

CHAPTER 79

BACKGROUND CHECKS FOR
NON-CRIMINAL MATTERS

Authority

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

Source and Effective Date

R.2006 d.444, effective November 22, 2006.
See: 38 N.J.R. 2792(a), 38 N.J.R. 5408(a).

Chapter Expiration Date

Chapter 79, Background Checks for Non-Criminal Matters, expires on November 22, 2011.

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

Chapter 79, Background Checks for Non-Criminal Matters, was readopted as R.2006 d.444, effective November 22, 2006. 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 and its subsidiaries are responsible for the provision of rail, bus, and light rail 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, it may be appropriate to request 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.

Amended by R.2006 d.444, effective December 18, 2006.

See: 38 N.J.R. 2792(a), 38 N.J.R. 5408(a).

Deleted "(NJ TRANSIT)" following "Corporation", substituted "rail, bus, and light rail" for "rail and bus"; and substituted "it may be appropriate to request" for "NJ TRANSIT feels it may be appropriate to request from the State of New Jersey's Bureau of Identification".

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.

"Commissioned ticket agent" or "agent" means an individual that sells bus tickets or passes on NJ TRANSIT's behalf.

"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 a 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, 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" 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".

Amended by R.2006 d.444, effective December 18, 2006.

See: 38 N.J.R. 2792(a), 38 N.J.R. 5408(a).

Added definition "Commissioned ticket agent"; in definition "Non-criminal justice purpose", substituted "a" for "administration of criminal justice or" following "other than", and deleted "local ordinance, resolution" following "provision,"; substituted definition "State Bureau of Identification" for definition "State Bureau of Identification (S.B.I.)"; and in definition "State Bureau of Identification", substituted "c. 65" for "c.65".

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 commissioned ticket 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 commissioned 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 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.

Amended by R.2006 d.444, effective December 18, 2006.

See: 38 N.J.R. 2792(a), 38 N.J.R. 5408(a).

In (a), inserted "commissioned ticket"; in (b), substituted "commissioned" for "commission"; and in (d), deleted ", licensing," following "employment".

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 an applicant or contract with a commissioned ticket agent.

(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, and/or contract with a firm that specializes in conducting comprehensive background checks to perform the background checks efficiently and in accordance with applicable laws and regulations.

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".

Amended by R.2006 d.444, effective December 18, 2006.

See: 38 N.J.R. 2792(a), 38 N.J.R. 5408(a).

Rewrote (a); and in (b), inserted ", and/or contract with a firm that specializes in conducting comprehensive background checks to perform the background checks efficiently and in accordance with applicable laws and regulations".