

Any person wishing to volunteer must complete a Volunteer Application and consent to a background check. Consent shall be in the form applicable to all state and federal laws. To access background check reports on volunteers, the Parsippany PAL will be outsourcing to a national Consumer Reporting Agency. Adherence to the Federal Fair Credit Reporting Act (FCRA) will be followed. Under the FCRA, each volunteer will be provided a disclosure and authority to release information form in a document that consists solely of the disclosure. A copy of the FCRA Summary of Rights will also be provided to every volunteer. If the Parsippany PAL makes a decision not to accept a volunteer based wholly or partially on information contained in the background check report, the Parsippany PAL will follow the Pre-Adverse and Adverse action steps as outlined in the FCRA. All requested information must be provided by the applicant, including Social Security number and date of birth.

Criminal background checks are performed on an ongoing basis throughout the year. To ensure compliance with all applicable laws, the Parsippany PAL are the only people authorized to initiate, review or have access to criminal background. In all cases, the results of any criminal background check must be kept strictly confidential.

The Notice of Duty to Review Criminal Record process is initiated by the "organization staff". When a negative determination is made, a copy of the criminal conviction report received by the Parsippany PAL must be sent to that volunteer applicant in an envelope marked "Confidential – to be opened by addressee only," along with the Notice of Duty to Review Criminal Record cover letter.

If a conviction is disclosed or discovered, the Parsippany PAL must make a decision on whether or not the applicant may be used based on the following guidelines and partial Table of Convictions. As used in this policy, the term conviction refers to a conviction entered after a trial, after a guilty plea or after a plea of no contest/nolo contendere.

Any application form that does not contain honest answers or that misrepresents the number, type or gravity of any such conviction(s) will not be approved irrespective of the nature of the offense or the time that has transpired since the conviction.

Any individual on probation or required to complete a court ordered rehabilitation or other such program following a conviction for a crime appearing on the Table of Convictions will not be considered to serve as a volunteer until all terms and conditions established by the court have been satisfied and proof of completion submitted to Parsippany PAL.

Any person convicted of a crime against or otherwise involving a minor at any time in the past will not be approved to be a volunteer.

Most felony convictions will result in a negative determination. Evidence of multiple convictions, either felony or misdemeanor, are likely to also result in a negative determination. Where a conviction is remote in time or where the applicant's conduct since the conviction(s) indicates rehabilitation or lack of risk to the organization and the program, some leeway may be provided, but only with the concurrence of the Parsippany PAL.

Persons convicted of a crime of violence or other serious crime against a person within the prior 20 years will be disqualified from any volunteer position.

Persons convicted of sex offenses will be disqualified from volunteering.

Persons convicted of a theft related crime or fraud within the prior 15 years will be disqualified from any position involving the handling of funds, property or personal identification information.

Persons convicted of a serious substance abuse crime within the past 10 years will be disqualified from any position that leads children's activities.

Persons convicted of less serious crimes of violence, substance abuse or one of the listed miscellaneous crimes within the past 5 years will be disqualified from any position that leads children's activities.

In certain limited instances, the Parsippany PAL will disqualify volunteers who have been arrested for a crime, even if the arrest later results in no charges being filed. While the Parsippany PAL casts no judgment about any of the allegations and/or accusations in these instances, the Parsippany PAL's overriding and compelling interest is to provide a safe, fair and fun environment for children.

DUI: Persons convicted of driving while under the influence or other traffic/conduct related crimes within the preceding 3 years will be disqualified from holding the position of team coach or assistant coach. Persons convicted of driving under the influence within the preceding 3 years may be accepted for other volunteer positions with the understanding that they are prohibited from driving any child or Parsippany PAL volunteer other than immediate family members to or from a PAL activity.

If any discretion is exercised in the application of this policy, it must be exercised in a uniform manner, so that substantially similar convictions and circumstances result in substantially similar treatment of potential volunteers. The Parsippany PAL will be immediately notified when a negative determination is made, or if there are issues related to an application. The specific results leading to a negative determination must remain confidential unless the applicant is willing to reveal the results to the Parsippany PAL because of the serious implications to the entire organization, all Parsippany PAL staff and representatives must comply with the decisions made by the organization under this policy.

Individuals disqualified or restricted by the Parsippany PAL are not entitled to due process. Their right of review is conducted in conjunction with their Notice of Duty to Review Criminal Background.

Possible Disqualification Criteria for Review:

Parsippany PAL shall review the applicant’s situation on a case-by-case basis; the decision whether to allow service within the Parsippany PAL discretion, and factors to be considered include, but are not limited to:

- The nature and severity of the criminal conduct
- The position for which the person seeks to volunteer
- The length of time since the criminal conduct occurred
- The circumstances under which the crime was committed
- The degree of rehabilitation
- The likelihood that the person will commit the crime again
- The number of crimes committed by the prospective volunteer

TABLE OF CONVICTIONS

Violent Crimes & Serious Crimes Against a Person

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|----------------------------------|----------------------------------|
| Aggravated Assault | Possession of Explosives |
| Aggravated Battery w/ Firearm | Preventing a 911 Call |
| Armed Robbery | Terrorism |
| Arson | Reckless Homicide |
| Assault | Robbery |
| Attempted Murder | Second Degree Murder |
| Battery | Stalking |
| Blackmail | Solicitation for Murder |
| Cruelty to Animals | Tampering w/ Food or Drugs |
| Domestic Battery | Threatening Public Officials |
| Extortion | Treason |
| Hate Crime | Unlawful Restraint |
| Home Invasion | Vehicular Car Jacking |
| Hit and Run Causing Injury/Death | Vehicular Endangerment |
| Kidnapping | Violation of Order of Protection |
| Murder | |

Less Serious Crimes Against a Person

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|---------------------------------------|--|
| Criminal Threats of Death/Bodily Harm | Intimidation |
| Disturbing the Peace- fighting | Simple Assault |
| Harassment | Restraining Order |
| Harassment of Jurors or Witnesses | Vehicular Manslaughter While Intoxicated |
| Involuntary Manslaughter | |

Sex Offenses

Bigamy
Child Pornography
Criminal Sexual Abuse
Criminal Sexual Assault
Criminal Transmission of HIV
Distribution/Sale of Pornography to a Minor
Indecent Exposure
Indecent Solicitation of a Child
Keeping a Place of Prostitution
Lewd and Lascivious Behavior

Obscene Phone Calls
Obscenity
Pandering
Pimping
Prostitution
Public Indecency
Sex with a Minor
Sexual Exploitation of a Child
Solicitation of a Sexual Act

Theft-related Crimes

Bad Checks
Bid Rigging
Bid Rotating & Kickbacks
Bribery
Burglary
Computer Hacking/Trespass
Embezzlement
Fencing of Stolen goods
Forgery
Grand Theft
Identity Theft

Industrial Espionage
Interference with Public Contracts
Looting
Money Laundering
Misuse of Credit Card
Petty Theft
Possession of Burglary Tools
Receiving Stolen Property
Tax Evasion
Theft of Intellectual Property
Ticket Scalping

Fraud

Deceptive Sales
Fraudulent Advertisement
Fraudulent Use of Access Card
Insurance Fraud

Mail and Wire Fraud
Odometer Fraud
Public Aid Fraud
Retail Fraud Welfare Fraud

Serious Substance Abuse Crimes

Abuse of Prescription Medicines
Criminal Drug Conspiracy
Distribution of Alcohol to Minors
Illegal Transportation of Controlled Substances

Possession of Marijuana, more than one ounce
Possession of Illegal Substances
Sale or Manufacture of Illegal Substances

Miscellaneous Substance Abuse Crimes

Possession of Drug Paraphernalia
Possession of Marijuana (less than 1 oz.)

Sale of Alcohol to a Minor

Miscellaneous Crimes

Aggravated Discharge of a Firearm
Concealing or Aiding a Fugitive
Criminal Damage to Property
Criminal Trespass
Discrimination in Sale of Real Estate
Environmental Crimes Gunrunning
Hit and Run with Damage
Identity Switching
Illegal Gambling
Impersonating a Law Enforcement Officer
Unlawful Sale of Firearms

Interference with Judicial Proceeding
Obstructing Justice
Legislative Misconduct
Resisting Arrest
Perjury
Tampering with Public Records
Unlawful Possession of Weapons
Unlawful Use of Body Armor
Unlawful Use, Sale, or Discharge of a Metal Piercing Bullet
Vandalism

Traffic/Conduct Crimes Disorderly Conduct

Disturbing the Peace
Driving Under the Influence
Drunk in Public
Driving without a License/Insurance

Operating Under the Influence
Reckless Conduct
Reckless Driving Repeated Traffic Offenses
Wet and Reckless Driving

