RESOLUTION -R-14-14

A RESOLUTION TO AFFIRM SOUTH HARRISON TOWNSHIP'S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTEERS, INDEPENDENT CONTRACTORS AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS

WHEREAS, it is the policy of South Harrison Township to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

WHEREAS, the Township Committee of the Township of South Harrison has determined that certain procedures need to be established to accomplish this policy.

NOW, THEREFORE, BE IT RESOLVED AND ADOPTED by the Township Committee of the Township of South Harrison, as follows:

Section 1: No official, employee, appointee or volunteer of South Harrison Township by whatever title known, or any entity that is in any way a part of South Harrison Township shall engage, either directly or indirectly, in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee, volunteer, or entity is engaged in or acting on behalf of South Harrison Township's business or using the facilities or property of South Harrison Township.

Section 2: The prohibitions and requirements of this Resolution shall extend to any person or entity, including, but not limited to, any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from South Harrison Township to provide services that otherwise could be performed by South Harrison Township.

Section 3: Discrimination, harassment and civil rights shall be defined for purposes of this Resolution using the latest definitions contained in the applicable Federal and New Jersey State Law concerning discrimination, harassment and civil rights.

Section 4: The South Harrison Township Committee shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this Resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

Section 5: No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

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Section 6: The South Harrison Township Committee shall establish written procedures that require all officials, employees, appointees and volunteers of South Harrison Township, as well as all other entities subject to this Resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this Resolution.

Section 7: The South Harrison Township Personnel Committee shall establish a system to monitor compliance and shall report at least annually to the Township Committee the results of the monitoring.

Section 8: At least annually, the South Harrison Township Personnel Committee shall cause a summary of this Resolution and the procedures established pursuant to this Resolution to be communicated within the South Harrison Township Committee. This communication shall include a statement from the Township Committee expressing its unequivocal commitment to enforce this Resolution. This summary shall also be posted on South Harrison Township's web site.

Section 9: This Resolution shall take effect immediately.

Section 10: A copy of this Resolution shall be published in the official newspaper of South Harrison Township in order for the public to be made aware of this policy and South Harrison Township's commitment to the implementation and enforcement of this policy.

TOWNSHIP OF SOUTH HARRISON

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James McCall, Mayor

ATTEST:

_____

Nancy E. Kearns, RMC,
Municipal Clerk

CERTIFICATION

I hereby certify this to be a true copy of a resolution adopted by the Township Committee at the reorganization meeting of the Township of South Harrison held on the 1st day of January 2014.

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Nancy E. Kearns, RMC
Municipal Clerk

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South Harrison Township
General Complaint Procedure:

Any individual who observes alleged wrongdoing on the part of officials, employees, or volunteers associated with South Harrison Township may report such action using this procedure. This includes any action the individual believes to constitute harassment, sexual harassment or any other wrongdoing. Employees of South Harrison Township shall follow the Employee Complaint Procedure. All other individuals including volunteers and members of the public may report the alleged wrongdoing to the head of the applicable department or volunteer organization, or, if they prefer, or do not think that the matter can be discussed with the head of the applicable department or organization, they should contact the Mayor, Township Committee member, or the Township Solicitor.

Reporting of such incidents is encouraged both when an individual feels that he or she is subject to such incidents, or observes such incidents in reference to other individuals. The report or complaint should be in writing, but individuals may make a verbal complaint at their discretion. If an individual has any questions about what constitutes harassment, sexual harassment, or any other workplace wrongdoing, they may ask their supervisor or one of the individuals listed above. All reports of harassment, sexual harassment or other wrongdoing will be promptly investigated by a person who is not alleged to be involved in the alleged harassment or wrongdoing.

No individual will be penalized in any way for reporting a complaint. There will be no discrimination or retaliation against any individual who files a good-faith harassment complaint, even if the investigation produces insufficient evidence to support the complaint, and even if the charges cannot be proven. There will be no discrimination or retaliation against any other individual who participates in the investigation of a complaint.

If the investigation substantiates the complaint, appropriate corrective and/or disciplinary action will be swiftly pursued. Disciplinary action up to and including discharge will also be taken against individuals who make false or frivolous accusations, such as those made maliciously or recklessly. Actions taken internally to investigate and resolve harassment complaints will be conducted confidentially to the extent practicable and appropriate in order to protect the privacy of persons involved. Any investigation may include interviews with the parties involved in the incident, and if necessary, with individuals who may have observed the incident or conduct or who have other relevant knowledge. The complaining individual will be notified of a decision at the conclusion of the investigation within a reasonable time from the date of the report an incident.

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The Rights and Duties of a Volunteer in Local Government (South Harrison Township) Leader's Guide

Who should conduct the seminar? Someone who is comfortable with the issue to answer questions. Depending upon the circumstances, that could be the leader of the volunteer organization, the Municipal Manager/Administrator, the Human Resources Manager, the local unit's General Counsel or Employment Attorney/Advisor, or the local unit's risk manager.

Are all volunteers required to attend? Any volunteer in what is considered as a managerial or supervisory position must attend. The law also requires that the training be "made available" to all other volunteers. However, the organization has the option of making the training mandatory. Attendance must be documented.

How long is the seminar? The formal presentation is about 25 – 30 minutes, mostly consisting of the video. However, the question and answer period at the end could easily add another half hour or more to the seminar.

Section One: Introduction

Under the law, volunteers in organizations that are a part of or are supported by the municipality have many of the same rights and responsibilities as governmental employees. Federal and State law(s) cover such important areas as discrimination, safety, violence, and harassment. To protect you, the municipality has a "no tolerance" policy towards these violations of basic civil rights and expects all individuals associated with the community to conduct themselves consistent with this policy. Today, we will discuss what this means.

The program begins with a twelve-minute video that explains your rights and obligations under the "no tolerance" policy. The video states clearly what types of conduct are unacceptable when interacting with fellow employees. As many of the unacceptable behaviors are also against the law, compliance is essential both for your own protection and to ensure that others not subjected to conduct that might create a hostile environment. At the end of the video, there will be time to ask questions.

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Section Two: Play video, "The Rights and Responsibilities of a Volunteer in Local Government"

Section Three: Question and Answers:

We will now spend a few minutes reviewing South Harrison Township's specific policies and answering any questions you may have. Questions that pertain to a particular individual are not appropriate for this general session and should be asked after the meeting. Further, if anyone feels uncomfortable asking a question during the meeting, I will be available to talk afterwards. If the question involves a legal issue, it will be forwarded to the Township Solicitor or the Employment Attorney/Advisor who will get back to you. *Distribute copies of the Civil Rights Resolution and General Complaint Procedure, review each section, and ask if there are any questions.

Note: Make detailed notes of these questions in the attached Question Log and tell the employees that the attorney/advisor will quickly get back to them.

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ATTENDANCE LOG

"The Rights and Duties of a Volunteer in Local Government"

Training Seminar

Town/Authority Name: South Harrison Township

Date: _____ **Time:** _____

Leader's Name: _____

NAME (PLEASE PRINT)	TIME IN	INITIAL	TIME OUT	INITIAL

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QUESTIONS LOG

QUESTIONER'S NAME	DETAILS OF QUESTION(S) RAISED

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