

**BOROUGH OF EMERSON
COUNTY OF BERGEN, NJ
NOTICE OF ADOPTION**

ORDINANCE NO. 1484-14

Introduced: May 20, 2014

Adopted: June 17, 2014

NOTICE IS HEREBY GIVEN that the following ordinance was adopted on the second reading after a Public Hearing at the Regular Meeting of the Borough Council of the Borough of Emerson on the 17th day of June, 2014. A copy of Ordinance 1484-14 is on file in the Borough Clerk's Office in the Municipal Building, 1 Municipal Pl., Emerson, NJ 07630.

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF EMERSON CHAPTER 73 ENTITLED PERSONNEL POLICIES BY ADDING A NEW ARTICLE III TO BE ENTITLED ADMINISTRATIVE CODE OF CONDUCT FOR THE ESTABLISHMENT OF RULES AND GUIDELINES FOR ETHICAL AND CIVIL BUSINESS AND SOCIAL BEHAVIOR FOR EMPLOYEES, BOROUGH OFFICIALS AND ASSOCIATES

WHEREAS Emerson Borough Hall office is a place of business and holds itself to the highest standards of business conduct. The Borough's commitment extends beyond compliance with the law to include a firm belief that the best way to conduct itself and deliver value is to be fair, honest and ethical in business practices and personal behavior at work. Acting with integrity is critical in the workplace; and

WHEREAS there are certain expectations of acceptable rules of civility and social behavior that must be observed in every workplace while conducting business and this Code of Conduct is designed to define and clarify expectations for legal and ethical behavior and provide the basic direction: "We do what is right-not because we have the right to do it-but because it is the right thing to do".

WHEREAS the Governing Body desires to establish this Code of Conduct to better reflect the highest standards of business conduct for the betterment and progression of the borough and its most valuable asset-its people- employees, borough officials, volunteers and elected officials while working together in an organization; and

THEREFORE BE IT RESOLVED that the following Code of Conduct shall apply to all elected officials, borough officials and borough employees and staff while interacting with each other.

BE IT ORDAINED by the Council of the Borough of Emerson as follows:

Section I.

The Code of the Borough of Emerson is hereby amended by adding thereto Chapter 73 entitled Personnel Policies a new article entitled Administrative Code of Conduct to read as follows:

§ 6-1 Workplace code of conduct; acceptable rules of civility; core values

A. **Ethics are everyone's responsibility.**

Ethical behavior means more than complying with the law-but it starts there. Each of us must learn the basic legal and regulatory requirements that pertain to our jobs, because compliance with laws and regulations is the responsibility of each and every borough employee, official, professional, volunteer and elected official. No employee, official or volunteer of the Borough shall commit an illegal or unethical act, or instruct others to do so, for any reason. Local laws and state regulations provide compliance guidance and information about situations that may challenge you. If you are unsure how to handle a specific situation, or find any aspect of this Code unclear or have any questions about a business conduct or compliance matter, you may seek assistance in any of the following ways:

- You should feel comfortable discussing your concerns with your supervisor.
- You may contact the Human Resource Committee in confidence.
- You may contact the Borough Attorney in confidence.
- You may contact the New Jersey State Ethics Commission at <http://www.state.nj.us/ethics/> or by using their HOTLINE # 1-888-223-1355

B. **The Borough of Emerson's core values are: We treat each other with respect. We do what is right. We always seek to improve. We accept personal responsibility.** Always lead by example no matter what position you hold and act with respect towards each other and those you interact with. Disagree openly and honestly, and deal with differences professionally. Once a decision is made act in harmony.

C. **Avoid actions which are a source of distraction and noise to others.** Do not be a nuisance or inconvenient to others. Do not be impatient in a meeting or while someone is talking. Avoid making unreasonable demands without prior notice and keep interruptions to a minimum.

D. **Civility and decorum are the only acceptable means of interaction with colleagues.** No one is empowered to interrogate, pressure or impose their will upon another staff member to achieve their desired outcome.

E. **Never encroach on other's privacy.** Work stations are not open access areas. Do not read correspondence or mail left on another employee's desk without permission or invitation. Do not eavesdrop on people's conversations and avoid insensitive remarks with respect to an employee's personal affairs in the office.

F. **Observe the Chain of Command.** Learn the organizational structure of the borough staff and do not circumvent the authority of those in charge. Do not seek special privileges or disrupt and interrupt the normal work flow without speaking with a Supervisor of that area of your need, desire or intention. If the Supervisor is not present or unreachable, the employee should always seek guidance first from the Borough Attorney for any request that is non-routine or in conflict to normal procedure. If he/she is unavailable, the request shall be denied.

- G. **Pass on information to all related recipients in the desired form.** Communicate through written modes of communication preferably electronically. Emails should be personalized and start and end with the proper greetings and closings. Keep your reporting boss in the loop. Read your email before sending and make sure your recipients are correctly listed. Be sensitive to your words and phrases. Above all, remember that emails are discoverable.
- H. **Public Government Records Requests.** No one is exempt from filing an Open Public Records Request pursuant to N.J.S.A. 47:1A-1 et seq. For their own protection, employees should have a working knowledge of the Open Public Record Act which provides for the regulation of access to public government records, applicable exemptions and Executive Orders and response time. Non-routine request should be reviewed by the Custodian of Record before disclosure.
- I. **Recording Devices (including cell phones or any electronic devices.)** Fostering trust and mutual respect within the work place promotes an effective and safe work environment. An effective work environment can be compromised, however, by surreptitious use of recording devices. Using recording devices to secretly record the conversations of fellow employees, managers and supervisors causes a loss of trust and mutual respect among the work force. Effective immediately recording devices will not be used in the Borough work environment unless:
- a. All parties to the conversation have been informed that the conversation they are about to have will be recorded;
 - b. All parties to the conversation consent to being recorded;
 - c. The recording device is in plain view to all the participants, of the conversation, at all times.
- J. **Certain Borough offices and areas are considered confidential spaces and are kept locked and secured and off limits for a reason—to protect and ensure the integrity of permanent government public and vital records and the security of confidential information.** Kindly note that the following areas are restricted to only those specific borough employees and personnel and access shall only be allowed to others only in cases of emergency; i.e., fire, flood and/ or hazardous conditions. Those areas are:
- Borough Clerk and Administrative Offices
 - First floor Tax and Vital Statistics (Registrar) Office
 - Vault
 - Safe
 - Court
 - Attic and Lower level Records Storage

§6-2 Violations; enforcement.

Ethical, civil and legal behavior is everyone's job at the Borough of Emerson. It is the expectation that this code of conduct is a standard that all borough employees and borough officials can embrace as their own values, and moral compass in the work place. All borough employees, borough volunteers and elected officials are responsible for complying with the Code. However, any representative of the Borough who fails to meet the standards of business conduct described in the Code, and any manager or supervisor who attempts to punish another for raising questions or trying to follow the principles of the Code, will be subject to discipline or administrative corrective action. Such discipline shall be reasonably designed to deter wrongdoing and to promote compliance with the Code.

The Borough Administrator and all managerial/supervisory personnel are responsible for ensuring that these personnel policies and procedures are adhered to. The Borough Administrator is named as the Personnel Administrator. Therefore, the enforcement of this code shall be in compliance with Section 31A of The Adopted Personnel Policy of the Borough of Emerson.

§6-3 Retaliation

Borough representative are encouraged to report all questions or concerns about any legal or ethical issue, or violations of this Code or any other Company policy, and may do so without fear that they will be disciplined or lose their job as long as they are acting in good faith. "Good faith" does not mean that you need to be right-but it does mean that you should be telling the truth as you know and believe it. The adopted Personnel Policy of the Borough prohibits retaliation of any kind against a person who reports questions or concerns in good faith. Any Borough representative who engages in such retaliation may be subject to disciplinary action that may include, but is not limited to, termination.

Section II. Effective Date.

This ordinance shall become effective June 17, 2014.

ATTEST:

Jane Dietsche, RMC

Deputy Borough Clerk

Carlos Colina, Mayor