

ORDINANCE 16-2006

ORDINANCE OF THE BOROUGH OF MADISON REPEALING CHAPTER 30, PERSONNEL POLICIES, OF BOROUGH CODE ESTABLISHING PROCEDURES TO ADOPT PERSONNEL PRACTICES, AND AUTHORIZING THE BOROUGH ADMINISTRATOR TO IMPLEMENT SAID PRACTICES WITH ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTEERS, AND INDEPENDENT CONTRACTORS OF THE BOROUGH

WHEREAS, the Borough of Madison adopted Chapter 30, Personnel Policies, of the "1970 Revised Ordinances" ("Code") and adopted subsequent amendments to Chapter 30; and

WHEREAS, Chapter 30 (§ 30-1 through § 30-30) establishes and maintains the personnel policies of the Borough; and

WHEREAS, the Mayor and Borough Council now wish to create and implement a Personnel Policies and Procedures Manual and Employee Handbook to establish and maintain personnel policies for the Borough; and

WHEREAS, Chapter 30 will no longer be necessary as a result of the creation and implementation of a Personnel Policies and Procedures Manual and Employee Handbook; and

WHEREAS, the Mayor and Council are desirous of establishing new procedures to adopt personnel practices and authorizing the Borough Administrator to implement said practices with all officials, appointees, employees, prospective employees, volunteers, and independent contractors of the Borough.

NOW, THEREFORE BE IT ORDAINED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey as follows:

SECTION 1: Chapter 30 (§ 30-1 through § 30-30), Personnel Policies, of the Borough Code is hereby repealed in its entirety.

SECTION 2: The Mayor and Borough Council shall by ordinance establish titles for public employment by the Borough and salary ranges for Borough employees.

SECTION 3: The Mayor and Borough Council shall by resolution adopt and amend from time to time personnel policies and procedures including rules concerning the hiring and termination of employees, terms and conditions of employment, 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 applicable to all officials, appointees, employees, prospective employees, volunteers and independent contractors of the Borough.

SECTION 4: The Borough Administrator shall be responsible for implementing and enforcing the personnel practices adopted by ordinance or resolution authorized pursuant to this section. If there is a conflict between said personnel practices and any duly adopted and lawful collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, the practices adopted pursuant to this ordinance shall prevail.

SECTION 5: Repealer. All Ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all Ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

SECTION 6: Severability. The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional, such decision shall not effect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remaining in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 7: This ordinance shall take effect immediately upon passage and publication as required by law.

ADOPTED AND APPROVED

April 24, 2006

ELLWOOD R. KERKESLAGER, Mayor

Attest:

MARILYN SCHAEFER, Borough Clerk

Introduced and passed: April 10, 2006

Published, Madison Eagle: April 13, 2006

Hearing: April 24, 2006

Hearing carried to : May 8, 2006