

ORDINANCE NO. 14, 2019

AN ORDINANCE AMENDING CHAPTER 52 PERSONNEL AND PERSONNEL PROCEDURES, EMPLOYEE MANUAL, OF THE CODE OF THE CITY OF LINWOOD AND REPEALING ALL ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

BE IT ORDAINED, by the Common Council of the City of Linwood, County of Atlantic and State of New Jersey as follows:

SECTION 1: Chapter 52, Personnel and Personnel Procedures, Employee Manual, Article II, Employment and Termination, K. Open Public Meetings Act Procedure Concerning Personnel Matters is hereby amended to read as follows:

Discussions by the governing body or any public body of the City of Linwood concerning appointment, termination, terms and conditions of employment, performance evaluation, promotion or discipline of any current or prospective officer or employee may be held in closed session unless the individual requests in writing that the discussion be held in open session. Such request must be granted. Prior to the discussion by the governing body or any public body of the City of Linwood concerning such matters, the Clerk shall notify the affected person(s) of the meeting date, time and place, the matters to be discussed and the person's right to request that the discussion occur in open session. In the event more than one person is affected by the discussion and one of the affected persons does not request that the discussion be in open session, then the discussion shall be in closed session. If the individual(s) does not request that the discussion be held in open session, the governing body or other public body of the City of Linwood may at its sole discretion invite the affected individual(s) to attend the applicable portion of the closed session. Ultimately, the guidance as to notification of employees and the right to have the discussion in executive/closed session or in open session should be discussed with and be based upon the guidance and advice of the municipal solicitor and in conjunction with recent court decisions.

SECTION 2: All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 3: Should any sentence, clause, sentence, phrase or provision of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 4: This ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

*FIRST READING:*                      *June 12, 2019*

*PUBLICATION:*                      *June 17, 2019*

*PASSAGE:*                              *July 10, 2019*

The within Ordinance was introduced at a meeting of the Common Council of the City of Linwood, County of Atlantic and State of New Jersey held on, June 12, 2019 and will be further considered for final passage after a public hearing thereon at a meeting of said Common Council on July 10, 2019.

---

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

---

RICHARD L. DEPAMPHILIS, III, MAYOR