

**BOROUGH OF EMERSON
COUNTY OF BERGEN
STATE OF NEW JERSEY**

NOTICE OF ADOPTION

ORDINANCE NO. 1609-20

Introduced: March 3, 2020

Adopted: March 17, 2020

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 March, 2020. A copy of Ordinance 1609-20 is on file in the Borough Clerk's Office in the Municipal Building, 1 Municipal Pl., Emerson, NJ 07630.

**AN ORDINANCE TO AMEND CHAPTER 73 PERSONNEL POLICIES BY ADDING
ARTICLE VI. DRIVER'S LICENSE POLICY**

Article VI. Driver's License Policy

§ 73-16. Definitions.

As used in this article, the following terms shall have the meanings indicated:

EMPLOYEE

Any person employed, elected or appointed to any public office, board or commission of the Borough of Emerson, whether full- or part-time, whether or not compensated for the appointed or elected position. However, said term "employee" shall not include officials, officers and employees who are appointed, elected or employed by the Emerson Borough Board of Education but shall include all other boards, commissions and authorities which are subdivisions of municipal government. It shall also mean any person employed or retained by the Borough for any office, commission or board thereof, whether or not said person services in a paid or unpaid capacity; provided, however, that it does not include independent contractors employed by the Borough.

VEHICLE OPERATOR

Any employee whose work requires or causes either the operation of a Borough of Emerson vehicle or the operation of a personal vehicle (*i.e.*, a non-Borough of Emerson vehicle) to conduct the business of the Borough of Emerson.

§ 73-17. Driver's license policy established.

A Vehicle Operator must hold a valid New Jersey driver's license.

All new employees who will be assigned work as a Vehicle Operator will be required to submit to a review and evaluation of his or her motor vehicle records ("MVR") maintained by the New Jersey Motor Vehicle Commission as a condition of employment. A report indicating a suspended or revoked license status currently, or at any other time within the past seven (7) years, may be cause to deny or terminate employment.

Periodic checks of the status of the drivers' licenses of Vehicle Operators through visual and/or formal MVR reviews shall be made by Department Heads or Division Supervisors. Any Vehicle Operator who does not hold a valid New Jersey driver's license will not be allowed to operate a Borough of Emerson vehicle or to conduct the business of the Borough of Emerson entailing the operation of a personal vehicle until such time as a valid New Jersey driver's license is obtained, which shall be obtained within thirty (30) days of the date the Borough becomes aware of said deficiency, or such later date as may be approved by the Borough Administrator in writing.

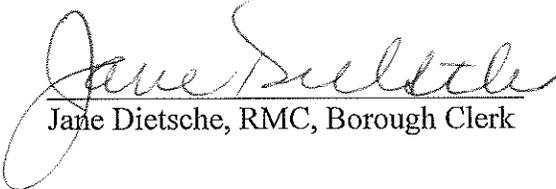
To facilitate the above initial and periodic checks of the status of drivers' licenses, Vehicle Operators shall provide to the Borough Administrator a completed and signed "Release and Consent Form [for] Motor Vehicle Records Check" and a copy of their current New Jersey driver's license at the time of application for the position and thereafter, promptly upon license renewal.

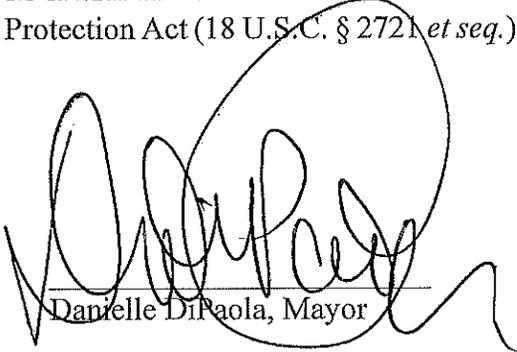
A Vehicle Operator must immediately notify the immediate supervisor of the occurrence of any of the following events, whether or not the event occurred in conjunction with the operation of the vehicle for personal use or to conduct the business of the Borough: 1) the Vehicle Operator's New Jersey driver's license is expired, suspended or revoked; 2) the Vehicle Operator is involved in an accident that is reportable to the local police department or other law enforcement agency pursuant to N.J.S.A. 39:4-130; and 3) a conviction for a violation of any provision of N.J.S.A. 39:4-48 to -72 (driving under the influence, etc.), N.J.S.A. 39:4-80 to -94.2 (moving violations, etc.), or N.J.S.A. 39:4-95 to -104 (speeding violations, etc.). A Vehicle Operator that fails to immediately report such an event, is subject to disciplinary action, including demotion or termination.

A Vehicle Operator (other than an elected official) who fails to comply with this Driver's License Policy will be subject to disciplinary action, including demotion or termination, and/or administrative leave without pay. Moreover, if a Vehicle Operator who is an elected official fails to comply with this Driver's License Policy, the governing body of the Borough and/or an insurance carrier of the Borough (including, but not limited to, the Joint Insurance Fund) in its discretion may refuse to provide the elected official a defense and indemnification, or reimbursement of defense costs, arising out of or incidental to a legal proceeding or other action instituted against the elected official in connection with the operation of a Borough of Emerson vehicle or the operation of a personal vehicle to conduct the business of the Borough of Emerson.

Any information obtained by the Borough of Emerson in accordance with this section shall be used by the Borough of Emerson only for carrying out its lawful functions and for other lawful purposes in accordance with the federal Driver's Privacy Protection Act (18 U.S.C. § 2721 *et seq.*).

ATTEST:


Jane Dietsche, RMC, Borough Clerk


Danielle DiPaola, Mayor