

Local Law Number 14 Of 2007

County Of Ulster

A Local Law Requiring Criminal Background Checks Of Prospective Applicants For Employment With The County Of Ulster

BE IT ENACTED, by the Legislature of the County of Ulster, as follows:

SECTION I. LEGISLATIVE INTENT AND PURPOSE

1. This Legislature finds and determines that it would promote the safety of the people of Ulster County and the security of County property to investigate the character of prospective applicants for employment with the County of Ulster by reviewing such applicants' criminal history report.

2. This Legislature further finds and determines that the New York State Division of Criminal Justice Services is capable of conducting fingerprint-based searches of the criminal history reports it maintains but that it requires either statute or local law to grant it authority to conduct fingerprint and criminal history checks. Subdivision 8-a of Section 837 of the New York State Executive Law authorizes the New York State Division of Criminal Justice Services to charge a fee when, pursuant to statute, it conducts a search of its criminal history records and returns a report thereon in connection with an application for employment.

3. This Legislature further finds that the office of the Ulster County Personnel Officer performs the duties of a municipal civil service commission of the County of Ulster pursuant to the terms of Section 15 of the New York State Civil Service Law and Local Law No. 6 of 1978 of the County of Ulster; and the Ulster County Personnel Officer administers civil service law with respect to offices and employment in the classified service of such county pursuant to Section 17 of Civil Service Law; and the Ulster County Personnel Officer, pursuant to section 50 of the New York State Civil Service Law, is directed to ascertain the fitness of applicants for positions in the competitive class of the civil service and may refuse to examine an applicant, or may refuse to certify an eligible, who has been guilty of a crime. In addition, the Ulster County Personnel Officer is responsible for the administration of personnel matters for with respect to offices and employment in the unclassified service of such county.

4. This Legislature finds that the Ulster County Sheriff or his/her deputies or designees have the equipment and expertise to prepare and process fingerprints.

5. Accordingly, the purpose of this Local Law is to provide authority for fingerprinting and criminal history record checks of prospective employees of the

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County of Ulster where such authority does not exist by statute or any other state or federal law, the same of which shall be administered by and/or through the office of the Ulster County Personnel Officer with the assistance of the Ulster County Sheriff.

SECTION II. CLASSIFICATIONS OF EMPLOYEES SUBJECT TO FINGERPRINTING AND BACKGROUND CHECKS

1. All prospective employees shall be subject to fingerprinting and background checks who are candidates for the following positions for county service as set forth in the Ulster County Civil Service Rules:

- (a) All positions which are, now or in the future, designated as classified service in the competitive class, non-competitive class, labor class, and exempt class;
- (b) All positions which are, now or in the future, designated as unclassified service except those designated as elected officials, Commissioners of Elections, County Treasurer, District Attorney, Sheriff and County Clerk.

SECTION III. FINGERPRINTING AND CRIMINAL HISTORY REVIEW AS A CONDITION OF EMPLOYMENT WITH THE COUNTY OF ULSTER

1. The Ulster County Personnel Officer shall be responsible for the administration of this local law and shall adopt policies and procedures for the purpose of performing fingerprinting and criminal history review of prospective employees of the County of Ulster who are subject to background checks and fingerprinting.

2. The Ulster County Personal Officer shall enter into an agreement with the New York State Division of Criminal Justice Services to receive the criminal history reports of prospective applicants for employment in the civil service of the County of Ulster. Subsequent to the effective date of the agreement referred to above, all prospective applicants for employment within the classes of the civil service of the County of Ulster as set forth in this local law shall be fingerprinted

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for the purpose of procuring a criminal history report from the New York State Division of Criminal Justice Services.

3. In order to determine the kind of past conduct which may preclude a person from employment with the County of Ulster, the following criteria shall aid in determination:

- (a) Whether the person has been convicted of any offense denominated a felony or misdemeanor by and in violation of the laws of the United States or any of its territories or possessions, or another state or of the State of New York or any political subdivision of this state.
- (b) Whether a person has been found by any court or administrative tribunal of the United State of any of its territories or possessions, or another or of the State of New York or any political subdivision of this state to have practiced any fraud, deceit or misrepresentation in the conduct of any occupation, business or profession.

4. The criteria set forth in Subsection 3 of this section shall constitute sufficient legal basis for obtaining the criminal history of said person.

5. Fingerprint cards for all prospective employees shall be prepared by the Ulster County Sheriff's Department together with any applicable fee to be paid by the prospective employee. The appointing authority may waive the applicable fee for any prospective employee; and in that event, the fee shall be paid by the County and be chargeable against the respective Department's Budget. The fingerprint card and applicable fee will be delivered to the Ulster County Personnel Officer who shall forward same to New York State Division of Criminal Justice Services for processing.

6. The criminal history record processed by New York State Division of Criminal Justice Services concerning prospective employees shall be submitted to the Ulster County Personnel Officer, or his/her designee, for review by the Ulster County Personnel Officer and the appointing authority of the prospective employee for review and consideration of the contents of those records and a decision regarding the candidate's fitness for the position applied for.

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7. If a candidate has been convicted of a felony and/or a misdemeanor, any decision regarding such candidate's fitness for a position must be made on a case-by-case review of the factors contained in Article 23-A, Sections 751, 752 and 753 of the New York State Corrections Law.

SECTION IV. EFFECTIVE DATE

1. This local law shall take effect immediately and shall remain in effect until otherwise suspended or revoked.

Adopted: August 8, 2007