

TOWNSHIP OF WASHINGTON
BERGEN COUNTY, NEW JERSEY

ORDINANCE No. 17-07

**AN ORDINANCE ESTABLISHING A TOWNSHIP OF WASHINGTON
ANTI-NEPOTISM POLICY**

BE AND IT IS HEREBY ORDAINED by the Township Council of the Township of Washington that the Code of the Township of Washington is hereby amended by creating Chapter 72, entitled, “Anti-Nepotism Policy” as follows:

1. “CHAPTER 72. Anti-Nepotism Policy.

§72-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

CONTRACTORS

Shall mean contractors, independent contractors, subcontractors, vendors, professionals appointed pursuant to the Fair and Open Process or the Non-Fair and Open Process or any person or business working for the Township whose employment with the Township is limited in scope or duration to a specific project with the Township and subject to either a bid proposal or a solicitation of quotes. (Examples include, but are not limited to, road projects and construction projects). Employment with Contractors shall be considered for the purpose of this section as employment with the Township.

DEPARTMENT

Shall mean any department within the government structure of the Township of Washington, whether existing pursuant to the Township Code or pursuant to the laws of the State of New Jersey.

ELECTED OFFICIAL

Shall mean any person holding the position of Mayor or Council member of the Township of Washington.

RELATIVE

Shall mean spouse or significant other, child, parent, stepchild, sibling, grandparent, daughter-in-law, son-in-law, grandchild, niece, nephew, uncle, aunt or any other person related by blood or marriage.

SUPERVISOR

Shall mean any employee of the Township of Washington having supervisory duties and powers over another employee within the Township of Washington.

TEMPORARY EMPLOYMENT

Shall mean any employment (or employee thereunder) which is not full-time or regular part-time, and shall include, without limitation, seasonal employees including, but not limited to, seasonal employees affiliated with Township recreation and leaf pick-up programs.

§72-2. Applicability.

This Chapter shall apply to appointments to all boards, commissions and committees of the Township of Washington.

A. The prohibitions set forth in these Anti-Nepotism regulations shall apply to all Contractors, and full-time and regular part-time positions of the Township of Washington, but shall not apply to any Temporary Employment.

B. Subject to the exception in Subsection 72-3 below, this section and the prohibition against certain hiring contained herein shall be applied prospectively only from the effective date of this Chapter, and shall not in any way be construed to prohibit or make unlawful any current employment relationship or situation or the hiring or promotion of any person currently employed by the Township of Washington as of the effective date of this Chapter which may technically be in violation of the terms hereof but for its prospective application. For purposes of interpreting this exception, persons appointed to positions of employment with the Township of Washington for a set term shall be considered current employees notwithstanding the fact that the then term may have ended. Such persons holding positions of employment with the Township of Washington under a set term may be hired to any position in the Township, rehired, reappointed or promoted, as may be the case, without violating this Chapter.

§72-3. Restrictions on Hiring, Supervision and Promotions of Employees.

The following restrictions shall apply to the hiring and promotion of employees to employment positions for the Township of Washington:

A. Elected Officials. No elected official of the Township of Washington shall be considered for employment or hired to a position of

employment with the Township of Washington either during his or her term of office or within four (4) years after the expiration of the term. No elected official shall serve as Council liaison to any Department that employs any Relative of that elected official.

B. Relative of Elected Officials. No person who is a Relative of any elected official of the Township of Washington shall be considered for employment as an employee of the Township of Washington. This shall not restrict nor prohibit the continued employment of individuals to a position with the Township of Washington where a Relative of an employee is elected as a Mayor or Council member after the date of the employee's start of employment with the Township of Washington.

C. Promotion of Existing Employees. Notwithstanding the prospective applications as to the remainder of this Chapter as applied above, no elected official may participate in the promotion process or hiring process in the Department of any existing employee who is a Relative of the elected official as the case may be. The elected official shall abstain from participation in such personnel action as it applies to such Relative.

D. Appointments. No Relative of an elected official of the Township of Washington shall be appointed to the position of any Township of Washington professional who receives compensation, or any Township of Washington Board or Commission which has more than an advisory role and/or one in which the members receive compensation.

E. Department Heads. No person who is a Relative of any Department head of the Township of Washington shall be considered for employment as an employee of the Township of Washington. This shall not restrict nor prohibit the continued employment of individuals to a position with the Township of Washington where a Relative of a Department head is hired before the effective date of this Chapter.

§72-4. Purpose.

This policy is not for the purpose of depriving any citizen of an equal chance for employment with the Township of Washington, but is solely intended to eliminate the potential for preferential treatment of the Relatives of the members of the governing body and/or any Department head.

§72-5. Current Employees.

Except as may be otherwise expressly provided for herein, this Chapter shall not affect the employment of any present Township of Washington employee,

nor shall it be construed or enforced in such manner as to violate, abridge or impair any rights of individuals employed or affiliated with the Township under any collective bargaining agreement, employment contract, or any state or federal law protecting the employment rights of any such individuals.”

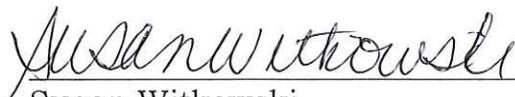
2. If any section, sub-section, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid such decision shall not affect the remaining portions of this Ordinance.

3. All Ordinances or any provisions of any ordinance inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistencies and not otherwise.

4. This Ordinance shall take effect upon final passage and publication and in accordance with the Charter, and subject to such emergency resolution as may be adopted pursuant to Section 17-32 thereof. [R.S. 40:69A-181 (b)].

ATTEST:

APPROVED:
TOWNSHIP COUNCIL OF THE
TOWNSHIP OF WASHINGTON



Susan Witkowski,
Township Clerk



Robert Bruno,
Council President

First Reading of Township Ordinance No. 17-07

Introduction Date: July 17, 2017

MOTION		SECOND		COUNCIL	AYES	NAYES	ABSTAIN	ABSENT
Bruno		Bruno		Bruno	X			
Calamari		Calamari		Calamari	X			
Cascio	X	Cascio		Cascio	X			
Sears		Sears		Sears	X			
Ullman		Ullman	X	Ullman	X			

ATTEST:

APPROVED:
TOWNSHIP COUNCIL OF THE
TOWNSHIP OF WASHINGTON



Susan Witkowski,
Township Clerk



Robert Bruno,
Council President

Second Reading of Township Ordinance No. 17-07

Adoption Date: August 7, 2017

MOTION		SECOND		COUNCIL	AYES	NAYES	ABSTAIN	ABSENT
Bruno		Bruno		Bruno	x			
Calamari		Calamari		Calamari	x			
Cascio		Cascio	x	Cascio	x			
Sears	x	Sears		Sears	x			
Ullman		Ullman		Ullman	x			