

TOWNSHIP OF PEMBERTON
ORDINANCE NO. 3-2015

**AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON
AMENDING CHAPTER 38 OF THE CODE OF THE
TOWNSHIP OF PEMBERTON, ENTITLED 'PERSONNEL
REGULATIONS'**

WHEREAS, Article I, § 38-2, § 38-3, § 38-4 and § 38-5, set forth sick leave, vacation leave and holiday leave benefits, and the maintenance of records thereof, that shall be provided to Township employees 'in the classified service or otherwise'; and

WHEREAS, with respect classified employees whose titles are covered in collective negotiations agreements, the proper manner by which sick leave, vacation leave and holiday entitlements are provided is through collective bargaining and approval by Council of agreements negotiated by the Mayor; and

WHEREAS, with respect classified employees whose titles are not covered in collective negotiations agreements, and appointed employees in the unclassified service, the proper manner by which sick leave, vacation leave, holiday leave, and longevity payment entitlements are provided is through individual employment agreements within any limitations as may be established in the Pemberton Code.

NOW, THEREFORE, IT IS ORDAINED, by the Township Council of the Township of Pemberton, in the County of Burlington and State of New Jersey that Chapter 38 (entitled "Personnel Regulations") of the Township Code is hereby amended solely as set forth herein, as follows:

1. § 38-2, § 38-3, § 38-4 and § 38-5 in Article I are hereby repealed in their entirety.
2. A new § 38-2 shall be inserted therein, as follows:

§ 38-2. Civil Service Regulations.

All regulations that are promulgated by the State of New Jersey and/or the Civil Service Commission, including but not limited to Title 4A of the New Jersey Administrative Code, with which compliance is mandatory and not permissive as to municipal governments that have adopted the provisions of the Civil Service Act of the State of New Jersey, said regulations, as may be amended hereafter, are adopted hereby.

3. A new § 38-3 shall be inserted therein, as follows:

§ 38-3. Authorized leave for unaffiliated and/or unclassified employees.

Employees whose titles are not covered in collective negotiations agreements, including but not limited to unclassified employees, shall receive authorized personal, sick, vacation, and bereavement leave in the same manner and under the minimum terms based on service time as set forth in the current CWA collective bargaining agreement, as may be modified in the future. This provision shall not preclude the negotiation of additional terms with any particular unaffiliated and/or unclassified employee by the appointing authority.

4. A new § 38-4 shall be inserted therein, as follows:

§ 38-4. Authorized longevity pay for unaffiliated and/or unclassified employees.

Employees whose titles are not covered in collective negotiations agreements, including but not limited to unclassified employees, shall receive longevity pay in the same manner and under the minimum terms based on service time with the Township of Pemberton as set forth in the current CWA collective bargaining agreement, and as may be modified in the future. This provision shall not preclude the negotiation of additional terms with any particular unaffiliated and/or unclassified employee by the appointing authority.

5. A new § 38-5 shall be inserted therein, as follows:

§ 38-5. Authorized holidays for unaffiliated and/or unclassified employees.

Employees whose titles are not covered in collective negotiations agreements, including but not limited to unclassified employees, shall be entitled to the same paid holidays provided to Township employees covered by collective negotiations agreements.

6. Article II entitled 'Residency Requirements' is hereby amended in its entirety as follows:

§ 38-6. Township employees to be residents.

Unless otherwise provided by law, and subject to the provisions of N.J.S.A. 40A:9-1.3 et seq., and this Ordinance, all officers and employees employed by the Township of Pemberton shall be bona fide residents of the Township of Pemberton.

§ 38-6.1. Nonresident employees to become residents.

All nonresidents hereafter employed by the Township of Pemberton, except as otherwise provided herein, shall become bona fide residents of the Township of Pemberton within one (1) year from the date of hire.

§ 38-6.2. Continued residency.

A. Every employee, other than sworn police officers, shall be a bona fide resident of the Township of Pemberton continuously during the first ten (10) years of employment as a condition of continued employment. In the event, that an employee fails to maintain such residency, such failure shall be cause for termination from employment. In the event that any such employee does not maintain a bona fide residence within the Township of Pemberton, the Business Administrator shall first notify the employee that failure to again to take up bona fide residency within six months of such notification will result in termination from employment. Such removal or discharge shall take effect on the date specified in such notice, but any employee so removed or discharged shall have the right to such appeals as are available pursuant to law.

B. Upon the completion of ten (10) years of employment, residency thereafter shall no longer be a condition of continued employment.

§ 38-6.3. Unavailability of qualified residents.

In the event that the hiring authority determines that there cannot be recruited a sufficient number of qualified residents for available specific positions or employments within the Township of Pemberton, the hiring authority shall advertise for other qualified applicants.

A. The hiring authority shall thereupon classify all qualified applicants for such positions or employments so determined in the following manner:

- (1) Other residents of Burlington County.
- (2) Other residents of counties contiguous to Burlington County.
- (3) Other residents of the State of New Jersey.
- (4) All other applicants.

B. The hiring authority shall first appoint all those in Subsection A and then those in each succeeding class in the order above listed and shall appoint a person or persons in any such class only to a position or positions or employment or employments remaining after all qualified applicants in the preceding class or classes have been appointed or have decline an offer of appointment. The preference established herein shall in no way diminish, reduce or effect the preferences granted pursuant to any other provisions of law. The hiring authority which has hired officers and employees under the provisions of this section may, in its discretion, require such officers and employees, as a condition of their continued employment, to become bona fide residents of the Township with one

(1) year of the date of hire. Such requirement shall be specified at the time of appointment.

§ 38-6.4. Positions requiring special talents or skills; waiver.

Whenever the hiring authority shall determine that there are certain specific positions and employments requiring special talents or skills which are necessary for the operation of the Township and which are not likely to be found among the residents of the Township of Pemberton, such positions or employments so determined shall be filled without reference to residency. In making such determination, the hiring authority shall be guided by the following criteria, which, however, shall not be considered to be all-inclusive:

- A. Certain educational degrees or requirements.
- B. Certain professional or statutory or other licenses.
- C. Certain language skills.
- D. Certain experiential requirements, skills or training.

§ 38-7. Definitions.

As used in this article, the following term shall have the meaning indicated:

BONA FIDE RESIDENT

A person having a permanent domicile within the Township of Pemberton which domicile has not been adopted with the intention of again taking up or claiming a previous residence acquired outside of the boundaries of the Township of Pemberton.

§ 38-8. Exemptions

This article shall not affect or be made mandatory upon any officer or employee not required to be a resident of the Township of Pemberton where the residency requirements are set out or provided for by any ordinance or statutory provision presently in effect in the Township of Pemberton..

7. Article III entitled 'Indemnification of Employees' is hereby repealed and deleted in its entirety.
8. Article V entitled 'Personnel Policy Manual' is hereby repealed and deleted in its entirety.
9. § 38-15 is hereby repealed and a new § 38-15 shall be inserted therein, as follows:

§ 38-15. Payment of premiums by Township for unaffiliated and/or unclassified employees.

The Township Council hereby authorizes the municipality to assume the cost of health insurance coverage for retired employees with titles not covered by any collective bargaining agreement who have retired after 25 or more years of continuous service with the Township of Pemberton, and who are in receipt of monthly retirement allowances from the Public Employees Retirement System or the Police and Firemen's Retirement System. The obligation authorized hereunder shall not be extended to any dependents or spouses of the retired employee, but shall relate solely to the cost of actual or imputed premiums allocable to the retired employee. The benefits provided hereunder shall not be in excess of the benefits provided to current employees covered under current collective negotiations agreements at the time this ordinance is adopted or as may be modified in the future.

IT IS FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

IT IS FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

IT IS FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

PEMBERTON TOWNSHIP COUNCIL

**TOWNSHIP OF PEMBERTON
ORDINANCE NO. 3-2015**

NOTICE OF PUBLIC HEARING

**AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON
AMENDING CHAPTER 38 OF THE CODE OF THE
TOWNSHIP OF PEMBERTON, ENTITLED 'OFFICERS AND
EMPLOYEES'**

The foregoing Ordinance was introduced and passed on first reading by the governing body of Pemberton Township at a meeting held on February 4, 2015 and will be considered for final passage after a public hearing at a meeting of the said governing body to be held on February 18, 2015 at the Pemberton Township Municipal Building, 500 Pemberton-Browns Mills Road, Pemberton, New Jersey, at 6:30 p.m. prevailing time, at which time any interested member of the public may comment on said Ordinance. During the week prior to and up to and including the date of such meeting or further consideration, copies of said Ordinance in its entirety may be obtained from the Township Clerk.

ATTEST:


AMY P. COSNOSKI, RMC, TOWNSHIP CLERK

**TOWNSHIP OF PEMBERTON
ORDINANCE NO. 3 - 2015**

NOTICE OF FINAL PASSAGE

**AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON
AMENDING CHAPTER 38 OF THE CODE OF THE
TOWNSHIP OF PEMBERTON, ENTITLED 'OFFICERS AND
EMPLOYEES'**

Notice is hereby given that Ordinance No. 3 - 2015 as entitled above has been finally adopted on final reading by the governing body of Pemberton Township after a public hearing, at a meeting held on February 18, 2015. Said Ordinance shall take effect in accordance with law.

ATTEST:


AMY P. COSNOSKI, RMC, TOWNSHIP CLERK

ACKNOWLEDGEMENT OF APPROVAL BY MAYOR


David A. Patriarca

DATE 2/19 2015

ATTEST:


AMY P. COSNOSKI, RMC, TOWNSHIP CLERK