

## **Model Personnel Practices Ordinance (optional)**

**An Ordinance Establishing Procedures to Adopt Personnel Practices and authorizing the (CEO title) to implement Said Practices with all Officials, Appointees, Employees, Prospective Employees, Volunteers, and Independent Contractors of the (local unit type)**

**BE IT ORDAINED** by the (governing body name) that:

**Section 1.** The (governing body name) shall by ordinance establish titles for public employment by the (local unit type) and salary ranges for (local unit type) employees. (Said titles shall conform to the New Jersey Civil Service Act and regulations promulgated by the New Jersey State Department of Personnel).

**Section 2.** The (governing body name) shall by resolution adopt and amend from time to time personnel policies and procedures including rules concerning the hiring and termination of employees, terms and conditions of employment, and regulations required to comply with applicable Federal and State employment related law. The personnel policies and procedures adopted pursuant to said resolution(s) shall be applicable to all officials, appointees, employees, prospective employees, volunteers and independent contractors of the (local unit type).

**Section 3.** The (CEO title) shall be responsible to implement and enforce the personnel practices adopted by ordinance or resolution authorized pursuant to this section. If there is a conflict between said personnel practices and any duly adopted and lawful 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, the practices adopted pursuant to this ordinance shall prevail.

**Section 4.** The following sections are hereby repealed:

**Section 5.** This ordinance shall take effect immediately upon passage and publication as required by law.

Drafting Note: In the past, many local units adopted all personnel practices by ordinance. However this process makes it difficult to make the frequent changes necessitated by new laws and court decisions. This model ordinance establishes procedures to adopt most personnel practices by resolution. Typically, local units utilizing the resolution approach continue to establish employment titles and salary ranges by ordinance. While this model ordinance is appropriate for most forms of New Jersey local government, this ordinance must be adapted for local units organized under State statutes that authorize the Mayor or the Manager to adopt certain personnel practices.

## **Model Resolution Adopting Personnel Policies and Procedures (required)**

**WHEREAS**, it is the policy of (local unit name) 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 (governing body title) has 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 (governing body title) that the Personnel Policies and Procedures Manual attached hereto is hereby adopted.

**BE IT FURTHER RESOLVED** that these personnel policies and procedures shall apply to all (local unit type) 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 (local unit type) 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 (governing body name).

**BE IT FURTHER RESOLVED** that to the maximum extent permitted by law, employment practices for the (local unit type) shall operate under the legal doctrine known as "employment at will."

**(BE IT FURTHER RESOLVED** that (name) is hereby appointed as (Employment Attorney/Advisor title) to advise the (local unit type) in personnel matters.) Drafting note: Use this clause if the Employment Attorney or Employment Advisor is someone else than the General Counsel.

**BE IT FURTHER RESOLVED** that the (CEO title) and all managerial/supervisory personnel are responsible for these employment practices. The (Personnel Administrator title) and the (Employment Attorney/Advisor title) shall assist the (CEO title) in the implementation of the policies and procedures in this manual.