C. **SBI** — The State Bureau of Identification in the Division of State Police.

### **§ 25-2. Request for criminal background check; costs.**

**[Amended 5-7-2007 by Ord. No. 09-2007; 4-14-2008 by Ord. No. 04-2008; amended in entirety 12-6-16 by Ord. No. 09-2016]**

- A. The borough requires that the SBI conduct a criminal history record background check on each prospective borough employee or appointee and each volunteer involved in any borough activity, program, committee, board, agency, or in any way serving or associated with the borough. Such checks shall be performed prior to employment or commencement of service as a volunteer and follow up checks are permissible. Follow up checks shall also be performed for lifeguards and volunteers on or before the third anniversary of the commencement of their service.
- B. Each prospective employee and each volunteer shall coordinate the completion of all forms necessary to apply to the SBI for the background check with the Department. The Department shall collect all forms necessary to apply, and shall submit them to the office of the Borough Administrator for submission to the SBI. The SBI shall inform the Borough Administrator whether the person's criminal history record background check reveals an incident that creates a safety concern to the public or a conviction of disqualifying crime or offense as specified in Section 25-3 of this chapter.
- C. The borough shall conduct a criminal history record background check only upon receipt of the written consent to the check from the prospective employee or volunteer, or if the employee or volunteer is less

than eighteen (18) years old, the written consent of both that employee or volunteer and his or her parent or legal guardian.

D. The borough shall bear the costs associated with conducting criminal history background checks.

**§ 25-3. Conditions under which person is disqualified from service.**

A. A person may be disqualified from serving as a borough employee or volunteer if that person's criminal history record background check reveals an incident that creates a safety concern to the public or a record of conviction of any of the following crimes and offenses: [Amended 12-6-2016 by Ord. No. 09-2016]

(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., N.J.S.A. 2C:12-1 et seq., N.J.S.A. 2C:13-1 et seq., N.J.S.A. 2C:14-1 et seq. or N.J.S.A. 2C:15-1 et seq.
- (b) Against the family, children or incompetents, meaning those crimes and disorderly persons offenses set forth in N.J.S.A. 2C:14-1 et seq.
- (c) Involving theft as set forth in chapter 20 of Title 2C of the New Jersey Statutes;
- (d) 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 (a) of subsection a. of N.J.S.A. 2C:35-10.

(2) In any other state or jurisdiction, conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly person offenses described in subsection (1) of this section.

**§ 25-4. Limitations on access and use of criminal history record information.**

A. Access to criminal history record information for noncriminal justice purposes, including licensing and employment, is restricted to authorized personnel of the borough, on a need to know basis, as authorized by federal or state statute, rule or regulation, executive order, administrative code, local ordinance or resolution regarding obtaining and dissemination of criminal history record information obtained under this chapter.

B. Such persons or organizations shall limit their use of criminal history record information solely to the authorized purpose for which it was obtained and criminal history record information furnished shall not be disseminated to persons or organizations not authorized to receive the records for authorized purposes. Use of this record shall be limited solely to the authorized purpose for which it was given and it shall not be disseminated to any unauthorized persons. This record shall be destroyed immediately after it has served its intended and authorized purpose. Any person violating federal or state regulations governing access to criminal history record information may be subject to criminal and/or civil penalties.

**§ 25-5. Employee or volunteer may challenge accuracy of report.**

If this criminal history record may disqualify an applicant for any purpose, the person making the determination shall provide the applicant with an opportunity to complete and challenge the accuracy of the information contained in the criminal history record. The applicant shall be afforded a reasonable period

of time to correct and complete this record. A person is not presumed guilty of any charges or arrests for which there are no final dispositions indicated on the record.

**Chapter 25 CRIMINAL HISTORY BACKGROUND CHECKS OF EMPLOYEES AND VOLUNTEERS**

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