

ORDINANCE 24-2021

**AN ORDINANCE AMENDING THE BOROUGH OF CLAYTON'S
EQUAL EMPLOYMENT OPPORTUNITY POLICY, ANTI-HARASSMENT
POLICY, WHISTLEBLOWER POLICY, AND POLICY ON THE PROTECTION
AND SAFE TREATMENT OF MINORS**

BE IT ORDAINED by the Mayor and Council of the Borough of Clayton, County of Gloucester and State of New Jersey as follows:

**Section I. Equal Employment Opportunity Policy, Anti-Harassment
Policy, Whistleblower Policy, and Policy on the Protection and
Safe Treatment of Minors**

The Borough of Clayton's Equal Employment Opportunity Policy, Anti-Harassment Policy, Whistleblower Policy, and Policy on the Protection and Safe Treatment of Minors¹, all of which were updated and adopted under Ordinance 18-2021, are hereby further revised for purposes of additional updates based on a review of same by the Administrator and Labor Counsel. The updated Equal Employment Opportunity Policy, Anti-Harassment Policy, Whistleblower Policy, and Policy on the Protection and Safe Treatment of Minors as adopted by this Ordinance shall be made available in the Clerk's Office and distributed as deemed necessary and appropriate by the Administrator. All other provisions of the Borough's Personnel Policies and Procedures adopted under Ordinance 18-2021 shall remain unchanged.

¹ This refers to the Policy on the Protection and Safe Treatment of Minors that is provided to Borough personnel (which incorporates the Borough's specific Policy Manual on the Protection and Safe Treatment of Minors). Nothing in this Ordinance amends or changes the Borough's specific Policy Manual on the Protection and Safe Treatment of Minors.

Section II. Repealer

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

Section III. Severability

Each section of this Ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective, shall not be deemed to affect the validity or constitutionality of any other sections or parts hereof.

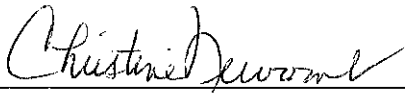
BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon final passage and publication as required by law.

BOROUGH OF CLAYTON



THOMAS BLANCO, Mayor

Attest:



CHRISTINE NEWCOMB, Borough Clerk

NOTICE OF INTRODUCTION

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WHISTLEBLOWER POLICY, AND POLICY ON THE PROTECTION AND SAFE
TREATMENT OF MINORS**

TAKE NOTE that the foregoing ordinance was introduced at a meeting of the Mayor and Council of the Borough of Clayton held on October 14, 2021 and was then read for the first time. The said ordinance will be further considered for final passage by the Mayor and Council at the Municipal Building, 125 N. Delsea Drive, Clayton, New Jersey, at a meeting beginning 5:00 p.m. on October 28, 2021, at which time and place, or any time and place to which such meeting be adjourned, all persons interested will be given an opportunity to be heard concerning such ordinance.

BY ORDER of the Mayor and Council of the Borough of Clayton.

Christine Newcomb
Borough Clerk

NOTICE OF ADOPTION

BOROUGH OF CLAYTON

ORDINANCE 24-2021

**AN ORDINANCE AMENDING THE BOROUGH OF CLAYTON'S
EQUAL EMPLOYMENT OPPORTUNITY POLICY, ANTI-HARASSMENT POLICY,
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TREATMENT OF MINORS**

The foregoing Ordinance was finally adopted by the Mayor and Council of the Borough of Clayton on October 28, 2021.

Christine Newcomb
Borough Clerk



Equal Employment Opportunity Policy

The Borough of Clayton is committed to the principle of equal employment opportunity and anti-discrimination pursuant to Title VII of the 1964 Civil Rights Act as amended by the Equal Opportunity Act of 1972 and the New Jersey Law against Discrimination as amended by the New Jersey Pregnant Worker's Fairness Act (LAD). Under no circumstances will the Borough of Clayton discriminate on the basis of sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, civil union status, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), pregnancy (including pregnancy related medical condition), childbirth, breastfeeding, liability for service in the United States armed forces, gender identity or expression, and/or any other basis protected by law.

Any employees with questions or concerns about any type of discrimination or harassment in the workplace are strongly encouraged to bring these issues to the attention of management through the Employee Complaint Procedure. The Borough will not tolerate retaliation of any kind with respect to any such questions, concerns, or complaints.

This policy applies to all personnel, regardless of employment status.

Version: October 2021



Anti-Harassment Policy

It is the Borough's policy to prohibit harassment of an employee by another employee, management representative, supplier, volunteer, or business invitee on the basis of actual or perceived sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, civil union status, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), gender liability or expression, pregnancy, liability for service in the United States armed forces, and/or any other basis protected by law. Harassment of non-employees by our employees is also prohibited.

The Borough prohibits harassment from occurring in the workplace or at any other location at which Borough sponsored activity takes place.

While it is not easy to define precisely what harassment is, it includes slurs, epithets, threats, derogatory comments, unwelcome jokes, teasing, caricatures or representations of persons using electronically or physically altered photos, drawings or images, and other similar verbal, written, printed or physical conduct.

Unwelcome sexual advances, requests for sexual favors and other verbal, physical or visual conduct of a sexual nature constitute harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for an employment decision affecting the individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Regarding unwelcome sexual advances toward non-employees, requests for sexual favors and other verbal, physical or visual conduct of a sexual nature constitute harassment when:

- Submission to such conduct is made either explicitly or implicitly in exchange for a benefit;
- Submission to or rejection of such conduct by an individual is used as the basis for a decision affecting the individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's activities or creating an intimidating, hostile or offensive environment.



Sexual harassment may include unwanted sexual advances; offering employment benefits in exchange for sexual favors; visual conduct (leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons or posters); verbal sexual advances, propositions or requests; verbal abuse of a sexual nature; graphic verbal commentaries about an individual's body; sexually degrading words used to describe an individual; suggestive or obscene letters, caricatures or representations of persons using electronically or physically altered photos, drawings, or images; notes or invitations; and/or, physical conduct (touching, assault, impeding or blocking movements).

Sexual harassment also occurs when one person harasses another solely because of the victim's gender. This type of sexual harassment may involve unwelcome sexual demands or overtures, but it may also take the form of other harassing conduct not necessarily sexual in nature. For example, this would include gender stereotyping such as comments about the lesser abilities, capacities, or the "proper role" of females. It also includes subjecting a woman or a man to non-sexual harassment solely because of her or his gender. Sexual harassment is prohibited whether the harasser is male or female, and whether the harassment is opposite sex or same-sex harassment.

If an employee is witnesses to or believes to have experienced harassment, immediate notification should be made under the Employee Complaint Procedure.

Harassment of any employees, in connection with their work, by non-employees may also be a violation of this policy. Any employee who experiences harassment by a non-employee, or who observes harassment of an employee by a non-employee should report such harassment under the Employee Complaint Procedure. Appropriate action will be taken against any non-employee.

Notification of appropriate personnel of any harassment problem is essential to the success of this policy and the Borough's generally. The Borough cannot resolve a harassment problem unless it knows about it. Therefore, it is the responsibility of all employees to bring those kinds of problems to attention of management through the Employee Complaint Procedure so that steps are taken to correct them.

This policy applies to all personnel, regardless of employment status.

Version: October 2021



Whistleblower Policy

Employees have the right under the “Conscientious Employee Protection Act” (“CEPA”) to complain about any activity, policy or practice that the employees reasonably believe is in violation of a law, rule, or regulation promulgated pursuant to law without fear of retaliation or reprisal. This right shall be communicated to all employees in an annual letter outlining the specific employee complaint procedure and in a posted notice. The annual notice shall be in English and Spanish and must contain the name of the person who is designated to receive written notification of policies or practices that might violate CEPA. All complaints will be taken seriously.

The Borough shall not take any retaliatory action or tolerate any reprisal against an employee for any of the following:

- Disclosing or threatening to disclose to a supervisor, Department Head, the Administrator, other official or to a public body, as defined in the Conscientious Employee Protection Act (N.J.S.A. 34:19-1 et seq.) an activity, policy or practice that the employee reasonably believes is in violation of a law, a rule or regulation promulgated pursuant to law;
- Providing information to, or testifying before any public body conducting an investigation, hearing, an inquiry into any violation of law, or a rule or regulation promulgated pursuant to law; or
- Objecting to, or refusing to participate in any activity, policy, or practice that the employee reasonably believes is a violation of a law, rule or regulation promulgated pursuant to law; is fraudulent or criminal; or is incompatible with a clear public policy mandate concerning the public health, safety, or welfare.

In accordance with CEPA, the employee must bring the violation to the attention of the Borough Administrator or the Borough Solicitor. However, disclosure is not required where (1) the employee is reasonably certain that the violation is known to one or more officials; (2) where the employee reasonably fears physical harm; or (3) the situation is emergent in nature. Complaints should be brought under the Employee Complaint Procedure, but an employee may make a verbal complaint at their discretion.

Under the law, the employee must give the Borough of Clayton a reasonable opportunity to correct the activity, policy or practice.



The administration of whistleblower complaints is not subject to the limitations in the Grievance Policy.

This policy applies to all personnel, regardless of employment status.

Version: October 2021



Protection and Safe Treatment of Minors

All employees are mandated to comply with the Borough's separately-issued Policy on the Protection and Safe Treatment of Minors. The entire Policy is incorporated herein.

This policy applies to all personnel, regardless of employment status.

Version: October 2021