

**ORDINANCE NO. 2021-09
BOROUGH OF LEONIA
COUNTY OF BERGEN**

**AN ORDINANCE AMENDING CHAPTER 46
“PERSONNEL POLICIES” OF THE CODE OF THE BOROUGH OF LEONIA
BY CREATING NEW SECTION §46-42 “NEPOTISM POLICY”**

WHEREAS, the Borough Code of the Borough of Leonia (the “Borough”) currently contains Chapter 46, entitled “Personnel Policies” sets forth the Borough’s policies and regulations covering public service by the Borough of Leonia’s employees, volunteers, elected and appointed officials, and independent contractors; and

WHEREAS, the Borough desires to amend Chapter 46 of the Borough Code in order to establish a nepotism policy that shall be followed by the Borough’s employees, volunteers, elected and appointed officials, and independent contractors; and

WHEREAS, the goal of said ordinance is to continue maintaining a working environment whereby all employees, volunteers, elected and appointed officials and independent contractors are treated with respect, decency and assist in curtailing workplace wrongdoing.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Leonia that Chapter 46 of the Borough Code entitled, “Personnel Policies” is hereby amended as follows (additions underscored, deletions struck-through)

Section 1.

New Section §46-42 “Nepotism Policy” is established in as follows:

§46-42 **Nepotism Policy.**

Unless otherwise provided by law and as expressly provided in this ordinance, relatives of an elected or appointed official, or an employee of the Borough are prohibited from being hired, promoted or transferred to a full-time position, part-time position, temporary position, hourly position, seasonal position or a volunteer position that receives a stipend and/or compensation. Relatives, as used herein, include spouse, common law partner, partner, parent, step-parent, child, step-child, sibling, step sibling, half-sibling, father-in-law, mother-in-law, sister-in-law, brother-in-law, grandparent, grandchild, aunt, uncle, niece, nephew, and first cousins.

Employees who marry or become related by marriage may continue in their employment if the marriage does not result in the creation of a prohibited relationship. Where the marriage results in the creation of a prohibited relationship, the Borough will explore potential accommodations including the reassignment of one or both employees to available positions for which the employees are qualified. If an accommodation is not possible based upon the determination of the Administrator, the employees shall meet with the Administrator and advise who shall resign from employment. A prohibited relationship is created when:

1. One relative would have the authority to supervise either directly or from one level above, appoint, remove, discipline, evaluate or otherwise affect the work or employment of another relative; or
2. The relative would be responsible for auditing the work of the other; or
3. Other circumstances exist which would place the relatives in a situation of actual or reasonably foreseeable conflict or favoritism (actual or perceived) between the Borough's interest and their own.

This policy applies to all employees hired, promoted, transferred, demoted, or reassigned on or after the date of adoption and to all prohibited relationships created on or after the date of adoption. Nothing contained herein shall restrict or prohibit the hiring of an unpaid volunteer, a volunteer firefighter or a temporary summer seasonal employee who is a relative of an elected or appointed official or an employee of the Borough. Additionally, nothing contained herein shall restrict or prohibit the hiring of an employee who works ten (10) hours or less per week who is a relative of an elected or appointed official or any employee of the Borough.

Section 2.

All other provisions of Chapter 46 "Personnel Policies" of the Code of the Borough of Leonia including the provisions of Ordinance 2021-____ are hereby ratified and confirmed.

Section 3. Severability.

If any article, section, sub-section, sentence, clause, or phrase of this Ordinance is for any reason deemed to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Section 4. Effect.

This Ordinance will take effect upon publication as required by law.

| | Motion | Second | Yes | No | Abstain | Absent |
|---------------|--------|--------|-----|----|---------|--------|
| Terrell | | | ✓ | | | |
| Davis | | | ✓ | | | |
| Flaim | | ✓ | ✓ | | | |
| Fusco | | | ✓ | | | |
| Grandelis | | | ✓ | | | |
| Ziegler | ✓ | | ✓ | | | |
| Mayor Zeigler | --- | --- | | | | |



 Judah Zeigler, Mayor

ATTEST:



 Anne Dodd, RMC
 Borough Clerk

I hereby certify the foregoing to be a true copy of Ordinance No. 2021-09 adopted by the Governing Body of the Borough of Leonia on August 16, 2021.



Anne Dodd, RMC
Borough Clerk