

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~City~~  
~~Town~~  
~~Village~~  
County of Niagara

Local Law No. 2 of the year 2008

A local law adopting the Niagara County Criminal History Record Check Policy  
*(Insert Title)*  
for prospective Niagara County Employees

Be it enacted by the Legislature of the  
*(Name of Legislative Body)*

~~City~~  
~~Town~~  
~~Village~~  
County of Niagara as follows:

1. Niagara County is committed to providing safeguards that endeavor to protect the welfare and security of its employees and the general public which it serves. Accordingly, the County will conduct a criminal history record check which may include fingerprinting (a "CHRC") in connection with the appointment of any employee to a job classification for which (a) a CHRC is required by law, or (b) duties include access to children, entry into private residences, or unsupervised physical access to vulnerable individuals. Where required under this policy CHRCs will be conducted pre-offer of employment, or where not feasible, an offer will be contingent upon the results of the CHRC.

2. Niagara County does not unlawfully discriminate on the basis of arrests or convictions. No application for employment will be denied by reason of the applicant having been previously convicted of one or more criminal offenses, unless (1) disqualification is specifically permitted or required by law; (2) there is a direct relationship between one or more previous criminal offenses and the employment sought; or (3) the granting of the employment sought would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public. In evaluating these factors, the County will consider the duties of the position; the bearing of the conviction on the "fitness" to perform the duties of the position; the time elapsed since the conviction; the age of the applicant at the time of the conviction; the "seriousness" of the offense; evidence of rehabilitation; and the employer's legitimate interest in protecting property and safety of specific individuals and the public. The County will also consider any certificate of relief from disabilities or certificate of good conduct issued to a prospective employee. Subject to applicable law, the County may also deny employment on the basis of an arrest which is pending at the time an employment decision is made.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

3. The County Human Resources Department will oversee CHRCs for County government. However, under the direction of the County Human Resources Department, various departments within the County may implement procedures for processing CHRC consent forms and applications, consistent with applicable laws. All CHRCs will be performed through the Niagara County Sheriff's Department or through other governmental agencies. No non-governmental entity will be used to perform CHRCs.

4. Prospective employees subject to a CHRC will be provided with a notice and consent form. Before any adverse employment is taken based upon the results of a CHRC, a prospective employee will be afforded the opportunity to review and explain information contained therein. A prospective employee may also withdraw his or her application for employment at any time, without prejudice, prior to the County's decision on employment, and upon such withdrawal and to the extent required by law, the County Human Resources Department will destroy any CHRC report concerning such prospective employee.

5. The results of CHRCs will be maintained by the County in a file that is separate from other personnel information. Questions regarding compliance with this policy should be addressed to the Human Resources Director, the Niagara County Manager, or the Niagara County Attorney's Office. The County Human Resources Department will develop and maintain a list of positions for which a CHRC is required and forms and procedures consistent with this policy. Except as required by law, this policy is subject to, and to the extent inconsistent with, superseded by, the County's collective bargaining agreements.

6. The County of Niagara will assume any and all costs not reimbursed as stated above in this Local Law for performing all background checks.

7. This Local Law shall take effect immediately upon filing with the Secretary of State pursuant to Section 27 of the Municipal Home Rule Law.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2008 of the (County)(City)(Town)(Village) of Niagara was duly passed by the Niagara County Legislature on February 19 20 08, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_ . Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

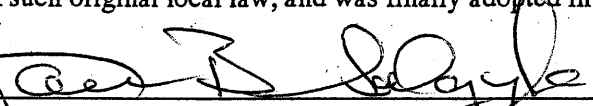
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_, above.

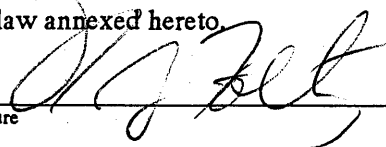
  
\_\_\_\_\_  
Clerk of the County legislative body, City, Town or Village Clerk  
or officer designated by local legislative body  
Date: 2/22/2008

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK  
COUNTY OF NIAGARA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

  
\_\_\_\_\_  
Signature  
First Assistant County Attorney  
Title

County  
~~XXXX~~ of Niagara  
~~XXXX~~  
~~XXXX~~

Date: \_\_\_\_\_