

ORDINANCE NO. _____
CITY OF MILLVILLE
COUNTY OF CUMBERLAND
STATE OF NEW JERSEY

**AN ORDINANCE AMENDING CHAPTER 46, §§ 63 AND 64
OF ARTICLE XIII (EMPLOYEE COMPLAINT POLICY)**

WHEREAS, Article XIII establishes a procedure for the investigation of employee complaints;

WHEREAS, the governing body of the City is organized under the Walsh Act, more specifically, *N.J.S. 40:72-4*, which vests all executive, administrative, judicial and legislative powers over each one of the five enumerated departments in the Commissioner who is assigned to that department;

WHEREAS, the Board of Commissioners finds that there is a need to streamline and increase the efficiency of the Employee Complaint Policy by vesting jurisdiction over any corrective plan or discipline to be administered in the Commissioner in charge of the department where the complainant is employed provided the complaint contains no allegations of harassment or other wrongdoing by that Commissioner;

WHEREAS, in the case of an employee complaint containing allegations of harassment or any other wrongdoing by a Commissioner, the Board of Commissioners finds that jurisdiction over any corrective plan or discipline to be administered should be vested in the Board of Commissioners sitting in closed session;

NOW THEREFORE BE IT ORDAINED as follows:

SECTION I

§ 46-63. Procedure for processing complaints.

- A. An employee who believes that he or she has been subjected to or is aware of wrongdoing in the work place shall submit a complaint the City Administrator within 20 days from the date of the alleged incident. The complaint shall set forth the following information:
 - (1) Date of the incident;
 - (2) Specific acts complained of;
 - (3) Parties involved;
 - (4) Names of any witnesses; and
 - (5) Location of the incident.

- B. Upon receipt of the complaint, the City Administrator shall advise the Commissioner in charge of the department where the complainant is employed. The Commissioner

shall designate a person to investigate the complaint, which person shall be employed outside the department where the complainant and accused are employed. The Affirmative Action Officer may be designated to investigate the complaint.

- C. The investigator shall review the complaint and conduct interviews of the complainant and any person accused of wrongdoing. The investigator also may conduct interviews of all persons who may have knowledge of relevant information about the matter. Every effort shall be made to complete the investigation within a reasonable period of time from the date when the complaint was submitted to the City Administrator.
- D. A confidential written report shall be prepared by the investigator and submitted to the City Administrator and the Commissioner in charge of the department where the complainant is employed. The report shall contain the investigator's findings as to whether the complaint is justified and substantiated. If a finding is made by the investigator that the complaint is justified and substantiated, the investigator shall submit any recommendations he or she has in the report. In the event, however, the complaint contains allegations of harassment or any other wrongdoing against a Commissioner, then the report shall instead be submitted to the City Administrator and the Board of Commissioners sitting in closed session.

§ 46-64 Action to be taken on complaint.

The Commissioner in charge of the department where the complainant is employed shall discuss the conclusions contained in the investigator's report with the City Attorney and render a final decision within 14 days after the receipt of the report.

- A. Response plan-no corrective action required. If the validity of the complaint cannot be determined or the complaint is groundless, the City Attorney shall notify the complaining employee, in writing, the results of the investigation.
- B. Response plan-corrective action required. If the investigation reveals that the complaint is justified and substantiated, the Commissioner in charge of the department where the complainant is employed shall formulate, with the advice of the City Attorney, a corrective action plan as well as possible disciplinary action. The City Attorney shall notify the complaining party, in writing, the results of the investigation.

In the event, however, the complaint contains allegations of harassment or any other wrongdoing against a Commissioner, then the Board of Commissioners shall discuss the conclusions

contained in the investigator's report with the City Attorney and render a final decision within 14 days after the receipt of the report. The Commission who is the subject of the complaint shall recuse himself or herself from the hearing on the complaint and shall not be provided with a copy of the complaint or the investigator's report.

A. Response plan-no corrective action required. If the validity of the complaint cannot be determined or the complaint is groundless, the City Attorney shall notify the complaining employee, in writing, the results of the investigation.

B. Response plan-corrective action required. If the investigation reveals that the complaint is justified and substantiated, the Board of Commissioners shall formulate, with the advice of the City Attorney, a corrective action plan. The City Attorney shall notify the complaining party, in writing, the results of the investigation.

SECTION II

Should any provision of this ordinance be deemed invalid for any reason that invalidity shall not affect the remaining provisions of the ordinance, and the provisions and sections of the ordinance are hereby declared to be severable with respect to their validity.

SECTION III

This ordinance shall take effect twenty (20) days after final passage, according to law.

Moved By:
Seconded By:

<u>VOTING</u>	<u>In Favor</u>	<u>Against</u>	<u>Abstain</u>	<u>Absent</u>
Michael Santiago				
James F. Quinn				
Lynne Porreca Compari				
David W. Ennis				
Joseph Sooy				

CERTIFICATION

I hereby certify that the foregoing is a true copy of Ordinance adopted by the Board of Commissioners of the City of Millville, in the County of Cumberland, at a meeting thereof held

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Susan G. Robostello, City Clerk