

BOROUGH OF PALMYRA
ORDINANCE 2024-10

**ORDINANCE OF THE BOROUGH OF PALMYRA PROVIDING FOR THE PROCEDURES FOR
CONDUCTING HEARINGS FOR NON-UNIFORMED EMPLOYEE DISCIPLINE MATTERS**

Whereas, the Borough of Palmyra (the “Borough”) employs non-police employees who are not part of any collective bargaining unit (the “employees”); and

Whereas, the Borough has adopted a Personnel Policies and Procedures Manual (the “Manual”) for said employees and regularly re-adopts the Manual; and

Whereas, the Manual addresses the rights and responsibilities for said employees, including but not limited to performance expectations and discipline for violations of the Manual; and

Whereas, the Borough wishes to supplement the procedures for the implementation of any disciplinary action that may be needed for said employees; and

BE IT ORDAINED by the governing body of the Borough of Palmyra, in the County of Burlington, and State of New Jersey as follows:

A new Article IV titled “Disciplinary Procedures for Non-Police Employees” is hereby added to Chapter 40 of the Code of the Borough of Palmyra and will read as follows:

For the Personnel Policies and Procedures Manual that has been adopted and any future amendments to same, the Section titled “Discipline” shall be supplemented as follows:

- A. Probationary, non-represented, part-time, and volunteer non-police personnel may be disciplined and/or terminated at any time for any reason, with or without cause, and without any appeal procedure.
- B. Full-time, non-probationary, non-represented non-police employees are subject to the following appeal process:
 1. Such employees may not appeal warnings or reprimands or suspensions with pay.
 2. Where such an employee is going to be suspended without pay, fined, demoted, or terminated, the Borough Administrator or his/her designee shall conduct a pre-disciplinary meeting with the employee.

3. The Borough Administrator or designee will provide notice of the charges and explain the intended action. The employee will be given an opportunity to respond to the charges at the pre-disciplinary meeting.
4. If, at the conclusion of the pre-disciplinary meeting, it is determined that the disciplinary action is warranted, the discipline will be imposed. Any discipline other than a suspension without pay for more than 14 days or termination shall be final.
5. If the discipline imposed by the Administrator or designee imposes a suspension without pay for a period of 14 days or more or termination of employment, the decision shall only be appealable to the governing body. The appeal must be in writing and served upon the Clerk of the Borough within ten days of the issuance of the discipline.
6. In certain circumstances, the Administrator (or designee) may determine, upon receipt of the appeal, that the matter is more appropriate for review by an outside hearing officer who will conduct a hearing. The hearing will then be scheduled upon 10 days' notice to the employee and the employee may appear and present his/her defense. In such circumstances, the Administrator (or designee) will render a written decision within 10 working days of receipt of the hearing officer's findings and recommendations in which the governing body may accept, reject, or modify the hearing officer's findings and recommendations.
7. If a hearing officer is not utilized, then the governing body or a duly designated sub-committee thereof will conduct a hearing upon 10 days' notice to the employee and make findings and conclusions and render its decision after granting the employee the right to present evidence in his/her defense.
8. Immediate suspensions.

In special circumstances, an employee may be suspended immediately where it is determined that the employee is unfit for duty or is a hazard to any person if permitted to remain on the job, or that an immediate suspension is necessary to maintain safety, health, order or effective direction of public services. Immediate suspension may also be appropriate based on the issuance of criminal charges as to the employee.

The employee will be served with a written notice of immediate suspension and informed of whether any appeal rights are available. Paid suspensions in such circumstances are not disciplinary and thus not appealable. Unpaid suspensions in such circumstances may be appealable by full-time non-probationary employees in accordance with the procedures set forth above. Probationary, non-represented part-time, and volunteer personnel may not appeal

any suspensions of any kind. Any such suspension may be with or without pay depending on the severity and nature of the circumstances.

9. If any article, section, subsection, paragraph, sentence, clause, or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this ordinance and they shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared severable.

10. This ordinance shall take effect immediately upon final passage and publication according to law.

Approved for introduction at the regular meeting of the Borough of Palmyra Mayor and Council on **June 3rd, 2024** Public Notice of the second reading and public hearing was published in the Burlington County Times on **June 9th, 2024**. Public Notice and second reading will be held **June 17th, 2024**.

RECORDED VOTE	MOTION	SECOND	INFAVOR	AGAINST	ABSTAIN	ABSENT
DR. CLOUD						X
MS. LATIMORE		X	X			
MR. LIEBE			X			
MRS. MCCANN			X			
MS. O'CONNOR			X			
PRESIDENT HOWARD	X		X			
MAYOR GINA RAGOMO TAIT						

Approved for final adoption at the regular meeting of the Borough of Palmyra Mayor and Council on **June 17th, 2024** after a public hearing was held. Public Notice was given for the public hearing by being published in the Burlington County Times on June 9, 2024.

RECORDED VOTE	MOTION	SECOND	INFAVOR	AGAINST	ABSTAIN	ABSENT
DR. CLOUD			X			
MS. LATIMORE			X			
MR. LIEBE						X
MRS. MCCANN						X

MS. O'CONNOR		X	X			
PRESIDENT HOWARD	X		X			
MAYOR GINA RAGOMO TAIT						

DATE OF FINAL PUBLICATION: June 23, 2024

ATTEST:

SIGNED:

Doretha Jackson
Municipal Clerk

Gina Ragomo Tait
Mayor