

**CHAPTER 79**

**BACKGROUND CHECKS FOR NON-CRIMINAL MATTERS**

**Authority**

N.J.S.A. 27:25-5(c) and 5(f); N.J.S.A. 27:25-15.

**Source and Effective Date**

R.2001 d.276, effective July 16, 2001.  
See: 33 N.J.R. 1505(a), 33 N.J.R. 2693(b).

**Chapter Expiration Date**

Chapter 79, Background Checks for Non-Criminal Matters, expires on July 16, 2006.

**Chapter Historical Note**

Chapter 79, Background Checks for Non-Criminal Matters, was adopted as R.1986 d.433, effective October 20, 1986. See: 18 N.J.R. 1685(a), 18 N.J.R. 2134(a).

Pursuant to Executive Order No. 66(1978), Chapter 79, Background Checks for Non-Criminal Matters, was readopted as R.1991 d.495, effective September 12, 1991. See: 23 N.J.R. 1775(a), 23 N.J.R. 3038(b). Pursuant to Executive Order No. 66(1978), Chapter 79, Background Checks for Non-Criminal Matters, expired on September 12, 1996.

Chapter 79, Background Checks for Non-Criminal Matters, was adopted as new rules by R.1996 d.506, effective November 4, 1996. See: 28 N.J.R. 3547(a), 28 N.J.R. 4794(b).

Chapter 79, Background Checks for Non-Criminal Matters, was readopted as R.2001 d.276, effective July 16, 2001. See: Source and Effective Date. See, also, section annotations.

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**SUBCHAPTER 1. GENERAL PROVISIONS**

**16:79-1.1 Purpose**

The New Jersey Transit Corporation (NJ TRANSIT) and its subsidiaries are responsible for the provision of rail and bus services in the State of New Jersey. In providing these services, it is necessary to employ personnel, and to contract with individuals, in positions of trust such as bus drivers, conductors, ticket sellers, commission ticket agents and numerous other positions which are financial in nature or require contact with the riding public. In order to ensure

that only trustworthy individuals are hired or contracted with for these positions, NJ TRANSIT feels it may be appropriate to request from the State of New Jersey's Bureau of Identification a criminal history record background check prior to hiring or contracting with such individuals.

Amended by R.2001 d.276, effective August 6, 2001.  
See: 33 N.J.R. 1505(a), 33 N.J.R. 2693(b).  
Rewrote the section.

**16:79-1.2 Definitions**

The following words and terms, as used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

"Executive Director" means the Executive Director of NJ TRANSIT or the President of any NJ TRANSIT subsidiary or their designees.

"Fee" means that cost established by law for processing all criminal history record requests for authorized requesters for non-criminal justice purposes, including licensing and/or employment.

"NJ TRANSIT" means the New Jersey Transit Corporation or any of its subsidiaries.

"Non-criminal justice purpose" means any purpose, other than administration of criminal justice or criminal justice purpose, including employment and licensing, for which applicant fingerprints or name search requests are submitted by authorized requesters, as required or permitted by a Federal or State statute, rule or regulation, executive order, Administrative Code provision, local ordinance, resolution or by this chapter, to the State Bureau of Identification for the dissemination of criminal history record information.

"Processing criminal history record background checks" means the process whereby the State Bureau of Identification compares a set of classifiable fingerprints or conducts a name search request to determine if a New Jersey criminal history record exists for the person identified by the request.

"State Bureau of Identification (S.B.I.);" means the State Bureau of Identification as created by P.L. 1930, c.65 as a bureau within the Division of State Police.

Amended by R.2001 d.276, effective August 6, 2001.  
See: 33 N.J.R. 1505(a), 33 N.J.R. 2693(b).

Rewrote "Fee"; added "Non-criminal justice purpose"; in "State Bureau of Identification" substituted "P.L. 1930" for "L. 1930".

**SUBCHAPTER 2. PROCEDURES**

**16:79-2.1 Employment applications**

(a) NJ TRANSIT may require as a condition of employment or contract execution that its prospective employees or

agents complete an application in which they are asked to state whether they have ever been convicted of a criminal offense.

(b) NJ TRANSIT may require as a condition of application for commission ticket agent that all prospective agents complete an application in which they are asked to state whether they have ever been convicted of a criminal offense.

(c) In order to ensure that trustworthy individuals are employed by or contract with NJ TRANSIT, it is imperative that NJ TRANSIT be able to confirm that prospective employees or agents are truthful on their applications when responding to an inquiry of any past criminal record.

(d) Applicants who falsify their application for employment, licensing, or commission will not be hired by NJ TRANSIT or if hired prior to such determination will be subject to dismissal.

Amended by R.2001 d.276, effective August 6, 2001.

See: 33 N.J.R. 1505(a), 33 N.J.R. 2693(b).

Rewrote the section.

**16:79-2.2 Request for criminal history record background checks for non-criminal justice purpose**

(a) The Executive Director shall, when appropriate, request a criminal history record background check in conjunction with the prospective employment of, or contract with, an applicant or commission for ticket agent with NJ TRANSIT.

(b) The Executive Director shall file with the State Bureau of Identification the appropriate forms and fees all in accordance with N.J.A.C. 13:59-1.

Amended by R.2001 d.276, effective August 6, 2001.

See: 33 N.J.R. 1505(a), 33 N.J.R. 2693(b).

In (a), added "of, or contract with," preceding "an applicant"; substituted "or commission for ticket agent with NJ TRANSIT" for "at NJ TRANSIT" following "an applicant".