

ORDINANCE NO. 2023-4

AN ORDINANCE AMENDING CERTAIN PORTIONS OF CHAPTER 2, ARTICLE IIIA OF THE ANTINEPOTISM POLICY OF THE BOROUGH'S REVISED GENERAL ORDINANCES.

WHEREAS, the Borough of Spotswood (the “Borough”) is a public body corporate and political of the State of New Jersey; and,

WHEREAS, the Borough Council for the Borough of Spotswood has the power to adopt, amend, repeal, and enforce ordinances; and,

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Spotswood, County of Middlesex, State of New Jersey, as follows:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. Chapter 2, Article IIIA entitled “The Antinepostim Policy” is hereby amended as follows (additions are underlined):

§ 2-23.1. Antinepotism policy enacted; hiring and supervision of employees.

The governing body of the Borough of Spotswood declares that an anti-nepotism policy should be enacted.

A. Definitions. As used in this article, the following terms shall have the meanings indicated:

FAMILY MEMBER or RELATIVE — Refers to 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 cousins, aunt, uncle, foster children, domestic partner or cohabitants.

SUPERVISOR - Shall mean departments heads of the Borough of Spotswood who have supervisory duties over another employee or employees within the respective Department of the Borough, as set forth in Section 2-27 of the Borough Code.

ELECTED OFFICIAL – Persons holding the position of Mayor or member of the Borough Council of the Borough of Spotswood.

FULL-TIME EMPLOYEE – This shall mean those employees who work a full time schedule as a Borough employee, as defined by the employee’s respective collective bargaining agreement, or an employee who works 40 hours a week.

PART-TIME EMPLOYEE – This shall mean those employees who’s schedules do not constitute “full time” under the terms of the Borough’s collective bargaining agreements or who work less than 40 hours a week.

SEASONAL EMPLOYEE – This shall mean those employees who are hired to work for a limited period of time for the Borough (i.e., employees hired to do summer work).

TEMPORARY EMPLOYEE – This shall mean those employees who are hired for a limited time, i.e., interim appointments.

B. Hiring and supervision of employees.

(1) No person who is a relative or family member of any existing full-time employee or elected official of the Borough of Spotswood shall be considered for full-time employment as an employee of the Borough if that prospective employee would be supervised by a family member or relative. This restriction shall not apply to seasonal employees, or temporary employees. This section shall not restrict or prohibit the continued employment of individuals to a position or positions with the Borough where a relative of a permanent employee is elected after the date of the permanent employee's start date of employment with the Borough.

(2) No elected official can serve as a Council liaison to any department that employs any member of that elected official's family.

(3) No employee of the Borough of Spotswood shall be in a position that provides supervision over a member of his or her family in a full-time or part-time position. This precludes the acceptance of applications from relatives for positions in the same department where supervision conflicts could exist. This policy does not apply to employees of the Borough of Spotswood in their present positions.

(4) No employee of the Borough of Spotswood shall be in a position where he or she may be subject to government oversight by a relative who is an elected official. The Borough shall be guided by the Local Government Ethics Law in evaluating conflicts for elected officials.

(5) 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 current government personnel or elected officials. These policies will not deprive any permanent employee as of the date of these policies of any promotional right in the normal career development nor change the existing status of any permanent employee. None of these policies apply to any volunteer positions in the Spotswood Volunteer Fire Department or for the hiring for seasonal employees, and/or temporary employees who perform work on behalf of the Borough.

Section 3. All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed.

Section 4. Each section, subsection, sentence, clause and phrase of this ordinance is declared to be an independent section, subsection, sentence, clause and phrase and the finding or holding of any such portion of this ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this ordinance.

Section 5. Except as amended by this ordinance, all other provision of the Borough's Revised General Ordinances shall remain in full force and effect.

Section 6. The Borough Clerk is hereby directed, upon adoption of the ordinance after public hearing thereon, to publish notice of the passage thereof.

Section 7. This ordinance shall be in full force and effect from and after its adoption and any publication according to law.

Introduced: May 15, 2023

ATTEST:

NICHOLAS LEGAKIS
Council President

JENNIE SERVIS
Acting Municipal Clerk