

ORDINANCE 2018-32

AN ORDINANCE TO AMEND CHAPTER 105, PERSONNEL POLICIES, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RED BANK

Councilman Taylor offered the following ordinance and moved its adoption:

WHEREAS, the Borough of Red Bank has adopted Ordinances creating and amending Chapter 105, Personnel Policies of the Code of the Borough of Red Bank, which sets forth certain personnel policies for Borough employees; and

WHEREAS, said Chapter of the Code provides for numerous policies which are included in the Borough's Personnel Policies and Procedures Manual; and

WHEREAS, the Borough desires to amend Chapter 105, Personnel Policies, of the Code of the Borough of Red Bank to avoid duplicative and/or inconsistent policies;

NOW, THEREFORE, be it ordained, by the Borough Council of the Borough of Red Bank, County of Monmouth, State of New Jersey, as follows:

Section 1. Chapter 105. Personnel Policies, of the Code of the Borough of Red Bank is amended as follows:

§ 105-1 to § 105-2 are *repealed*.

§ 105-3. Authority. is *renumbered* as "§ 105-1. Authority." and is *amended* to read:

§ 105-1. Authority.

A. The Borough Council shall by resolution adopt and amend from time to time the Borough's personnel policies and procedures, including rules 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 included in the Borough of Red Bank Personnel Policies and Procedures Manual and be applicable to all Borough employees. The Borough Council may adopt and amend the personnel policies and procedures through adoption and amendment by resolution of the Policies and Procedures Manual.

B. The Borough Administrator shall be responsible to implement and enforce the personnel policies and procedures adopted by ordinance or resolution authorized pursuant to this article. If there is a conflict between said personnel policies and procedures and any duly adopted and lawful collective bargaining agreement, personal services contract, the Police Department Rules and Regulations for the Governing of the Police Department, or Federal or State law, the terms and conditions of that agreement, contract, rules and regulations, or law shall prevail. In all other cases, the policies and procedures adopted pursuant to this article shall prevail."

§ 105-3 to § 105-24 are *repealed*.

§ 105-25. Retirement. is *renumbered* as "§ 105-2. Retirement."

§ 105-25 to § 105-29 are *repealed*.

§ 105-30. Medical Benefits. is *renumbered* as "§ 105-3. Medical Benefits."

§ 105-30 to § 105-63 are *repealed*.

Section 2. All Ordinances or parts of Ordinances inconsistent herewith are repealed.

Section 3. If any section, subsection, sentence, clause, phrase, or a portion of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and

such holding shall not affect the validity of the remaining portions hereof.

Section 4. This Ordinance shall become effective after second reading and publication as required by law.

Seconded by Councilman Whelan and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilman Taylor	(X)	()	()	()
Councilman Whelan	(X)	()	()	()
Councilman Yngstrom	(X)	()	()	()
Councilman Ballard	(X)	()	()	()
Councilman Zipprich	(X)	()	()	()
Councilwoman Horgan	(X)	()	()	()

Dated: November 7, 2018