

## **COUNTY OF SULLIVAN**

**Local Law # \_\_\_\_\_ of the Year 2022**

### **A LOCAL LAW AUTHORIZING THE DEPARTMENT OF HUMAN RESOURCES TO CONDUCT BACKGROUND CHECKS FOR NONCOMPETITIVE POSITIONS**

Be it Enacted, by the Sullivan County Legislature as follows:

#### **Section 1. Legislative Intent**

The intent of this Local Law is to authorize Sullivan County's Department of Human Resources to conduct background checks for noncompetitive jobs. In order to conduct background checks, the County needs a number Originating Agency Identifier ("ORI") from the Department of Criminal Justice Services ("DCJS"), a New York State agency. This number must be provided to vendors who conduct background checks on candidates for the noncompetitive positions. The DCJS will not provide Sullivan County an ORI number without a local law that allows the County to conduct background checks for noncompetitive positions.

Allowing the Department of Human Resources to conduct background checks will ensure that the County hires qualified candidates. Background checks are essential tools in screening candidates who take on positions of responsibility, authority, and confidence to department heads.

#### **Section 2. Miscellaneous**

The Commissioner of Human Resources shall review an applicant's criminal history records, if any, in connection with the applicant's criminal history search.

The Commissioner of Human Resources shall coordinate with the vendor of the background checks to provide the fees and applicant's fingerprints to the DCJS in a manner and form prescribed by the DCJS for a criminal history record search.

If an applicant has been convicted of a misdemeanor or felony, which is determined to render the applicant unfit, the Commissioner shall give due consideration to NYS Correction Law §§701-703-b and §§751-753 in making such determination.

#### **Section 3. Local Law Filing Requirements**

A copy of this Local Law shall be sent to the New York State Department of Criminal Justice Services thereby notifying the Department of the County's local law and satisfying the prerequisite to obtaining an ORI number, and the original shall be filed with the New York State Department of State.

#### **Section 4. Severability Clause**

If any part of this Local Law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this Local Law. The County hereby declares that it would have passed this Local Law and each section or subsection thereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

#### **Section 5. Effective Date**

This Local Law shall take effect immediately upon filing with the Office of the Secretary of State of the State of New York in accordance with Section 27 of the Municipal Home Rule.