

Introduction date: September 9, 2019
Adoption date: September 23, 2019

**ORDINANCE 2019-15
TOWNSHIP OF EASTAMPTON
BURLINGTON COUNTY**

**AN ORDINANCE OF THE TOWNSHIP OF EASTAMPTON TO
ADD A SECTION 5-48 TO THE TOWNSHIP CODE TO ESTABLISH
A NEPOTISM POLICY**

WHEREAS, in order to maintain confidence in Township government, it is imperative that residents can be assured that Township employment is free from nepotism, patronage, and favoritism; and

WHEREAS, it is imperative that Township employment be based on merit, so that residents are assured that Township employees will be providing the highest quality service to those deserving residents; and

WHEREAS, the Mayor and Township Council recognize the need to amend Chapter 5 of the Township Code of Eastampton to include a nepotism policy; and

NOW THEREFORE, BE IT ORDAINED by the Township Council of the Township of Eastampton, County of Burlington, State of New Jersey as follows:

SECTION 1. Section 5-48 is hereby added to the Township Code of Eastampton and shall read as follows:

§5-48(A) Definitions. As used in this policy, the following terms shall have the meanings indicated:

(1) APPOINTED OFFICIAL An individual, appointed either by the Mayor and/or Township Council, to any ‘local government agency’ as that term is defined within N.J.S.A. 40A:9-22.3(e) and includes, but is not limited to, appointees to any agency or board within the Township of Eastampton, as well as any other independent local authority or entity created by the Township of Eastampton, which performs functions other than of a purely advisory nature and/or one in which the members receive compensation.

(2) ELECTED OFFICIAL The elected members of Township Council including but not limited to the Mayor.

(3) FAMILY MEMBER OR RELATIVE Wherever and whenever this chapter mentions or references ‘family member’ or ‘relative,’ same refers to a spouse; child; parent; sibling; grandparent; grandchild; father-in-law; mother-in-law; brother-in-law; sister-in-law; stepfather; stepmother; stepsibling; half-brother; half-sister; nephew; niece; first cousin; aunt; uncle; foster child; domestic partner or cohabitants as defined by the New Jersey Civil Union Act; a person with whom there is a relationship as a legal guardian or *in loco parentis*.

§5-48(B) Hiring and Supervision of Employees.

(1) No person who is a relative or family member of any elected official or the Township Manager of the Township shall be considered for employment as an employee of the Township. This applies to full-time, part-time, temporary and seasonal employment. This shall not restrict nor prohibit the continued employment of individuals to a position or positions with the Township where a relative of a permanent employee is elected after the date of the permanent employee's start date of employment with the Township.

(2) No municipal employee shall be in a position that provides supervision or is in the line of authority over any family member or relative of that employee. This precludes the acceptance of applications for full-time, part-time or seasonal employment from relatives for positions in the same department where supervision conflicts exist or, through promotion, potential conflict could exist. This policy does not apply to employees of the Township as of September 23, 2019.

(3) One of the purposes of this policy is to assure that the hiring, promotion, responsibilities, oath, obligations to the public, salary, work assignments, performance, appraisals, evaluations or career progress of a person is not affected by that individual's status as a family member or relative of an elected or appointed official or employee of the Township. These policies are not for the purpose of depriving any citizen of an equal chance for a government job, but solely to eliminate the potential for preferential treatment of the relatives of government personnel or elected officials. These policies will not deprive any permanent employee as of September 23, 2019 of any promotional right in the normal career development nor change the existing status of any permanent employee. Nothing within this policy shall interfere with a person's right to marry.

(4) The Township Manager reserves the right to exercise its judgment, in its sole discretion, with respect to placement, employment, transfer, reassignment or continued employment, where either an actual or perceived conflict of interest exists or will reasonably arise as well as to avoid or decrease the likelihood of sexual or other unlawful harassment in the workplace.

§5-48(C) Promotion of Existing Employees.

(1) No elected official or supervisor may participate in the promotion process, or any other personnel decision, of any existing municipal employee who is a relative or family member of such elected official or supervisor.

§5-48(D) Appointments.

(1) No relative or family member of an elected official shall be appointed to the position of any municipal professional who receives compensation, or to any "local government agency" as that term is defined within N.J.S.A. 40A:9-22.3(e) and includes, but is not limited to, any agency or board within the Township of Eastampton, as well as

any other independent local authority or entity created by the Township of Eastampton, which performs functions other than of a advisory nature and/or one in which the members receive compensation.

(2) No relative or family member of an appointed official shall be appointed to the position of any municipal professional who receives compensation, and includes professionals who provide services to the Township or to any "local government agency" within the Township, as that term is defined within N.J.S.A. 40A:9-22.3(e), and includes, but is not limited to, any agency or board within the Township of Eastampton, as well as any other independent local authority or entity created by the Township of Eastampton.

SECTION 2. Repealer. All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflict.

SECTION 3. Severability. If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not effect the remaining provisions of this ordinance. The governing body of the Township of Eastampton declares that it would have passed the ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

SECTION 4. Effective Date. The ordinance shall take effect immediately upon passage and publication according to law.

ATTEST:



KIM-MARIE WHITE
Municipal Clerk



ANTHONY ZENO
Mayor

Adopted: September 23, 2019

Introduced September 9, 2019

Council	Motion	2nd	Ayes	Nays	Abstain	Absent
Councilman Apgar	X		X			
Councilman Besko			X			
Councilman Santillo		X	X			
Councilman Springer			X			
Mayor Zeno			X			
		VOTE	5	0		

Adoption September 23, 2019

Council	Motion	2nd	Ayes	Nays	Abstain	Absent
Councilman Apgar			X			
Councilman Besko			X			
Councilman Santillo		X	X			
Councilman Springer	X		X			
Mayor Zeno			X			
		VOTE	5	0		