

ORDINANCE NO. 2026-17

ORDINANCE AMENDING CHAPTER 10, “PERSONNEL,” BY CREATING NEW  
SECTION 10-11 “BACKGROUND CHECKS FOR BOROUGH OF KEYPORT  
EMPLOYEES” THE CODE OF THE BOROUGH OF KEYPORT

WHEREAS, the Borough of Keyport (the “Borough”) is desirous of amending Chapter 10, “Personnel,” by creating the new section 10-11, “Background Checks for Borough of Keyport Employees”.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Keyport that the following new Section of Chapter 11 of the Borough Code be and is hereby created to read as follows:

Deletions are noted by strike throughs

Additions are indicated in **bold underline**

Language that remains unchanged is not highlighted in any way

SECTION I

Chapter 10 Personnel

§10-11 Criminal History Background Checks for Borough Employees; Costs.

- a. Establishment. There is hereby established a requirement for criminal history background checks of all Borough employees. The Borough Administrator or Chief of Police are hereby authorized to require a criminal history background check of any person in accordance with N.J.S.A. 40:48-1.4 for any governmental purpose, including but not limited to all current employees who have a change in their employment status ( promotion, change of title, reappointment) with a maximum of one background check performed per year on any one individual, and all new applicants of any Borough entity seeking a full-time, part-time, or seasonal compensated position, with a maximum of one background check performed per year on any one individual.
1. All persons subject to the mandatory criminal history background checks under this Subsection shall submit to being fingerprinted in accordance with applicable state and federal laws, rules, and regulations. The Borough Administrator and/or Chief of Police are authorized to exchange fingerprint data with and receive criminal history information from the State Bureau of Identification in the Division of State Police and the Federal Bureau of Investigation. Any person who has submitted to a criminal background check, upon request shall be permitted to review the results of the check.
2. The Borough of Keyport shall bear the costs associated with conducting the criminal history background checks for Borough Employees.
- b. Disqualification from Employment. A person will be automatically disqualified from employment with any Borough entity if that person refuses to submit to the mandatory criminal history background check required by this Subsection.
- c. Crime or Disorderly Person’s Offense. A person will also be disqualified from employment with any Borough entity if that person’s criminal history background check reveals a record of conviction for any crime, disorderly person’s offense or crime of moral turpitude, including but not limited to the following:

1. Involving danger to the person, meaning those crimes and disorderly persons offenses as set forth in N.J.S.A. 2C:11-1 et seq., such as criminal homicide; N.J.S.A. 2C:13-1 et seq., such as kidnapping; N.J.S.A. 2C:14-1 et seq., such as sexual assault; or N.J.S.A. 2C:15-1 et seq., such as robbery;
2. Against the family, children, or incompetents, meaning those crimes and disorderly persons offenses as set forth in N.J.S.A. 2C:24-1 et seq., such as endangering the welfare of a child;
3. Involving theft, as set forth in Chapter 20 of Title 2C of the New Jersey Statutes;
4. 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 (4) of Subsection (a) of N.J.S.A. 2C:35-10, possession of 50 grams or less of marijuana.
- d. Conduct in any other state which, if committed in New Jersey, would constitute a crime or disorderly person's offense shall be considered a disqualifying offense.
- e. Challenge of Accuracy. If the criminal history background check results in disqualification of an applicant for any reason, such person shall be provided an opportunity to challenge the accuracy of the information contained therein. The person shall be afforded a reasonable period of time to correct their record and provide an amended record. Failure to do so within a reasonable time period shall result in disqualification.
- f. Appeals by Applicant; Appeal Committee. An appeal based on rehabilitation shall be made to an appeal committee, which shall consist of the Chief of Police, Borough Administrator, and a designee of the governing body. The appeal committee is hereby designated to hear an appeal that is brought forth by any person deemed unqualified as a result of a criminal history check. The person shall have 30 days from the receipt of the notice of disqualification to petition the appeal committee for a review.
- g. Results Not Automatically Disqualifying. A current employee or applicant for employment need not be automatically disqualified from employment on a basis of conviction disclosed in a criminal history background check if said person has affirmatively demonstrated to the appeal committee clear and convincing evidence of his or her rehabilitation. The appeal committee may consider the following factors:

1. The nature and responsibility of the position which the convicted person would hold;
2. The nature and seriousness of the offense;
3. The circumstances under which the offense occurred;
4. The date of the offense and if sufficient time has passed;
5. The age of the person when the offense was committed;
6. Whether the offense was an isolated or repeated incident;
7. Any social conditions which may have contributed to the offense;
8. Any evidence of rehabilitation, including good conduct, counseling, or psychiatric treatment received.
- h. The appeals committee shall limit its use of criminal history record information solely for the individual for which it was obtained, and the criminal history record information furnished shall not be disseminated to persons or organizations not authorized to receive the records for authorized purposes. This information shall be limited solely to the authorized purpose for which it was given, and it shall not be disseminated to any unauthorized person. Any person violating federal or state regulations governing access to criminal history records information may be subject to criminal and/or civil penalties.

- i. If the appeals committee determines that the person has been successfully rehabilitated, it shall consider that person for employment.

## SECTION II

If any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudications shall apply to the section, paragraph, subsection, clause, or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid in effect.

## SECTION III

Any Ordinance or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

## SECTION IV

This Ordinance shall take effect upon passage and publication in accordance with the applicable law.

| ORDINANCE INTRODUCED |         |          |     |     |         |
|----------------------|---------|----------|-----|-----|---------|
| Councilmember        | Offered | Seconded | Aye | Nay | Abstain |
| Brady                |         | X        | X   |     |         |
| Bergen               |         |          | X   |     |         |
| Kyne                 |         |          | X   |     |         |
| McNamara             | X       |          | X   |     |         |
| Merla                |         |          | X   |     |         |
| Pecora               |         |          | X   |     |         |

## CERTIFICATION

I, Michele Clark, Borough Clerk, do hereby certify that this is a true copy of the ordinance introduced by the Governing Body of the Borough of Keyport on June 16, 2026.

  
Michele Clark, RMC  
Borough Clerk

| ORDINANCE ADOPTED |         |          |     |     |         |
|-------------------|---------|----------|-----|-----|---------|
| Councilmember     | Offered | Seconded | Aye | Nay | Abstain |
| Brady             |         |          |     |     |         |
| Bergen            |         |          | X   |     | X       |
| Kyne              |         | X        | X   |     |         |
| McNamara          |         |          | X   |     |         |
| Merla             |         |          |     | X   |         |
| Pecora            | X       |          | X   |     |         |

Introduced: June 16, 2026  
Public Hearing: July 7, 2026  
Adopted: July 7, 2026

  
Michele Clark, RMC  
Borough Clerk

  
Mayor Rose P. Araneo  
Borough of Keyport