

Resolution Adopting Personnel Policies and Procedures

WHEREAS, it is the policy of the Borough of Mount Arlington to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, (the New Jersey Civil Service Act,) (the New Jersey Attorney General's guidelines with respect to Police Department personnel matters,) the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

WHEREAS, the Mayor and Council have determined that there is a need for personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

NOW, THEREBY, BE IT RESOLVED by the Mayor and Council that the Personnel Policies and Procedures Manual attached with revisions for 2019-2020 hereto is hereby adopted.

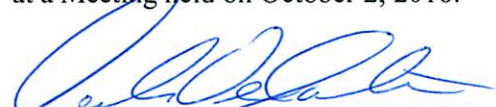
BE IT FURTHER RESOLVED that these personnel policies and procedures shall apply to all Borough officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

BE IT FURTHER RESOLVED that this manual is intended to provide guidelines covering public service by Borough employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Mayor and Council.

BE IT FURTHER RESOLVED that to the maximum extent permitted by law, employment practices for the Borough shall operate under the legal doctrine known as "employment at will."

BE IT FURTHER RESOLVED that the Borough Administrator and all managerial/supervisory personnel are responsible for these employment practices. The Borough Administrator and the Borough Attorney shall assist in the implementation of the policies and procedures in this manual.

I hereby certify this to be an accurate and true resolution as adopted by the Mayor and Borough Council at a Meeting held on October 2, 2018.



Linda DeSantis, RMC
Borough Clerk

**Synopsis of Changes to
Municipal Excess Liability Joint Insurance Fund
MODEL PERSONNEL POLICIES AND PROCEDURES MANUAL**

The Municipal Excess Liability Fund Personnel Policy Committee ("Committee") convened to consider changes to the Model Personnel Policies and Procedures ("Manual") for the 2019 Policy Year. In order to be eligible to maintain current deductibles and co-pay, members must be in compliance with the Employment Practices Liability Program. Members must adopt the recommended changes by October 1, 2018.

This memorandum is intended to provide an overview of the changes to the Manual and accompanying documents. Members should amend their personnel manual accordingly.

Discussion of Adopted Changes:

Change 1: Protections Against Discrimination and Accommodation for Breastfeeding Employees (Located in Section One)

The Manual was modified to amend the Anti-Discrimination Policy and the Americans with Disabilities Act Policy/ New Jersey Pregnant Worker's Fairness Act contained in Section One to include protections for breastfeeding to comply with recent changes in New Jersey law. The Manual now expressly protects individuals who are breastfeeding from discrimination and requires the Local Unit to provide to employees who are breastfeeding a reasonable break time each day and a suitable room or other location with privacy, other than a toilet stall, in close proximity to work area for the employee to express breast milk for the child.

Change 2: Modification to Communication Media Policy (Located in Section Two)

The Communication Media Policy was amended to be a "Communication Media/ Social Media Policy" with relevant changes contained within to be in compliance with recent cases.

Change 3: Section Five

There are some revisions to this Section in accordance with the Fair Credit Reporting Act. **Change 4: Modification to Open Public Records Meetings Act Section (Located in Section Five)**

Three changes have been made to the policy's Open Public Meetings Act (OPMA) section. First, the policy has been amended to reflect the holding of Keane Federation of Teacher v. Ada Morell, 448 N.J. Super. 520 (App. Div. 2017). In Keane Federation, the Appellate Division held that Rice notices are not only required when there is *discussion* regarding the appointment, termination, terms and conditions of employment, performance evaluation or discipline of any current or prospective officer of employee in closed session but also when the local unit intends to *act* on these enumerated matters. Additional language has been added to clarify this expansion of when Rice notices are required to be issued. Second, the policy has been amended to clarify that only the municipal governing body or a "public body" of the local unit (as that term is defined by OPMA) are required to provide Rice notices. Third, changes have been made to update the criminal background checks in accordance with State legislative amendments.

Change 5: Overtime Compensation

Overtime Compensation Policy in Section 4 of the Manual was modified slightly to clarify the rate of overtime pay. This is not a substantive change.