

**ORDINANCE NO. 2022-11**

**ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 100 ENTITLED “PERSONNEL POLICY AND PRACTICES” OF THE PHILLIPSBURG TOWN CODE TO CREATE SECTION 100-20 ENTITLED “ANTI-NEPOTISM POLICY”**

**WHEREAS**, the Town Council of the Town of Phillipsburg, County of Warren, State of New Jersey, seeks to provide fair and equal opportunities by developing and adopting sound personnel practices which are based upon merit and safeguard against the potential for undue influence and/or favoritism; and

**WHEREAS**, the Town Council has deemed it in the best interest of the public health, safety, and welfare to amend Chapter 100, entitled “Personnel Policy and Practices” of the Code of the Town of Phillipsburg to establish an anti-nepotism policy.

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council, Town of Phillipsburg, County of Warren, State of New Jersey as follows:

**SECTION 1:**

Chapter 100 of the Code of the Town of Phillipsburg, entitled “Personnel Policy and Practices” is hereby amended and supplemented by creating a new section, Section 100-20 entitled “Anti-Nepotism Policy” as follows:

§ 100-20.1 Title.

This Section shall be cited as the “Anti-Nepotism Policy” of the Town of Phillipsburg.

§ 100-20.2 Purpose.

This policy is not for the purpose of depriving any citizen of an equal chance for employment with the Town of Phillipsburg but is solely intended to eliminate the potential for preferential treatment of relatives of certain government and/or municipal personnel.

§ 100-20.3 Applicability.

- A. The prohibitions set forth in this Section shall not apply to appointments to the various Boards, Commissions, and/or Ad Hoc Committees of the Town.
- B. This Section and the prohibition against certain hiring contained herein shall be applied prospectively only from the effective date of its enactment and shall not in any way be construed to prohibit or make unlawful any current employment relationship or situation or promotion of any person currently employed by the Town as of the effective date of this Section, which may technically be violative of the terms hereof but for its prospective application. For purposes of interpreting this Section, persons appointed to positions of employment with the Town for a set term

shall be considered current employees, notwithstanding the fact that the term may have ended. Such persons holding positions of employment with the Town under a set term may be hired to any position in the Town, rehired, reappointed or promoted, as the case may be without violating this Section.

§ 100-20.4 Definitions.

As used in this Section, the following terms shall have the meaning indicated:

**ELECTED OFFICIAL** – An individual holding the position of Mayor or Town Councilman.

**RELATIVE** – A spouse, domestic partner, cohabitant, parent, child, adopted child, sibling, grandparent, grandchild, aunt, uncle, niece, nephew, first cousin, in-law, (applies to parents and siblings of a spouse), half-relative (applies to parents and siblings of a spouse), half-relative or step-relative (applies to parents and siblings), or a person with whom a significant committed relationship exists (living together for more than twelve (12)) months).

**DEPARTMENT HEAD, MANAGERIAL EXECUTIVE AND UNCLASSIFIED SUPERVISORY EMPLOYEE** – Any employee of the Town having supervisory duties and powers over another employee(s) within the respective department of the Town.

§ 100-20.5 Restriction in Hiring, Promoting, and Supervision of Employees.

The following restrictions shall apply in the hiring and promotion of employees to employment positions for the Town of Phillipsburg:

Hiring: Unless otherwise prohibited by law or New Jersey Department of Personnel Rules, but notwithstanding the terms of any collective bargaining agreement to the contrary:

- A. No person who is relative, as defined in Section 100-20.4, of an elected official, department head, managerial executive, or unclassified supervisory employee shall be appointed, hired, employed or permitted to work for the Town of Phillipsburg in any unclassified position.
- B. No person who is a relative, as defined in Section 100-20.4, shall be employed by or transferred to a position of employment with the Town, where that person will be supervisor of or be supervised by another relative who is an existing employee within the same department.
- C. Promotion. Notwithstanding the prospective application as to the remainder of this Chapter as described above, no elected official or supervisor, as defined in Section 100-20.4, in any department may participate in the promotion process or hiring process in that department of any existing employee who is a relative, as defined in Section 100-24.5, of such elected official or supervisor, as the case may be, unless otherwise required by law or New Jersey Department of Personnel

Rules. Such elected official or supervisor shall abstain from participation in such personnel action as it applies to such relative.

- D. If an existing employee of the Town becomes subject to this policy because of changes in marital, domestic partner/cohabitant or relationship status, one of the related persons must resign their unclassified position within ninety (90) days.
- E. It shall be the affirmative duty of a related elected official, department head, managerial executive, unclassified supervisory employee, or employee to immediately disclose any circumstances which may constitute a violation of this policy. Failure to do so will result in disciplinary and/or legal action which can include removal from employment position.

§ 100-20.6 Current Employees

Except as may be otherwise expressly provided for herein, this Chapter shall not affect the employment of any present Town employee and/or any existing contractual obligations with employees by the Town of Phillipsburg, nor shall this Chapter affect seasonal part-time employment. The application of this policy only applies prospectively to all individuals seeking employment with the Town of Phillipsburg following the effective date of this Ordinance.

**SECTION 2:**

**Severability.** The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

**SECTION 3:**


**Repealer.** Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

**SECTION 4:**


**Effective Date.** This Ordinance shall take effect upon final passage and publication as provided by law.

ATTEST:

TOWN OF PHILLIPSBURG



Lorraine Loudenberg,  
Acting Municipal Clerk

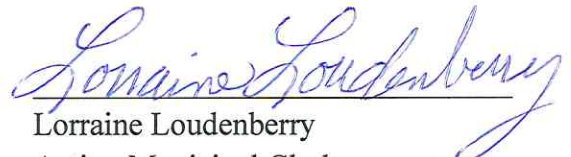


Todd M. Tersigni  
Mayor

DATED: *April 13, 2022*

**CERTIFICATION**

I, Lorraine Loudenberg, Acting Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of an Ordinance duly adopted by the Town Council at their March 22, 2022 meeting.

  
Lorraine Loudenberg  
Acting Municipal Clerk

1. **ORDINANCES – SECOND READING** - April 12<sup>th</sup> WS Meeting

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**ROLL CALL**

**Passed 1<sup>st</sup> Rdg 03.22.2022 5-0**

**Passed 2<sup>nd</sup> Rdg. 5-0**

Councilmembers	First	Second	Yea	Nay	Abstain	Absent
Councilman Kennedy			X			
Councilman Marino	X		X			
Councilman Piazza		X	X			
Council VP Clark			X			
Council President Wyant			X			

PUBLIC DISCUSSION - NONE