ASSEMBLY, No. 1303

STATE OF NEW JERSEY

217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

Sponsored by:
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SYNOPSIS

Requires certain NJ Transit Corporation employees to undergo criminal history background checks and wear photo identification.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

AN ACT concerning criminal history record background checks and photo identification requirements for certain employees of the New Jersey Transit Corporation and supplementing P.L.1979, c.150 (C.27:25-1 et seq).

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. As used in this act:

"Criminal history record background check" means 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 State Bureau of Identification in the Division of State Police.

"Corporation" means the New Jersey Transit Corporation.

"Current security employee" means an individual who is employed by the corporation and is granted access to a security sensitive area.

"Prospective security employee" means an individual who seeks employment with the corporation for a position that may require access to a security sensitive area.

"Security sensitive area" means that area determined by the corporation to be essential to maintaining the security of its facilities and operations.

2. The corporation shall perform criminal history record background checks on each prospective security employee. The corporation shall not hire a prospective security employee unless it is determined that no criminal record information exists on file in the State Bureau of Identification in the Division of State Police which would disqualify the individual from being employed pursuant to the provisions of this act.

3. A prospective security employee subject to the provisions of section 2 of this act shall submit to being fingerprinted in accordance with applicable State and federal laws, rules, and regulations. A prospective security employee who refuses to consent to, or cooperate in, the securing of a criminal history record background check shall not be hired by the corporation. The corporation is authorized to request and receive criminal history record information from the State Bureau of Identification for use in making determinations provided for in section 2 of this act. A criminal history record background check shall not be performed pursuant to this act unless the prospective security employee shall have furnished written consent to a background check.

4. a. Upon receipt of a prospective security employee's criminal history record information from the State Bureau of Identification

pursuant to section 3 of this act, the corporation shall notify the prospective security employee as to whether the employee is qualified or disqualified for employment pursuant to this act. The corporation shall determine the basis for disqualification of a prospective security employee.

b. A prospective security employee shall have 20 days from the date of the notice of disqualification to file an appeal for review on the accuracy of the criminal history record information or to establish rehabilitation pursuant to regulations adopted by the corporation, in consultation with the Attorney General.

c. The corporation shall not maintain a prospective security employee's criminal history record information submitted pursuant to this act for longer than 36 months from the date of the final disposition of the employee's disqualification.

5. The corporation shall adopt procedures to ensure that each current security employee is issued a plainly visible photo identification card to be worn at all times while on duty, which includes the individual's name, a color photograph of the individual in a size adequate to permit recognition, the individual's signature, the date of issuance, and proof of employment by the corporation

6. A new identification card shall be made and issued by the corporation from time to time to reflect any substantial changes in the current security employee's appearance. Each new identification card shall contain a recent color photograph of the employee.

7. A current security employee of the corporation who is in possession of an identification card, as provided for by this act, shall not loan, allow, or permit any other person to use or display the identification card. In case of the loss of the identification card, the current security employee shall immediately notify the corporation of the loss and the circumstances surrounding the same. Any person violating the provisions of this section or any person who shall display or use the identification card of another, for the purpose of deceiving any person as to their identity, shall be guilty of a disorderly person's offense.

8. This act shall take effect immediately.

STATEMENT

This bill requires each prospective employee of the New Jersey Transit Corporation (NJ Transit) whose work responsibilities require access to a "security sensitive area," defined as "the area determined by NJ Transit to be essential to maintaining the security

of its facilities and operations," to receive a criminal history background check. Under the bill, NJ Transit is not to employ an individual who has access to a "security sensitive area" unless it is determined that no criminal record information exists on file in the State Bureau of Identification in the Division of State Police which would disqualify the individual from being so employed.

The bill requires prospective security employees to submit to being fingerprinted in accordance with applicable State and federal laws, rules and regulations. An employee who refuses to consent to, or cooperate in, the securing of a criminal history background check may not be considered for employment.

The bill provides that, upon receipt of their criminal history record information, NJ Transit is to notify prospective security employees as to whether they are qualified or disqualified for employment. A prospective security employee would have 20 days from the date of the notice of disqualification to file an appeal for review on the accuracy of the criminal history record information or to establish rehabilitation pursuant to the regulations adopted by NJ Transit, in consultation with the Attorney General. NJ Transit is not to maintain a prospective security employee's criminal history record information for more than 36 months from the date of the final disposition of the employee's disqualification.

The bill requires current security employees of NJ Transit to be issued and display photographic identification to enable them to better identify themselves to the public. Specifically, NJ Transit is to adopt procedures to ensure that current security employees are issued an identification card, which includes: the individual's name, a color photograph of the individual in a size adequate to permit recognition, the individual's signature, the date of issuance, and proof of employment by NJ Transit. The bill stipulates that current security employees plainly display their identification card at all times while on duty. Current security employees are not permitted to allow another person to use or display the employee's identification card for the purpose of deceiving the other person’s identity.