

ORDINANCE NO. 2022- 11
BOROUGH OF KENILWORTH

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 5, "ADMINISTRATION OF GOVERNMENT," ARTICLE V., "APPOINTIVE OFFICIALS," SUBSECTION 42, "PERSONNEL SUPERVISOR" & SUBSECTION 43, "ADMINISTRATIVE OFFICER" OF THE CODE OF THE BOROUGH OF KENILWORTH.

WHEREAS, The Governing Body of the Borough of Kenilworth is authorized pursuant to N.J.S.A. 40A:60-6 et. seq. to create such offices and positions as it deems necessary; and

WHEREAS, The Governing Body of the Borough of Kenilworth is authorized pursuant to N.J.S.A. 40A:9-136; and

WHEREAS, The Governing Body of the Borough of Kenilworth previously created the positions of Personnel Supervisor and Administrative Officer and codified such positions in Chapter 5, "Administration of Government", Article V., "Appointive Officials", Subsection 42, "Personnel Supervisor" & Subsection 43, "Administrative Officer", of the Code of the Borough of Kenilworth; and

WHEREAS, The Governing Body of the Borough of Kenilworth, finds that it is in the best interests of the Borough and its citizenry to amend and modify such sections for the purposes of consolidation and economic efficiency, that said section of the Borough Code be and are hereby modified as follows:

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Kenilworth in the County of Union, New Jersey as follows:

SECTION 1. The foregoing whereas clause is incorporated herein by reference and made a part hereof.

Note: Additions are shown in **bold** and **underlined** and deletions are shown as **strike-through**.

§ 5-42-Personnel Supervisor.

A.—There is hereby constituted within the Borough of Kenilworth the office of Personnel Supervisor.

B.—The Personnel Supervisor shall keep a list of the pension employees of the Borough which shall show in connection with each name:

- (1) The date of employment of the pension employee and, if applicable, the dates of his promotion, reduction, suspension, discharge or reinstatement.
- (2) The nature of duties of the pension employee.
- (3) The title and compensation of the pension employee.

- (4) A statement as to whether the pension employee is a veteran or otherwise.
- (5) Such other information as the Personnel Supervisor deems necessary and desirable.

C.—Each appointing authority shall forthwith report to the Personnel Supervisor as to any appointment, employment, promotion, reduction, suspension, discharge and reinstatement:

- (1) The name of the person affected.
- (2) The nature and effective date of the action taken.
- (3) Such other information as the Personnel Supervisor may require.

D.—Every pension employee of the Borough shall, within five days of his appointment or employment, report to the Personnel Supervisor and furnish him with such information as he may require to comply with this chapter and other provisions of law.

E.—The Personnel Supervisor shall have the power to promulgate rules and regulations which shall be binding upon all appointing authorities:

- (1) Requiring persons applying for employment or appointment as pension employees of the Borough to submit to medical examinations prior to their employment or appointment.
- (2) Providing for action, including suspension or discharge, that is to be taken against any pension employee whose compensation from the Borough becomes subject to execution, garnishment, attachment or other legal process.

(3) Setting forth the records to be kept as to time worked by pension employees paid on the basis of time worked.

F. The Personnel Supervisor shall have the power and authority, upon written charges and hearing, by order, to suspend for an aggregate time not to exceed two weeks without pay the employment of any employee of the Borough who wilfully fails to perform his duties. Any employee aggrieved by any such order may appeal to the Mayor and Council by filing a written notice of appeal with the Borough Clerk within five days after the issuance of such order. If a notice of appeal is filed, the Mayor and Council shall, within 15 days thereafter, conduct a hearing on the charges and may set aside, reduce or affirm the suspension appealed from. In no event shall any period of suspension commence until the time for filing a notice of appeal shall have expired and, if a notice of appeal is filed, until the Mayor and Council shall have taken final action on the appeal.

G. For the purposes of this section, the following terms shall have the meanings indicated:

APPOINTING AUTHORITY

Includes any officers, departments, boards, commissions or other political subdivisions of the Borough of Kenilworth authorized by law to employ or appoint pension employees.

EMPLOYEE OF THE BOROUGH

Includes any pension employee of the Borough except elected and appointed officers thereof and members of the Police Department.

PENSION EMPLOYEE OF THE BOROUGH

Includes any person employed by the Borough who is eligible for membership in either the Consolidated Police and Firemen's Pension Fund, the Police and Firemen's Retirement System or the Public Employees' Retirement Fund.

H. The Personnel Supervisor shall also act as purchasing agent and shall, for the performance of his duties as such Personnel Supervisor and such purchasing agent, receive the annual salary as provided in the annual Salary Ordinance.

I. The purpose of this section is to supplement existing ordinances governing the personnel policies of the Borough, and nothing herein contained shall be deemed to repeal or amend any such existing ordinances.

§ 5-43 Administrative Officer.

- A. There is hereby created the position of Administrative Officer.
- B. The Administrative Officer shall serve at the discretion of the Mayor and Council. Said person shall receive such compensation as the Mayor and Council may determine. Said salary shall be established in the salary ordinance of the Borough.
- C. The Administrative Officer need not be a resident of the Borough.
- D. The Administrative Officer shall have such administrative duties and functions as shall be delegated to him/her by the Mayor and Council. The Chief Administrative Officer of the Borough shall be responsible to the Mayor and Council for the administration of all Borough affairs and the following powers and duties:
 - (1) Attend all meetings of the Mayor and Council and such other meetings as directed by the Mayor and Council.
 - (2) Provide a liaison between the Mayor and Council and various municipal boards, agencies and departments of the Borough and its professional advisors.
 - (3) Keep the Mayor and Council currently informed on all matters assigned to him/her or otherwise within his/her jurisdiction.
 - (4) Make studies and surveys of the municipal problems of the Borough as shall be assigned by the Mayor and Council and prepare and submit written reports of his/her findings and recommendations to the Mayor and Council for its consideration and action.
 - (5) Be responsible for continually improving communications between the various Borough personnel, departments, agencies, boards and the Mayor and Council.
 - (6) Have the authority to carry out those designated responsibilities set forth in the Borough's Municipal Code including, but not limited to, those set forth in Chapter 37 recommend the removal, discipline and appointment of all personnel subject to the personnel policies of the Borough.

(7) Review daily any complaints concerning the function and obligations of the Borough made by any of its residents and keep a permanent record of all complaints and the disposition made.

(7) (8) Make any recommendations which are believed will increase the efficiency of the operation of the Borough.

(9) Develop and administer a comprehensive personnel program, as provided by the Council.

(10) Perform the Following Personnel Related Duties

(a) Maintain a list of the pension employees of the Borough which shall show in connection with each name:

(1) The date of employment of the pension employee and, if applicable, the dates of his promotion, reduction, suspension, discharge or reinstatement.

(2) The nature of duties of the pension employee.

(3) The title and compensation of the pension employee.

(4) A statement as to whether the pension employee is a veteran or otherwise.

(5) Such other employment information as deems necessary and desirable.

(b) Each appointing authority shall forthwith report to the Administrative Officer as to any appointment, employment, promotion, reduction, suspension, discharge and reinstatement:

(1) The name of the person affected.

(2) The nature and effective date of the action taken.

(3) Such other information as the Administrative Officer may require.

(c) Every pension employee of the Borough shall, within five days of his/her appointment or employment, report to the Administrative Officer and furnish him/her with such information as he/she may require to comply with this chapter and other provisions of law.

(d) The Administrative Officer shall have the power to set and enforce policies and procedures with respect to day to day operations including, but not limited to, attendance, hours of work, and use of leave time, including required approval and documentation.

(e) Such other administrative duties assigned by the Governing Body.

(f) The purpose of this section is to supplement existing ordinances governing the personnel policies of the Borough, and nothing herein contained shall be deemed to repeal or amend any such existing ordinances.

SECTION 3. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall remain valid and effective.

SECTION 4. This Ordinance shall take effect upon final passage and publication according to law.



Linda Karlovitch, Mayor

INTRODUCTION				COUNCIL PERSON				FINAL ADOPTION			
Moved	Sec.	Aye	Nay	Abs.	NP	Moved	Sec.	Aye	Nay	Abs.	NP
		✓				KAY CECERI		✓			
✓		✓				MARK DAVID		✓			
		✓				JOSEPH FINISTRELLA		✓			
		✓				SCOTT PENTZ		✓			
		✓				FRED PUGLIESE		✓			
		✓				JOHN ZIMMERMAN		✓	✓		

Introduced: August 17, 2022
Final Adoption: September 7, 2022

Kathleen Moschitta, Deputy Borough Clerk



I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey on the aforementioned date.