

**CHAPTER 79**  
**BACKGROUND CHECKS FOR NON-CRIMINAL MATTERS**

**Authority**

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

**Source and Effective Date**

R.1991 d.495, effective September 12, 1991.  
See: 23 N.J.R. 1775(a), 23 N.J.R. 3038(b).

**Executive Order No. 66(1978) Expiration Date**

Chapter 79, Background Checks for Non-Criminal Matters, expires on September 12, 1996.

**Chapter Historical Note**

Chapter 79, Background Checks for Non-Criminal Matters, became effective October 20, 1986 as R.1986 d.433. See: 18 N.J.R. 1685(a), 18 N.J.R. 2134(a). Pursuant to Executive Order No. 66(1978), Chapter 79 was readopted as R.1991 d.495. See: Source and Effective Date.

See section annotations for additional rulemaking.

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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 in positions of trust such as bus drivers, conductors, ticket sellers and numerous other positions which are financial in nature or require contact with the riding public. In order to ensure that only the appropriate persons are hired 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 name search ID check prior to hiring such individuals.

**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 price established by law for processing all record requests for a licensing and/or employment purpose for authorized agencies.

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

“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 L.1930, c.65 as a bureau within the Division of State Police.

**SUBCHAPTER 2. PROCEDURES**

**16:79-2.1 Employment applications**

(a) NJ TRANSIT may require as a condition of employment that its prospective employees complete an employment application in which they are asked to state whether they have ever been convicted of a criminal offense.

(b) In order to ensure that only appropriate persons are employed at NJ TRANSIT, it is imperative that NJ TRANSIT be able to confirm that prospective employees are truthful on their employment applications when responding to an inquiry of any past criminal record.

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

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

(a) The Executive Director shall, when appropriate, request a criminal history record background check in conjunction with the prospective employment of an applicant at 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.