

**HAMPTON TOWNSHIP
ORDINANCE NO. 2023-26**

**AN ORDINANCE TO AMEND PART I, ENTITLED “ADMINISTRATIVE
LEGISLATION”, OF THE CODE OF THE TOWNSHIP OF HAMPTON, COUNTY OF
SUSSEX, STATE OF NEW JERSEY TO ADD ANTI-NEPOTISM POLICY.**

BE IT ORDAINED by the Township Committee of the Township of Hampton in the County of Sussex, as follows:

SECTION 1. Part I, entitled “Administrative Legislation” of the Code of the Township of Hampton, Sussex County, New Jersey, is amended to add new Chapter 19 entitled “Anti-Nepotism Policy”, which shall read as follows:

Chapter 19. Anti-Nepotism Policy

§ 19-1. Definitions.

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

CONTRACTORS

Contractors, independent contractors, subcontractors, vendors, professionals appointed pursuant to the fair and open process or the non-fair and open process or person, persons or business working for the Township whose employment is limited in scope or duration to a specific project with the Township and subject to either a bid proposal or a solicitation of quotes. (Examples include but are not limited to road projects, construction projects and other projects). Employment with contractors shall be considered for the purpose of this section as employment with the Township.

DEPARTMENT

Any department within the government structure of the Township of Hampton, whether existing pursuant to the Township Code or pursuant to the laws of the State of New Jersey.

ELECTED OFFICIAL

Any person holding the position of member of the Township Committee.

RELATIVE

Spouse or significant other, child, parent, stepchild, sibling, grandparent, daughter-in-law, son-in-law, grandchild, niece, nephew, uncle, aunt or any other person related by blood or marriage.

SUPERVISOR

Any employee of the Township having supervisory duties and powers over another employee within the Township.

TEMPORARY EMPLOYMENT

Any employment (or employee thereunder) which is not full-time or regular part-time, and shall include, without limitation, seasonal employees including, but not limited to, seasonal employees affiliated with Township recreation and leaf pick-up programs.

§ 19-2. Applicability.

- A. The prohibitions set forth in these anti-nepotism regulations shall apply to all contractors, and full-time and regular part-time positions of the Township, but shall not apply to any temporary employment.
- B. Subject to the exception in § 19-3 below, this section and the prohibition against certain hiring contained herein shall be applied prospectively only from the effective date of this chapter, and shall not in any way be construed to prohibit or make unlawful any current employment relationship or situation or the hiring or promotion of any person currently employed by the Township as of the effective date of this chapter which may technically be in violation of the terms hereof but for its prospective application. For purposes of interpreting this exception, persons appointed to positions of employment with the Township for a set term shall be considered current employees notwithstanding the fact that the then term may have ended. Such persons holding positions of employment with the Township under a set term may be hired to any position in the Township, rehired, reappointed or promoted, as may be the case, without violating this chapter.

§ 19-3. Restrictions on hiring, supervision and promotions of employees.

The following restrictions shall apply to the hiring and promotion of employees to employment positions for the Township:

- A. Elected officials. No elected official of the Township shall be considered for employment or hired to a position of employment with the Township either during his or her term of office or within 181 days after the expiration of the term. No elected official shall serve as Committee liaison to any department that employs any relative of that elected official.
- B. Relative of elected officials. No person who is a relative of any elected official of the Township shall be considered for employment as an employee of the Township. This shall not restrict nor prohibit the continued employment of individuals to a position with the Township where a relative of an employee is elected as a Committee member after the date of the employee's start of employment with the Township.
- C. Promotion of existing employees. Notwithstanding the prospective applications as to the remainder of this chapter as applied above, no elected official may participate in the promotion process or hiring process in the Department of any existing employee who is a relative of the elected official as the case may be. The elected official shall abstain from participation in such personnel action as it applies to such relative.

- D. Appointments. No relative of an elected official of the Township shall be appointed to the position of any Township professional who receives compensation, or any Township board or commission which has more than an advisory role and/or one in which the members receive compensation.
- E. Department heads. No person who is a relative of any department head of the Township shall be considered for employment as an employee of the Township. This shall not restrict nor prohibit the continued employment of individuals to a position with the Township where a relative of a department head is hired before the effective date of this chapter.

§ 19-4. Purpose.

This policy is not for the purpose of depriving any citizen of an equal chance for employment with the Township but is solely intended to eliminate the potential for preferential treatment of the relatives of the members of the governing body and/or any department head.

§ 19-5. Current employees.

Except as may be otherwise expressly provided for herein, this chapter shall not affect the employment of any present Township employee, nor shall it be construed or enforced in such manner as to violate, abridge or impair any rights of individuals employed or affiliated with the Township under any collective bargaining agreement, employment contract, or any state or federal law protecting the employment rights of any such individuals. If, however, an employee of the Township becomes an elected official of the Township following the adoption of this article, the employee must either resign his/her employment with the Township or resign from the office to which he/she was elected.

SECTION 2. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. This Ordinance shall take effect upon its passage and publication as provided by law.

CERTIFICATION

I hereby certify that the above Ordinance was adopted by the Hampton Township Committee at their regular meeting held on November 28, 2023 at the Hampton Township Municipal Building, Baleville, Sussex County, New Jersey.

Date: _____

Kathleen Armstrong, RMC
Township Clerk

NOTICE

NOTICE IS HEREBY GIVEN that the attached Ordinance #2023-26 was introduced at a regular meeting of the Township Committee of the Township of Hampton, Sussex County, New Jersey, held on the 31st day of October 2023 and passed on first reading, and that such Ordinance will be further considered for final passage and adoption at the regular meeting of the Township Committee to be held on the 28th day of November 2023 at the Municipal Building, One Rumsey Way, in the Township of Hampton, at 7:00 p.m., and remotely via Zoom if available, or remote only at the discretion of the Administrator or Mayor, at such time and place all persons interested be given an opportunity to be heard concerning said Ordinance. To attend the meeting remotely use the following link: <https://us02web.zoom.us/j/4919500389>, or to attend the meeting by phone, dial 929-205-6099 (Meeting ID: 491 950 0389).

Kathleen Armstrong, RMC
Township Clerk

NOTICE ORDINANCE 2023-26

NOTICE IS HEREBY GIVEN that the foregoing Ordinance #2023-26 was adopted at Final Reading at the regular meeting of the Township Committee of the Township of Hampton, County of Sussex held on Tuesday, November 28, 2023, at the Hampton Township Municipal Building, Baleville, N.J.

Kathleen Armstrong, RMC
Township Clerk