

**LINWOOD COMMON COUNCIL**  
**CAUCUS AGENDA**  
**November 10, 2020**  
**6:00 P.M.**

**NOTICE OF THIS MEETING HAS BEEN PUBLISHED**  
**IN ACCORDANCE WITH THE REQUIREMENTS OF**  
**THE OPEN PUBLIC MEETINGS ACT.**

1. Roll Call                    Mayor Matik \_\_                    Mrs. Byrnes \_\_\_\_\_                    Mrs. DeDomenicis \_\_\_\_\_  
   Mr. Ford \_\_\_\_\_                    Mr. Gordon \_\_\_\_\_                    Mr. Heun \_\_\_\_\_  
   Mr. Levinson \_\_\_\_\_                    Mr. Paolone \_\_\_\_\_
- Professionals:                    Mr. Youngblood \_\_\_\_\_                    Mr. Polistina \_\_\_\_\_                    Mrs. Napoli \_\_\_\_\_
2. Approval of Minutes Without Formal Reading
3. Mayor's Report
4. Councilwoman Byrnes  
    A. Neighborhood Services
5. Councilwoman DeDomenicis  
    A. Public Works
6. Councilman Ford  
    A. Planning & Development
7. Councilman Gordon  
    A. Engineering  
        1. Resolution authorizing a Change Order with West Bay Construction with regard to the Frances Avenue Sewer Improvements project
8. Councilman Heun  
    A. Public Safety  
        1. Resolution closing the meeting of November 10, 2020  
        2. Resolution authorizing a Separation Agreement with John A. Hamilton
9. Councilman Levinson  
    A. Revenue & Finance  
        1. Resolution authorizing 2020 budget appropriation transfers  
        2. Resolution authorizing a refund to Fenwick Associations with regard to an OPRA request
10. Council President Paolone  
    A. Administration  
        1. Ordinance amending Chapter 52 Personnel and Personnel Procedures for JIF compliance – first reading
11. Mr. Youngblood

**LINWOOD COMMON COUNCIL  
AGENDA OF REGULAR MEETING  
November 10, 2020**

**CALL TO ORDER**

**NOTICE OF THIS MEETING HAS BEEN  
PUBLISHED IN ACCORDANCE WITH THE  
REQUIREMENTS OF THE OPEN PUBLIC MEETINGS ACT.**

**FLAG SALUTE:** Councilwoman June Byrnes

**ROLL CALL**

**APPROVAL OF MINUTES WITHOUT FORMAL READING**

**ORDINANCES**

14 OF 2020 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.

***FIRST READING:** November 10, 2020*  
***PUBLICATION:** November 16, 2020*  
***PASSAGE:** November 24, 2020*

**RESOLUTIONS WITHIN CONSENT AGENDA**

All matters listed under item, **Consent Agenda**, are considered to be routine by City Council, and will be enacted by one motion in the form listed. Any items requiring expenditure are supported by a Certification of Availability of Funds and any item requiring discussion will be removed from the Consent Agenda and discussed separately. All Consent Agenda items will be reflected in full in the minutes.

**173-2020** A Resolution authorizing a refund to Fenwick Architects with regard to a payment received for an Open Public Records request

**174-2020** A Resolution approving Change Order No. 1-Final with West Bay Construction, Inc. with regard to the Frances Avenue Sewer Improvements in the City of Linwood

**RESOLUTIONS**

**172-2020** A Resolution authorizing 2020 Budget Appropriation Transfers

**175-2020** A Resolution closing the meeting of November 10, 2020 for the purpose of discussing an employment matter

**176-2020** A Resolution authorizing the execution of a Separation Agreement with John A. Hamilton

**APPROVAL OF BILL LIST: \$**

**MEETING OPEN TO THE PUBLIC**

**FINAL REMARKS BY MAYOR AND COUNCIL**

**ADJOURNMENT**

ORDINANCE NO. 14, 2020

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, A. Employment, 1. Policy of Equal Employment Opportunity is hereby amended to read as follows:

The Employer is committed to the principle of equal employment opportunity and anti-discrimination pursuant to Title VII of the 1964 Civil Rights Act as amended by the Equal Opportunity Act of 1972 and the New Jersey Law Against Discrimination (LAD) and all other applicable state or federal laws. Under no circumstances will the Employer discriminate on the basis of sex, race, creed, color, religion, national origin, ancestry, age, marital status, affectional or sexual orientation, domestic partnership status, civil union status, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), liability for service in the United States Armed Forces, gender identity or expression, and/or any other characteristic protected by state or federal law. Accordingly, decisions regarding hiring, promotion, transfer, demotion or termination are based solely on the qualifications and performance of the employee or prospective employee. If any employee or prospective employee feels they have been treated unfairly, they have the right to address their concern with their supervisor, or they prefer, their Department Head, City Clerk, or Council Chair.

Any employees with questions or concerns about any type of discrimination or harassment in the workplace are encouraged to bring these issues to the attention of management through the complaint procedure set forth in the Policy Against Harassment set forth in this Manual.

SECTION 2: Chapter 52, Personnel and Personnel Procedures, Employee Manual, Article II, Employment and Termination, A. Employment, 1. Policy of Equal Employment Opportunity, a. Americans with Disabilities Act policy/New Jersey Pregnant Worker's Fairness Act is hereby amended to read as follows:

- a. Americans With Disabilities - The Employer complies with the New Jersey Law Against Discrimination and the Americans with Disabilities Act. The Employer will not discriminate against any qualified employee or job applicant with respect to any terms, privileges, or conditions of employment because of a person's physical or mental disability. The Employer also will make reasonable accommodations wherever necessary for all employees or applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential duties and assignments connected with the job and provided that accommodations do not require significant difficulty or expense. The Employer's nondiscrimination policy applies to all aspects of the employer-employee relationship, including recruitment, hiring, upgrading, training, promotion, transfer, discipline, layoff, recall, and termination.

Definitions. The Americans with Disabilities Act defines an individual with a disability as any person who:

- (1) has a physical or mental impairment that substantially limits one or more major life activities, such as caring for oneself, walking, seeing, hearing, or speaking;
- (2) has a record of such an impairment; or
- (3) is regarded as having such an impairment.

An individual must satisfy at least one of the three prongs of the above definition to be considered an individual with a disability under the ADA. Temporary conditions, such as a broken leg, are not disabilities, nor are minor impairments, such as vision problems that are correctable with glasses.

The New Jersey Law Against Discrimination defines disability as a physical disability, infirmity, malformation or disfigurement which is caused by bodily injury, birth defect or illness including epilepsy and other seizure disorders, and which shall include, but not be limited to, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment or physical reliance on a service or guide dog, wheelchair, or other remedial appliance or device, or any mental, psychological or developmental disability resulting from anatomical, psychological, physiological or neurological conditions which prevents the normal exercise of any bodily or mental functions or is demonstrable, medically or psychologically, by accepted clinical or laboratory diagnostic techniques. Disability shall also mean AIDS or HIV infection.

A qualified individual is an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position held or sought. An individual who poses a threat to the health and safety of oneself or to others is not qualified. Reasonable accommodation means any change or adjustment to a job or work environment that does not impose an undue hardship on the Employer, or that permits a qualified applicant or

employee with a disability to participate in the job application process, perform the essential functions of the job, or enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities.

Requesting Accommodation. Qualified employees or prospective employees with disabilities may request accommodations to perform the essential functions of their job or gain access to the hiring process. Employees or prospective employees should direct their written request to the Employer. In the written request, the employee or prospective employee should identify themselves as a person with a disability, eligible for protection, and identify the nature of the accommodation or consideration desired.

The Employer may require the employee to provide adequate medical or other appropriate documentation of the disability and the need for the desired accommodation. The Employer will reasonably accommodate the known physical or mental limitation of an otherwise qualified applicant or employee with a disability unless the accommodation would impose an undue hardship on the Employer's business operation.

To further the Employer's nondiscrimination policy, the Employer will:

- Identify the essential functions of a job;
- Determine whether a person with a disability, with or without accommodation, is qualified to perform the duties; and
- Determine whether a reasonable accommodation can be made for a qualified individual.

Reasonable accommodations that the Employer may provide in connection with modifications to the work environment or adjustments in how and when a job is performed may include the following:

- Making existing facilities accessible and usable;
- Job restructuring;
- Part-time or modified work schedules;
- Acquiring or modifying equipment or devices;
- Appropriate adjustment or modifications of testing materials, training materials, and/or policies;
- Reassignment to a vacant position.

The Employer is also committed to not discriminating against any qualified employee or applicant because he or she is related to or associated with a person with a disability. If any

applicant or employee has questions concerning the Employer's equal employment opportunity policy, he or she should contact the Employer.

SECTION 3: Chapter 52, Personnel and Personnel Procedures, Employee Manual, Article V, Leaves of Absence, G. Domestic Violence Leave is hereby deleted.

SECTION 4: Chapter 52, Personnel and Personnel Procedures, Employee Manual, Add Article XVII, Domestic Violence Policy:

## **PURPOSE**

The purpose of the State of New Jersey Domestic Violence Policy for Public Employers (herein "policy") is to set forth a uniform domestic violence policy for all public employers to adopt in accordance with N.J.S.A. 11A:2-6a. The purpose of this policy is also to encourage employees who are victims of domestic violence, and those impacted by domestic violence, to seek assistance from their human resources officers and provide a standard for human resources officers to follow when responding to employees.

## **DEFINITIONS**

The following terms are defined solely for the purpose of this policy:

**Domestic Violence** - Acts or threatened acts, that are used by a perpetrator to gain power and control over a current or former spouse, family member, household member, intimate partner, someone the perpetrator dated, or person with whom the perpetrator shares a child in common or anticipates having a child in common if one of the parties is pregnant. Domestic violence includes, but is not limited to the following: physical violence; injury; intimidation; sexual violence or abuse; emotional and/or psychological intimidation; verbal abuse; threats; harassment; cyber harassment; stalking; economic abuse or control; damaging property to intimidate or attempt to control the behavior of a person in a relationship with the perpetrator; strangulation; or abuse of animals or pets.

**Abuser/Perpetrator** - An individual who commits or threatens to commit an act of domestic violence, including unwarranted violence against individuals and animals. Other abusive behaviors and forms of violence can include the following: bullying, humiliating, isolating, intimidating, harassing, stalking, or threatening the victim, disturbing someone's peace, or destroying someone's property.

**Human Resources Officer (HRO)** –An employee of a public employer with a human resources job title, or its equivalent, who is responsible for orienting, training, counseling, and appraising staff. Persons designated by the employer as the primary or secondary contact to assist employees in reporting domestic violence incidents.

**Intimate Partner** - Partners of any sexual orientation or preference who have been legally married or formerly married to one another, have a child or children in common, or anticipate having a child in common if one party is pregnant. Intimate partner also includes those who live

together or have lived together, as well as persons who are dating or have dated in the past.

Temporary Restraining Order (TRO) - A civil court order issued by a judge to protect the life, health or well-being of a victim. TROs can prohibit domestic violence offenders from having contact with victims, either in person or through any means of communication, including third parties. TROs also can prohibit offenders from a victim's home and workplace. A violation of a TRO may be a criminal offense. A TRO will last approximately 10 business days, or until a court holds a hearing to determine if a Final Restraining Order (FRO) is needed. In New Jersey, there is no expiration of a FRO.

Victim - A person who is 18 years of age or older or who is an emancipated minor and who has been subjected to domestic violence by a spouse, former spouse, or any other person who is a present household member or was at any time a household member. A victim of domestic violence is also any person, regardless of age, who has been subjected to domestic violence by one of the following actors: a person with whom the victim has a child in common; a person with whom the victim anticipates having a child in common, if one of the parties is pregnant; and a person with whom the victim has had a dating relationship.

Workplace-Related Incidents - Incidents of domestic violence, sexual violence, dating violence, and stalking, including acts, attempted acts, or threatened acts by or against employees, the families of employees, and/or their property, that imperil the safety, well-being, or productivity of any person associated with a public employee in the State of New Jersey, regardless of whether the act occurred in or outside the organization's physical workplace. An employee is considered to be in the workplace while in or using the resources of the employer. This includes, but is not limited to, facilities, work sites, equipment, vehicles, or while on work-related travel.

### **PERSONS COVERED BY THIS POLICY**

All employees are covered under this policy, including full and part time employees, casual/seasonal employees, interns, volunteers and temporary employees at any workplace location.

### **RESPONSIBILITY OF EMPLOYERS TO DESIGNATE A HUMAN RESOURCES OFFICER**

The Employer hereby designates the following employees as the Primary HRO and Secondary HRO, to assist employees who are victims of domestic violence.

#### **Primary HRO:**

**City Clerk**

#### **Secondary HRO:**

## **Deputy City Clerk**

The designated Primary and Secondary HRO shall receive training on responding to and assisting employees who are domestic violence victims in accordance with this policy.

Managers and supervisors are often aware of circumstances involving an employee who is experiencing domestic violence. Managers and supervisors are required to refer any employee who is experiencing domestic violence or who report witnessing domestic violence to the designated HRO. Managers and supervisors must maintain confidentiality, to the extent possible, and be sensitive, compassionate, and respectful to the needs of persons who are victims of domestic violence.

The name and contact information of the designated HRO will be provided to all employees.

This policy does not supersede applicable laws, guidelines, standard operating procedures, internal affairs policies, or New Jersey Attorney General Directives and guidelines that impose a duty to report. For example, if there is any indication a child may also be a victim, reporting is mandatory to the Department of Children and Families, Child Protection and Permanency, under N.J.S.A. 9:6-8.13.

### **DOMESTIC VIOLENCE REPORTING PROCEDURES**

Employees who are victims of domestic violence are encouraged to seek immediate assistance from their HRO. Employees who have information about or witness an act of domestic violence against an employee, are encouraged to report that information to the designated HRO, unless the employee is required to report the domestic violence pursuant to applicable laws, guidelines, standard operating procedures, internal affairs policies, or New Jersey Attorney General directives and guidelines that impose a duty to report, in which case the employee must so report to the appropriate authority in addition to reporting to the designated HRO. Nothing in this policy shall preclude an employee from contacting 911 in emergency situations. Indeed, HROs shall remind employees to contact 911 if they feel they are in immediate danger.

Each designated HRO shall:

- A. Immediately respond to an employee upon request and provide a safe and confidential location to allow the employee to discuss the circumstances surrounding the domestic violence incident and the request for assistance.
- B. Determine whether there is an imminent and emergent need to contact 911 and/or local law enforcement.
- C. Provide the employee with resource information and a confidential telephone line to make necessary calls for services for emergent intervention and supportive services, when appropriate. The HRO or the employee can contact the appropriate Employee Assistance Program to assist with securing resources and confidential services.



- D. Refer the employee to the provisions and protections of The New Jersey Security and Financial Empowerment Act, N.J.S.A. 34:11C-1 et seq. (NJ SAFE Act), referenced in this policy.
- E. In cases where domestic violence involved a sexual touching or sexual assault between state employees, the HRO is also required to report the incident to their agency's EEO Officer or City Clerk 609-927-4108.
- F. If there is a report of sexual assault or abuse, the victim should be offered the services of the Sexual Assault Response Team, Linwood Police Department 609-927-5252.
- G. Maintain the confidentiality of the employee and all parties involved, to the extent practical and appropriate under the circumstances, pursuant to this policy.
- H. Upon the employee's consent, the employee may provide the HRO with copies of any TROs, FROs, and/or civil restraint agreements that pertain to restraints in the work place and ensure that security personnel are aware of the names of individuals who are prohibited from appearing at the work location while the employee who sought the restraining order is present. All copies of TROs and FROs shall be maintained in a separate confidential personnel file.

### **CONFIDENTIALITY POLICY**

In responding to reports of domestic violence, the HRO shall seek to maintain confidentiality to protect an employee making a report of, witnessing, or experiencing domestic violence, to the extent practical and appropriate under the circumstances and allowed by law. Thus, this policy does not supersede applicable laws, guidelines, standard operating procedures, internal affairs policies, or New Jersey Attorney General Directives and guidelines that impose a duty to report.

This confidentiality policy shall not prevent disclosure where to do so would result in physical harm to any person or jeopardize safety within the workplace. When information must be disclosed to protect the safety of individuals in the workplace, the HRO shall limit the breadth and content of such disclosure to information reasonably necessary to protect the safety of the disclosing employee and others and comply with the law. The HRO shall provide advance notice to the employee who disclosed information, to the extent possible, if the disclosure must be shared with other parties in order to maintain safety in the workplace or elsewhere. The HRO shall also provide the employee with the name and title of the person to whom they intend to provide the employee's statement and shall explain the necessity and purpose regarding the disclosure. For example, if the substance of the disclosure presents a threat to employees, then law enforcement will be alerted immediately.

This policy does not supersede applicable laws, guidelines, standard operating procedures, internal affairs policies, or New Jersey Attorney General Directives and guidelines where mandatory reporting is required by the appointing authority or a specific class of employees.

## **CONFIDENTIALITY OF EMPLOYEE RECORDS**

To ensure confidentiality and accuracy of information, this policy requires the HRO to keep all documents and reports of domestic violence in confidential personnel file separate from the employee's other personnel records. These records shall be considered personnel records and shall not be government records available for public access under the Open Public Records Act. See N.J.S.A. 47:1A-10.

## **THE NEW JERSEY SECURITY AND FINANCIAL EMPOWERMENT ACT**

The New Jersey Security and Financial Empowerment Act, N.J.S.A. 34:11C-1, et seq. (NJ SAFE Act), is a law that provides employment protection for victims of domestic or sexual violence.

The NJ SAFE Act allows a maximum of 20 days of unpaid leave in one 12-month period, to be used within 12 months following any act of domestic or sexual violence. To be eligible, the employee must have worked at least 1,000 hours during the 12-month period immediately before the act of domestic or sexual violence. Further, the employee must have worked for an employer in the State that employs 25 or more employees for each working day during 20 or more calendar weeks in the current or immediately preceding calendar year. This leave can be taken intermittently in days, but not hours.

Leave under the NJ SAFE Act may be taken by an employee who is a victim of domestic violence, as that term is defined in N.J.S.A. 2C:25-19 and N.J.S.A. 30:4-27.6, respectively. Leave may also be taken by an employee whose child, parent, spouse, domestic partner, civil union partner, or other relationships as defined in applicable statutes is a victim of domestic or sexual violence.

Leave under the NJ SAFE Act may be taken for the purpose of engaging in any of the following activities, for themselves, or a child, parent, spouse, domestic partner, or civil union partner, as they relate to an incident of domestic or sexual violence:

- 1) Seeking medical attention;
- 2) Obtaining services from a victim services organization;
- 3) Obtaining psychological or other counseling;
- 4) Participating in safety planning, temporarily or permanently relocating, or taking other actions to increase safety;
- 5) Seeking legal assistance or remedies to ensure health and safety of the victim; or
- 6) Attending, participating in, or preparing for a criminal or civil court proceeding relating to an incident of domestic or sexual violence.

## **PUBLIC EMPLOYER DOMESTIC VIOLENCE ACTION PLAN**

The Employer has developed the following action plan to identify, respond to, and correct employee performance issues that are caused by domestic violence, pursuant to N.J.S.A. 11A:2-6a, and in accordance with the following guidelines:

- A. Designate an HRO with responsibilities pursuant to this policy.

- B. Recognize that an employee may need an accommodation as the employee may experience temporary difficulty fulfilling job responsibilities.
- C. Provide reasonable accommodations to ensure the employee's safety. Reasonable accommodations may include, but are not limited to, the following: implementation of safety measures; transfer or reassignment; modified work schedule; change in work telephone number or work-station location; assistance in documenting the violence occurring in the workplace; an implemented safety procedure, or other accommodation approved by the employer.
- D. Advise the employee of information concerning the NJ SAFE Act; Family and Medical Leave Act (FMLA); or Family Leave Act (FLA); Temporary Disability Insurance (TOI); or Americans with Disabilities Act (ADA); or other reasonable flexible leave options when an employee, or his or her child, parent, spouse, domestic partner, civil union partner, or other relationships as defined in applicable statutes is a victim of domestic violence.
- E. Commit to adherence to the provisions of the NJ SAFE Act, including that the employer will not retaliate against, terminate, or discipline any employee for reporting information about incidents of domestic violence, as defined in this policy, if the victim provides notice to their Human Resources Office of the status or if the Human Resources Office has reason to believe an employee is a victim of domestic violence.
- F. Advise any employee, who believes he or she has been subjected to adverse action as a result of making a report pursuant to this policy, of the civil right of action under the NJ SAFE ACT. And advise any employee to contact their designated Labor Relations Officer, Conscientious Employees Protection Act (CEPA) Officer and/or Equal Employment Opportunity Officer in the event they believe the adverse action is a violation of their collective bargaining agreement, the Conscientious Employees Protection Act or the New Jersey Law Against Discrimination and corresponding policies.
- G. Employers, their designated HRO, and employees should familiarize themselves with this policy. This policy shall be provided to all employees upon execution and to all new employees upon hiring. Information and resources about domestic violence are encouraged to be placed in visible areas, such as restrooms, cafeterias, breakrooms, and where other resource information is located.

## **RESOURCES**

This policy provides an Appendix listing resources and program information readily available to assist victims of domestic violence. These resources should be provided by the designated HRO to any victim of domestic violence at the time of reporting.

## **DISTRIBUTION OF POLICY**

**WHO** will be responsible for distributing this policy to employees, volunteers, and other employees identified above.

**WHO** will be responsible for updating this policy at least annually to reflect circumstances changes in the organization.

**WHO** will be responsible for monitoring The Civil Service Commission and the Division of Local Government Services in the Department of Community Affairs for modifications thereto, to public employers.

## **OTHER APPLICABLE REQUIREMENTS**

In addition to this policy, the HRO and the public employer's appointing authority must follow all applicable laws, guidelines, standard operating procedures, internal affairs policies, and New Jersey Attorney General Directives and guidelines that impose a duty to report. Additionally, to the extent that the procedures set forth in this policy conflict with collective negotiated agreements or with the Family Educational Rights and Privacy Act (FERPA), the provisions of the negotiated agreements and the provisions of FERPA control.

## **POLICY MODIFICATION AND REVIEW**

A public employer may seek to modify this policy, to create additional protocols to protect victims of domestic violence but may not modify in a way that reduces or compromises the safeguards and processes set out in this policy.

The Civil Service Commission will review and modify this policy periodically and as needed.

## **POLICY ENFORCEABILITY**

The provisions of this policy are intended to be implemented by the Civil Service Commission. These provisions do not create any promises or rights that may be enforced by any persons or entities.

## **POLICY INQUIRIES & EFFECTIVE DATE**

Any questions concerning the interpretation or implementation of this policy shall be addressed to the Chair/Chief Executive Officer of the Civil Service Commission, or their designee. This policy shall be enforceable upon the HRO's completion of training on this policy.

SECTION 5: Chapter 52, Personnel and Personnel Procedures, Employee Manual, Add Article XVIII, Protection and Safe Treatment of Minors:

**I. Purpose and Scope:**

Under New Jersey law (N.J.S.A. 6-8.21), an abused or neglected child is anyone “under the age of 18 who is caused harm by a parent, guardian or other person having custody or control of that minor.” A child who is under the age of eighteen (18) is considered to be abused or neglected when a parent, caregiver, another child or another adult does one of more of the following:

1. Inflicts or allows to be inflicted physical injury by other than accidental means that creates substantial harm or risk of substantial harm, and/or
2. Fails to provide proper supervision or adequate food, clothing, shelter, education or medical care although financially able or assisted to do so, and/or
3. Commits or allows to be committed an act of sexual abuse against a child.

Child abuse can have long-term effects on victims. A lack of trust and difficulty with healthy relationships is common, as is a core feeling of worthlessness and low self-esteem. There may even be long-term trouble with regulating emotions that can lead to destructive behaviors.

There are typically four common types of abuse:

- The failure to meet a child’s basic needs, physically or emotionally, which is called *neglect*.
- The intentional use of physical force that results in injury, which is called *physical abuse*.
- The practice of any behaviors that harm a child’s feelings of self-worth or emotional well-being, which is *emotional abuse*.
- Engaging in sexual acts with a child including pornography, which is *sexual abuse*.

Unfortunately, statistics reflect that abuse is all too common in any form.

- In New Jersey, abuse reports involving 80,000 children are filed each year. 50,000 of those children receive prevention and post-response services.
- 75% of the cases involve neglect, 18% of the cases involve physical abuse, and psychological abuse accounts for 7% of the cases.
- 55% of the perpetrators are female, while males account for 45%.
- Sadly, child abuse is a vicious cycle, in that 30% of abused children will later abuse their own children.

The statistics and characteristics pertaining to *sexual abuse* are sobering and equally as disheartening:

- ✓ **“Peer-to-Peer”** abuse is by far the most common, where one or more children or adolescent(s) sexually abuses or inappropriately touches another. Legally, the abuser must be at least 4 years older to trigger the statute. The *American Psychological Association* reports this type of abuse is driven by power and dominance, the same factors that drive bullying within this age group. In fact, bullying can be a precursor to sexual abuse, especially when there is a lack of supervision.
- ✓ In contrast, **“adult-to-child”** abuse is typically thought out and planned in advance, demanding access and privacy and control. These three factors demand a specific type of relationship and setting, meaning that 90% of juvenile sexual abuse victims know their abuser. The scope of the problem is massive: by the age of 18, 1 in 4 girls and 1 in 6 boys have experienced sexual abuse. From those figures, 88% of those molestations are attributed to individuals with pedophilia. ***Pedophilia is a psychotic disorder in which an adult or adolescent demonstrates a primary sexual attraction to prepubescent children.*** It is important, however, not to confuse pedophilia with actual child molestation, as many pedophiles never act on their attractions.
- ✓ Child sexual abusers are not always easy to spot. Though 7 out of every 8 molesters are male, they match the general population in ethnicity, religion, education, and marital status. So there is no stereotype, especially since abusers go to great lengths to blend in. However, only 10% of them abuse children that they don't know, and 68% look no further than their own families for victims.
- ✓ 40% of abusers first begin molesting children before they themselves reach the age of 15, and the vast majority before the age of 20.
- ✓ Adolescent abusers generally begin their acts of abuse on younger siblings.
- ✓ Most sexual abuse occurs within the family. However, molesters can gain access to children outside of their own families through employment or volunteer work with an organization that works primarily with children. This allows them both time alone with potential victims and the ability to build trust and credibility. In fact, child abusers are often known and respected in their communities for dedication to children.
- ✓ In terms of a victim profile, it is important to remember that, although there are characteristics that make some children more vulnerable, every child is in danger. Passive, lonely or troubled children, especially those who live with step-parents or single parents may be targeted. Children between the ages of 7 and 13 years old

are most at risk, and children from low socioeconomic backgrounds or rural areas are more likely to be victimized.

- ✓ Molesters have behavioral patterns that can be identified as “*grooming*” their victims. Sexual abuse is rarely violent. The molester’s goal is to solicit compliance by beginning to win the victim’s trust. There might be pet names, gifts to foster exclusivity and encouragement to “keep secrets.” The molester might begin to spend time with the victim outside of the regular program or schedule, contacting parents to become involved in a child’s life in some capacity, like babysitting. For this reason, many parents are shocked after abuse comes to light simply because the abuser seemed trustworthy. Inevitably, the favoritism is not enough to keep the victim silent any more, and the abuser resorts to threats—threats that play off of a child’s guilt over the sexual contact.
  
- ✓ During the grooming process and abuse, victims often begin to show signs such as sexual behaviors or strong sexual language that is too adult for their age. Many children feel at fault after the abuse and begin to suffer guilt and depression, even resorting to self-harm. They may begin to display cuts and scratches or other self-inflicted injuries. However, some children are naïve and unaware of the gravity of the abusive nature of their experience. Research shows that children often delay reporting sexual abuse. They should not be disbelieved just because they waited a long time to seek help.

In the State of New Jersey every level of government has a role in protecting minors.

- At the State level:
  - State law is enforced through the NJ Family Division of the State court system. The court has broad powers including the ability to remove children from dangerous situations
  - The Department of Children and Families, specifically the Division of Child Protection and Permanency, combines all state operations intended to safeguard children into a single, coordinated program working closely with the Courts, legal advocates and law enforcement.
  - The Department of Corrections operates adult prisons and youth correctional centers to deal with perpetrators, while individual counties operate youth detention centers and special purpose schools.
  
- At the local level:
  - Educational professionals have the most contact with children, meaning they are often the first to detect issues.

- Housing Authority employees may also frequently come into contact with children.
- Municipalities and counties operate or sponsor a variety of programs that involve children including but not limited to:
  - Recreation programs
  - Before and After Care programs
  - Youth sports leagues
  - Youth centers
  - Youth in Government programs
  - Junior law enforcement training programs
- The role of **Police and law enforcement agencies** is especially important. Police officers assist in resolving reported situations, often acting as first identifiers. In New Jersey, police are given broad authority to protect children, including the authority to remove them from their parents or caregivers without a court order if necessary to prevent imminent danger to a child. Under the **Prevention of Domestic Violence Act**, a law enforcement officer must make an arrest when the officer finds “probable cause” that domestic violence has occurred. This holds even if the victim refuses to make a complaint. The Act is invoked in situations where the victim exhibits signs of injury caused by domestic violence, when a warrant is in effect, or when there is probable cause to believe that a weapon has been involved in an act of domestic violence. Abusers often use psychological tactics or coercive control over their partners, such as making threats to prevent a victim from leaving or contacting friends, family or police. But even if these conditions are not met, an officer may still make an arrest or sign a criminal complaint if there is probable cause to believe acts of domestic violence have been committed. Now if there is no visible sign of injury but the victim states that an injury did, in fact, occur, the officer must take other factors into consideration in determining probable cause.

The Employer is committed to the safety of all individuals in its community, however, the Employer has particular concern for those who are potentially vulnerable, including minor children. The Employer regards the abuse of children as abhorrent in all its forms and pledges to hold its officials, employees and volunteers to the highest standards of conduct in interacting with children. Statistics show that 93% of victims under the age of 18 know the abuser. Further, a perpetrator does not have to be an adult to harm a child but are typically in a caregiver role. They can have any relationship to the child including a playmate, family member, a teacher, a coach, or instructor.

The Employer is fully committed to protecting the health, safety and welfare of minors who interact with officials, employees, and volunteers of the Employer to the maximum extent possible. These Policy and Procedures establish the



guidelines for officials, employees, and volunteers who set policy for the Employer or may work with or interact with individuals under 18 years of age, and those who supervise employees, and volunteers who may work with or interact with individuals under 18 years of age, with the goal of promoting the safety and wellbeing of minors.

This Model Policy provides guidelines that apply broadly to interactions between minors and officials, employees, and volunteers in programs operated by the Employer or affiliated programs or activities. All officials, employees, and volunteers are responsible for understanding and complying with this policy.

## II. Definitions:

- **Authorized Adult** - Individuals, age 18 and older, paid or unpaid, who interact with, supervise, chaperone, or otherwise oversee and/or interact with minors in program activities, recreational, and/or residential facilities. The Authorized Adults' roles may include positions as counselors, chaperones, coaches, instructors, etc.
- **Child or Minor** - A person under the age of eighteen (18).
- **Department Heads** - Appointed department heads of the Employer, including the chief administrative officer, and any assistants.
- **Direct Contact** - Positions with the possibility of care, supervision, guidance or control of children or routine interaction with children.
- **Dual Reporting** – Reporting possible abuse to both the NJ Department of Children and Families and law enforcement at the same time by the individual designated by the Employer to report all possible cases of abuse.
- **Employees, Staff, or Counselors** – persons working for the Employer on a full-time or part-time basis, and compensated by the Employer.
- **Facilities** - Facilities owned by, under the control of, or rented or leased to the Employer.
- **Grooming** - is when someone builds a relationship, trust and emotional connection with a child or young person so they can manipulate, exploit and abuse them. Refer to Appendix B for more detailed information on grooming.
- **NJMEL JIF** - New Jersey Municipal Excess Liability Fund Joint Insurance fund.
- **Officials** – Elected officials of the Employer, appointed Board members, and Authority Commissioners.

- **One-On-One Contact** - Personal, unsupervised interaction between any Authorized Adult and a participant without at least one other Authorized Adult, parent or legal guardian being present.
- **Programs** - Programs and activities offered or sponsored by the Employer.
- **Volunteers** - Individuals volunteering their time to provide services to the Employer who are not on the payroll and receive no compensation.

### III. **Policy:**

The Employer is charged with protecting the health, safety, and welfare of all its citizens, including children under the age of 18. To that end, the Employer is firmly committed to protecting children under the care and supervision of the Employer from all forms of physical, mental, sexual and emotional abuse. The Employer is committed to establishing and implementing safeguards to eliminate opportunities for abuse of children entrusted to the care of the Employer. The procedures outlined below shall apply to all officials, employees, and volunteers of the Employer.

### IV. **Recruitment and Hiring of Employees and Vetting of Individuals Volunteering Their Time:**

- All prospective employees and volunteers shall undergo a thorough and complete background check, including but not limited to a fingerprint identification check, credit check, motor vehicle record check, reference check (personal and professional), and a check of the Megan's Law directory for New Jersey and any other State where the applicant previously resided. *Written documentation of the background check shall be maintained by the Employer in perpetuity.*
- Background checks that disclose any negative or questionable results must be reviewed and approved by the Employer **prior to** the individual being hired and/or working with minors. **Provisional hiring is not permitted.**
- All prospective employees and volunteers must complete the training adopted by the Employer **PRIOR TO** starting employment or volunteer service. **In addition to completing the training course adopted by the Employer,** all volunteer coaches shall complete the Rutgers SAFETY Clinic course (*Sports Awareness for Educating Today's Youth*™) which is a three-hour program that meets the "Minimum Standards for Volunteer Coaches Safety Orientation and Training Skills Programs" under (N.J.A.C. 5:52) and provides partial civil immunity protection to volunteer coaches under the "Little League Law" (2A:62A-6 et. seq.)

- iv. The Employer shall **annually** re-check and document the Megan's Law directory for New Jersey to make certain that current employees are not listed.
- v. Once employed, authorized Adults who are employed are required to notify the appropriate Human Resources representative of an arrest (charged with a misdemeanor or felony) or conviction for an offense within 72 hours of knowledge of the arrest or conviction.

**V. Procedures and Responsibilities of Officials:**

*Under New Jersey Law, an official may be held liable for the abuse or neglect of a child if he or she fails to implement appropriate safeguards to protect the child while the minor has been entrusted to the care of the Employer.* Most importantly, recent changes in the law in New Jersey extended the statute of limitations for child abuse and neglect cases substantially, thus placing local officials and employees at a far greater risk.

A valid cause of action can be filed by an alleged victim well after the official has left office. It is, therefore, critically important for officials to establish and monitor policies and procedures designed to safeguard minors entrusted to the care of the Employer.

➤ Officials of the Employer are required to:

- i. Complete the initial training course adopted by the Employer, and any updated/refresher course, in order to better understand their legal duties and responsibilities under Federal and NJ State Law. The training program will include the following concepts:
  - Recognizing the signs of abuse and neglect of minors.
  - Establishing guidelines for protecting minors from emotional and physical abuse and neglect.
  - Understanding and being prepared to implement the procedures necessary to eliminate opportunities for abuse.
  - Becoming familiar with the legal requirements to report suspected cases of abuse.
  - Fully understanding the legal consequences for not being diligent in making certain that employees of the Employer adhere to all policies and procedures as adopted.
- ii. Meet **annually** with all Department Heads to review the "Policy Addressing Sexual Abuse of Minors", and to verify that the administration is adhering to this policy which includes all of the following provisions. *If the policy is not being adhered to, it is the legal obligation of the officials of the Employer to implement whatever changes are necessary as soon as possible to make certain the policy is followed.*

- iii. Conduct *random and unannounced* visits to program sites to observe the setup of the programs and conduct of the employees and volunteers of the Employer.

**VI. Program Procedures:**

All Employer programs operated by, sponsored by, or affiliated with the Employer shall comply with the following procedures. All officials, employees, and volunteers who interact with or could possibly interact with minors, and those employees who supervise employees who interact with or could possibly interact with minors, shall adhere to the following policy.

**VII. Specific Program Procedures:**

The following policies shall apply to **all programs** offered by, sponsored by or affiliated with the Employer. As an essential element of compliance with the overall objective of protecting and addressing the safe treatment of minors, the Employer shall:

- a. Establish a written procedure for the notification of the minor's parent/legal guardian in case of an emergency, including medical or behavioral problem, natural disasters, or other significant program disruptions. Authorized Adults with the program, as well as participants and their parents/legal guardians, must be advised of this procedure in writing prior to the participation of the minors in the program. In addition, the Employer shall provide information to parents or legal guardians detailing the manner in which the participant can be contacted during the program.
- b. Make certain that all program participants provide a *Medical Treatment Authorization form* to the Employer.
- c. Implement and adopt a "*Code of Conduct*" for volunteer and paid staff members which, *at a minimum*, will include the following:

<i>Code of Conduct</i>
------------------------

- Staff members will, at all times, respect the rights of program participants and use positive techniques of guidance including positive reinforcement and encouragement.
- Staff members will portray a positive role model for youth by maintaining an attitude of respect, loyalty, patience, courtesy, tact, and maturity.

- Staff members shall not transport children in their own vehicles, unless written authorization from the child's parent or guardian has been received.
- Members of the staff shall not be alone with children they meet in the programs outside of the camp. This includes babysitting, sleepovers, and inviting children to their home.
- Staff members shall, at all times, be visible to other staff members while supervising minors. Any exceptions require a written explanation before the fact and approval of the Program Director.
- Staff members will appear neat, clean, and appropriately attired.
- Staff members will refrain from intimate displays of affection towards others in the presence of children, parents and staff.
- Staff members are required to refrain from texting, and posting or checking any of the social media outlets while they are working or volunteering. The only exception is for texting for the purposes of communicating with another staff member or parent regarding a programmatic issue pertaining to a child.
- Staff members are prohibited from buying gifts for program participants.

**In addition to the Code of Conduct, the following shall be a part of the specific program provisions:**

- The possession or use of alcohol and other drugs, fireworks, guns and other weapons is prohibited.
- The Employer shall set forth rules and procedures governing when and under what circumstances participants may leave the Employer property during the program.
- No violence, including sexual abuse or harassment, will be tolerated.
- Hazing of any kind is prohibited. Bullying including verbal, physical, and cyber bullying are prohibited and will be addressed immediately.
- No theft of property will be tolerated.
- No use of tobacco products will be tolerated.

- Misuse or damage of Employer property is prohibited. Charges will be assessed against those participants who are responsible for damage or misuse of property.
- The inappropriate use of cameras, imaging, and digital devices is prohibited including use of such devices in showers, restrooms, or other areas where privacy is expected by participants.
- Under no circumstances are any images of any child taken during any of the activities conducted or sponsored by the Employer to be shared on any social media platform without the expressed written consent of a parent or legal guardian.
- The Employer shall assign a staff member who is at least 21 years of age to be accessible to participants. Additional Authorized Adults will be assigned to ensure one-on-one contact with minors does not occur and that appropriate levels of supervision are implemented.
- Take appropriate steps to make certain that children are not released to anyone other than the authorized parent, guardian, or other adult authorized by the parent or guardian (written authorization on file in advance.)
- Develop and made available to participants and their parents or guardians, the rules and discipline measures applicable to the program. Program participants and staff must abide by all regulations and may be removed from the program for non-compliance with rules.
- The recommended ratio of counselors to program participants should reflect the gender distribution of the participants, and should meet the following:
  1. One staff member for every six participants ages 4 and 5
  2. One staff member for every eight participants ages 6 to 8
  3. One staff member for every ten participants ages 9 to 14
  4. One staff member for every twelve participants ages 15 to 17
- Responsibilities of the counselors must include, at a minimum, informing program participants about safety and security procedures, rules established by the program, and behavioral expectations. Counselors are responsible for following and enforcing all rules and must be able to provide information included herein to program participants and be able to respond to emergencies.

**Specific Policy and Procedures for Use of Restrooms by Children/Minors:**

- All restrooms shall be checked in advance by staff persons before minor children enter to make certain that no other individuals are present.

- Staff members (of the same sex) are to stand guard at the doorway to make certain that no one else enters the restroom while a child is there. Children should not be permitted enter restrooms in pairs or in groups, unless it is absolutely necessary.

### **VIII. Procedures for Law Enforcement Officers:**

Law enforcement officers of the Employer frequently interact with minors in a variety of ways. It is important to establish guidelines to assist law enforcement officers in being aware of how to act and react in these circumstances. To that end, the Chief of Police or his or her designee of the Employer shall formulate a written policy addressing the safe treatment of minors for consideration and approval by the governing body for law enforcement officers who interact with minors.

The policy shall, at a minimum, incorporate and address the following:

- a. **Transporting minors in a police vehicle.** Whenever possible, victims or alleged victims of sexual assault or other crimes, or minors removed from a situation for protective purposes, shall be transported by two officers (at least one of whom shall be of the same sex as the victim) in unmarked vehicles that does not have a prisoner compartment/partition. Officers transporting a minor for whatever reason shall document starting and stopping mileage through radio contact.
- b. Directives issued by the NJ State Attorney General pertaining to interaction with minors shall be incorporated into the policy.
- c. The following provisions from the *“Code of Conduct”* for counselors shall be included in the policy for officers assigned to work in school settings (i.e. Class 3 officers):
  - i. Officers will, at all times, respect the rights of students and use positive techniques of guidance including positive reinforcement and encouragement.
  - ii. Officers will portray a positive role model for youth by maintaining an attitude of respect, loyalty, patience, courtesy, tact, and maturity.
  - iii. Officers shall not transport children in their own vehicles. Officers shall not arrange to see students outside of school and this includes babysitting, sleepovers, and inviting children to their home. Any exceptions require a written explanation before the fact and approval of the Chief.
  - iv. Officers shall make certain that they are neat, clean, and appropriately attired.

- v. Officers will refrain from intimate displays of affection towards others in the presence of children, parents and staff. Officers shall not buy gifts for students at any time.
- vi. All officers are required to complete the initial training course offered by the NJMEL JIF, and any refresher courses as well.

**IX. Training Requirements:**

Individual training courses have been designed for each of the following categories and **all** officials, employees, and volunteers of the Employer are required to complete training (and refresher course training) adopted by the Employer. ALL employees of the Employer shall complete the training course whether they interact with children/minors or not. Although training records will be maintained, it is recommended that each Employer and individual trainees also keep copies of their own training records.

a. **Officials**

Complete the initial training course adopted by the Employer, and any updated/refresher course, in order to better understand their legal duties and responsibilities under Federal and NJ State Law. The training program will include the following concepts.

- Recognizing the signs of abuse and neglect of minors.
- Establishing guidelines for protecting minors from emotional and physical abuse and neglect.
- Understanding and being prepared to implement the procedures necessary to eliminate opportunities for abuse.
- Becoming familiar with the legal requirements to report suspected cases of abuse.
- Fully understanding the legal consequences for not being diligent in making certain that employees of the Employer adhere to all policies and procedures as adopted.

b. **Department Heads**

- i. Content of course shall include:
  - 1. Current State NJ State Law pertaining to Sexual Abuse of Minors
  - 2. Recognizing the signs of abuse and neglect
  - 3. Different types of abuse (i.e. Peer to Peer, Adult to Child, etc...)



4. Your legal responsibility for implementing and monitoring procedures and employees
5. Reporting cases of abuse

c. **Volunteers and Employees of the Employer**

i. Content of course shall include:

1. Current State NJ State Law pertaining to Sexual Abuse of Minors
2. Recognizing the signs of abuse and neglect
3. Different types of abuse (i.e. Peer to Peer, Adult to Child, etc...)
4. Your legal responsibility for implementing and monitoring procedures and employees
5. Reporting cases of abuse

d. **Law Enforcement Officers**

i. Content of course shall include:

1. Current Status of NJ Law and Directives from the Attorney General for Law Enforcement personnel
2. Your responsibilities
3. Officers in Schools
4. Reporting Abuse

**X. Reporting Suspected Child Abuse/Neglect:**

In light of the importance and priority placed on safeguarding the health and safety of minors, it is critically important that suspected cases of child abuse and neglect are reported as soon as possible. **As a government official, employee or volunteer, you are legally required to report suspected child abuse. This requirement includes all governmental officials, employees and volunteers.**

The following procedures shall be utilized in reporting suspected cases of abuse. The Employer shall also train officials, department heads, employees and volunteers in the concept of “**dual reporting**” as listed and defined below and shall encourage all staff and volunteers to utilize this process as much as possible in reporting suspected cases of abuse.

Child Abuse is hard thing to talk about, especially with victims. The most important thing to remember is to **show calm reassurance and unconditional support**. Avoid interrogation and leading questions. Understand that denial and embarrassment are

common reactions. Don't display disbelief, shock, or disgust. Instead, be reassuring. Make sure the child knows that they did nothing wrong. Reassure them that this is not their fault and make sure they know that you take it seriously.

Interviewing children to investigate sexual abuse requires highly technical expertise. ***Do not "investigate" an abuse situation. Do not interrogate the child.*** Rather report it immediately as shown below. And finally, keep safety as the priority. If there is the possibility of violence against yourself or the child, get the appropriate professionals or agencies involved as soon as possible.

***It is recommended that, whenever possible, officials, employees and volunteers report the suspected abuse to both the NJ Department of Children and Families and law enforcement at the same time, which is known as "dual reporting."***

***For employees or volunteers of programs conducted by the Employer:***

- Immediately report suspected cases to the Program Director in charge.
- The Program Director shall immediately investigate the alleged incident. The Director shall document the alleged abuse in writing including the following information, as recommended by the New Jersey Department of Children and Families:
  - a. **Who:** The child and parent/caregiver's name, age and address and the name of the alleged perpetrator and that person's relationship to the child.
  - b. **What:** Type and frequency of alleged abuse/neglect, current or previous injuries to the child and what caused you to become concerned.
  - c. **When:** When the alleged abuse/neglect occurred and when you learned of it.
  - d. **Where:** Where the incident occurred, where the child is now and whether the alleged perpetrator has access to the child.
  - e. **How:** How urgent the need is for intervention and whether there is a likelihood of imminent danger for the child.
- After documenting all of the facts surrounding the alleged abuse, the Program Director shall call the Hotline established by the NJ Department of Children and Families @ 1-877-652-2873. It is not the supervisor's role to make a decision on whether a case should be reported. All cases shall be reported.

***For Volunteer coaches or other volunteers in charge of programs sponsored by or affiliated with the Employer.***

1. The Volunteer shall immediately document the alleged abuse in writing including the following information, as recommended by the New Jersey Department of Children and Families:
  - a. ***Who:*** The child and parent/caregiver's name, age and address and the name of the alleged perpetrator and that person's relationship to the child.
  - b. ***What:*** Type and frequency of alleged abuse/neglect, current or previous injuries to the child and what caused you to become concerned.
  - c. ***When:*** When the alleged abuse/neglect occurred and when you learned of it.
  - d. ***Where:*** Where the incident occurred, where the child is now and whether the alleged perpetrator has access to the child.
  - e. ***How:*** How urgent the need is for intervention and whether there is a likelihood of imminent danger for the child.
2. After documenting all of the facts surrounding the alleged abuse, the Volunteer shall call the Hotline established by the NJ Department of Children and Families @ 1-877-652-2873.

**For Officials and Department Heads who witness or become aware of alleged cases of abuse or neglect:**

1. The Officials and Department Heads shall immediately document the alleged abuse in writing including the following information, as recommended by the New Jersey Department of Children and Families:
  - a. ***Who:*** The child and parent/caregiver's name, age and address and the name of the alleged perpetrator and that person's relationship to the child.
  - b. ***What:*** Type and frequency of alleged abuse/neglect, current or previous injuries to the child and what caused you to become concerned.
  - c. ***When:*** When the alleged abuse/neglect occurred and when you learned of it.
  - d. ***Where:*** Where the incident occurred, where the child is now and whether the alleged perpetrator has access to the child.
  - e. ***How:*** How urgent the need is for intervention and whether there is a likelihood of imminent danger for the child.
    - After documenting all of the facts surrounding the alleged abuse, the Officials or Department Heads shall call the Hotline established by the NJ Department of Children and Families @ 1-877-652-2873.

**For Law Enforcement Officers:**

- Immediately report any suspected or alleged cases of abuse or neglect to the County Prosecutor.

**XI. Important Information Regarding Reporting Suspected Abuse Under NJ Law:**

**The following guidelines have been established under New Jersey law, for those reporting suspected or alleged cases of abuse or neglect. The Employer encourages all officials, employees, and volunteers in programs operated by the Employer or affiliated programs or activities to report suspected cases of abuse with the following in mind.**

- i. Any person who, in good faith, makes a report of child abuse or neglect or testifies in a child abuse hearing resulting from such a report is immune from any criminal or civil liability as a result of such action. Calls can be placed to the hotline anonymously.*
- ii. However, any person who knowingly fails to report suspected abuse or neglect according to the law or to comply with the provisions of the law is a disorderly person.*
- iii. When a report indicates that a child may be at risk, an investigator from the Division of Child Protection and Permanency (formerly Youth and Family Services) will promptly investigate the allegations of child abuse and neglect within 24 hours of receipt of the report.*

**XII. Acknowledgement of Receipt and Review of Policy:**

All officials, employees/counselors, and volunteers shall sign and date an acknowledgement form that confirms they have received and reviewed the Policy Addressing the Protection and Safe Treatment of Minors, issued to them by the Employer. The same process shall be used for any revised policy issued in the future.

**Indicators of Child Abuse/Neglect**

The New Jersey Department of Children and Families issued the following guidelines to assist in recognizing the indicators of child abuse/neglect.

**Indicators of Child Abuse / Neglect**

Different types of abuse and neglect have different physical and behavioral indicators.

**Physical Abuse**

<b>Physical Indicators</b>	<b>Behavioral Indicators</b>
Unexplained bruises and welts: <ul style="list-style-type: none"> <li>• On face, lips, mouth</li> </ul>	Wary of adult contacts Apprehensive when other

<ul style="list-style-type: none"> <li>• On torso, back, buttocks, thighs</li> <li>• In various stages of healing</li> <li>• Cluster, forming regular patterns</li> <li>• Reflecting shape of article used to inflict (electric cord, belt buckle)</li> <li>• On several different surface areas</li> <li>• Regularly appear after absence, weekend or vacation</li> </ul> <p>Unexplained burns:</p> <ul style="list-style-type: none"> <li>• Cigar, cigarette burns, especially on soles, palms, back or buttocks</li> <li>• Immersion burns (sock-like, glove-like doughnut shaped on buttocks or genitalia)</li> <li>• Patterned like electric burner, iron, etc.</li> <li>• Rope burns on arms, legs, neck or torso</li> </ul> <p>Unexplained fractures:</p> <ul style="list-style-type: none"> <li>• To skull, nose, facial structure</li> <li>• In various stages of healing</li> <li>• Multiple or spiral fractures</li> </ul> <p>Unexplained laceration or abrasions:</p> <ul style="list-style-type: none"> <li>• To mouth, lips, gums, eyes</li> <li>• To external genitalia</li> </ul>	<p>children cry</p> <p>Behavioral extremes:</p> <ul style="list-style-type: none"> <li>• Aggressiveness</li> <li>• Withdrawal</li> </ul> <p>Frightened of parents          Afraid to go home          Reports injury by parents</p>
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**Physical Neglect**

<b>Physical Indicators</b>	<b>Behavioral Indicators</b>
<p>Consistent hunger, poor hygiene, inappropriate dress</p> <p>Consistent lack of supervision, especially in dangerous activities or long periods</p> <p>Constant fatigue or listlessness</p> <p>Unattended physical problems or medical needs</p> <p>Abandonment</p>	<p>Begging, stealing food</p> <p>Extended stays at school (early arrival and late departure)</p> <p>Constantly falling asleep in class</p> <p>Alcohol or drug abuse</p> <p>Delinquency (e.g. thefts)</p> <p>States there is no caregiver</p>

## Sexual Abuse

<b>Physical Indicators</b>	<b>Behavioral Indicators</b>
Difficulty in walking or sitting Torn, stained or bloody underclothing Pain or itching in genital area Bruises or bleeding in external genitalia, vaginal or anal areas Venereal disease, especially in pre-teens Pregnancy	Unwilling to change for gym or participate in PE Withdrawn, fantasy or infantile behavior Bizarre, sophisticated or unusual sexual behavior or knowledge Poor peer relationships Delinquent or run away Reports sexual assault by caregiver

## Emotional Maltreatment

<b>Physical Indicators</b>	<b>Behavioral Indicators</b>
Habit disorders (sucking, biting, rocking, etc.) Conduct disorders (antisocial, destructive, etc.) Neurotic traits (sleep disorders, speech disorders, inhibition of play)	Behavior extremes: <ul style="list-style-type: none"><li>• Compliant, passive</li><li>• Aggressive, demanding</li></ul> Overly adoptive behavior: <ul style="list-style-type: none"><li>• Inappropriately adult</li><li>• Inappropriately infant</li></ul>

## Grooming Behavior

Grooming is when someone builds a relationship, trust and emotional connection with a child or young person so they can manipulate, exploit and abuse them.

Here are some common characteristics of someone attempting to “groom” a child.

- Molesters often refer to their intended victims by pet names and use gifts to foster exclusivity and build a relationship while starting the practice of keeping secrets.
- The molester might begin to spend time with the victim outside of the regular program or schedule, contacting parents to become involved in a child’s life in some capacity, like babysitting. For this reason, many parents are shocked after abuse comes to light simply because the abuser seemed so good – too good to be true, in fact.
- Inevitably, the favoritism is not enough to keep the victim, and the abuser resorts to threats—threats that play off of a child’s guilt over the sexual contact.

➤ During the grooming process and abuse itself, victims often begin to show tell-tale signs including:

- Sexual behaviors or strong sexual language that is too adult for their age.
- Many children feel at fault after the abuse and begin to suffer guilt and depression, even resorting to self-harm.
- Also look for cuts and scratches or other self-inflicted injuries.

SECTION 6: Chapter 52, Personnel and Personnel Procedures, Employee Manual, Add Article XIX, Safety Policy:

The Employer endeavors to provide a safe and healthy work environment for all employees and shall comply with the requirements of the Public Employees Occupational Safety and Health Act (“PEOSHA”). The Employer is equally concerned about the safety of the public.

Consistent with this policy, employees will receive periodic safety training and will be provided with appropriate safety equipment. Employees are responsible for observing safety rules and using available safety devices including personal protective equipment. Failure to do so constitutes grounds for disciplinary action.

Any occupational or unsafe public condition, practice, procedure or act must be immediately reported to the supervisor or Department Head. Any on-the-job accident or accident involving the Employer’s facilities, equipment, or motor vehicles must also be immediately reported to the supervisor or Department Head and City Clerk. Failure to do so constitutes grounds for disciplinary action. Employees are encouraged to discuss safety concerns with supervisory personnel.

SECTION 7: All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 8: 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 9: This ordinance shall take effect upon its final passage, publication and adoption in the manner prescribed by law.

*FIRST READING:* November 10, 2020

*PUBLICATION:* November 16, 2020

*PASSAGE:*

*November 24, 2020*

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, November 10, 2020 and will be further considered for final passage after a public hearing thereon at a meeting of said Common Council on November 24, 2020.

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LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

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DARREN MATIK, MAYOR



**RESOLUTION NO. 173, 2020**

A RESOLUTION AUTHORIZING A REFUND TO FENWICK ARCHITECTS WITH REGARD TO  
A PAYMENT RECEIVED FOR AN OPEN PUBLIC RECORDS REQUEST

**WHEREAS**, Fenwick Associates paid \$45.00 to the City with regard to an Open Public Records Request; and

**WHEREAS**, the cost to copy the blueprints requested was less than the amount paid by Fenwick Associates; and

**WHEREAS**, the Common Council of the City of Linwood is desirous of authorizing a refund of \$5.71 to Fenwick Associates;

**NOW, THEREFORE, BE IT RESOLVED**, by the Common Council of the City of Linwood, that the Chief Financial Officer of the City be and is hereby duly authorized, empowered and directed to issue a draft in the amount of \$5.71 payable to Fenwick Architects, 646 Ocean Heights Avenue, Linwood, NJ 08221 as a refund of payment received for an Open Public Records Request.

I, Leigh Ann Napoli, RMC, Municipal Clerk of the City of Linwood, do hereby certify that the foregoing resolution was duly adopted at a Regular Meeting of the City Council of Linwood, held this 10th day of November, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 10th day of November, 2020.

\_\_\_\_\_  
LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

\_\_\_\_\_  
DARREN MATIK, MAYOR

APPROVED: \_\_\_\_\_

**RESOLUTION NO. 174, 2020**

A RESOLUTION APPROVING CHANGE ORDER NO. 1-FINAL WITH WEST BAY CONSTRUCTION, INC. WITH REGARD TO THE FRANCES AVENUE SEWER IMPROVEMENTS IN THE CITY OF LINWOOD

**WHEREAS**, Change Order No. 1-Final with West Bay Construction, Inc. with regard to the Frances Avenue Sewer Improvements has been submitted for review and approval; and

**WHEREAS**, recommendations have been made to authorize the Change Order which will result in an increase of the total contract price in the amount of \$1,802.63 in accordance with the attached Change Order incorporated herein and made part hereof;

**NOW, THEREFORE, BE IT RESOLVED**, by the Common Council of the City of Linwood that Change Order No. 1-Final with West Bay Construction, Inc. regarding the Frances Avenue Sewer Improvements be and is hereby authorized and approved;

**BE IT FURTHER RESOLVED**, by the Common Council of the City of Linwood that the Mayor be and is hereby authorized and directed to execute Change Order No. 1-Final with regard to the above referenced project.

**BE IT FURTHER RESOLVED**, that this Resolution is contingent upon a Certification of Availability of Funds from the Chief Financial Officer of the City of Linwood.

I, Leigh Ann Napoli, RMC, Municipal Clerk of the City of Linwood, do hereby certify that the foregoing resolution was duly adopted at a Regular Meeting of the City Council of Linwood, held this 10th day of November, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 10th day of November, 2020.

\_\_\_\_\_  
LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

\_\_\_\_\_  
DARREN MATIK, MAYOR

APPROVED: \_\_\_\_\_

# Memo

**To:** Mayor and Members of Council  
**From:** Anthony Strazzeri, CFO  
**CC:** Leigh Ann Napoli, RMC, CMR, MPA, City Clerk  
**Date:** 11-05-2020  
**Re:** Availability of Funds – Frances Ave Sewer Project Change Order #1

Pursuant to 40A: 4-57, I hereby certify that sufficient funds in the amount of \$1,802.63 are available under Capital Ordinance 03-2020 E Sewer Improvements. Funds will be encumbered to West Bay Construction, Inc. 133 Pleasant Ave Absecon, NJ 08201.

**CONTRACT CHANGE ORDER**

CHANGE ORDER NO. 1-Final

DATE November 4, 2020

CONTRACT NO. 24

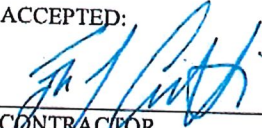
PROJECT DESCRIPTION Frances Avenue Sewer

CONTRACT DATE October 5, 2020

CONTRACTOR West Bay Construction, Inc.


REASON FOR CHANGE ORDER: Additional work

<u>CON. ITEM NO.</u>	<u>QUANTITY</u>	<u>DESCRIPTION</u>	<u>UNIT PRICE</u>	<u>EXTENSION</u>	
				<u>Additions</u>	<u>Deletions</u>
-	1 LS	Additional work at 20 Frances to clear blockage	\$1,802.63	\$1,802.63	
<b>Total</b>			<b>Subtotal</b>	<b>\$1,802.63</b>	
				<b>\$1,802.63</b>	

ACCEPTED:  
  
 CONTRACTOR \_\_\_\_\_ DATE 11-4-2020

CONTRACT AMOUNT \$ 88,150.00

PREVIOUS CHANGE ORDERS \$ 0.00

APPROVAL RECOMMENDED:  
  
 POLISTINA & ASSOCIATES \_\_\_\_\_ DATE 11-5-20

THIS CHANGE ORDER No. 1 \$ 1,802.63

TOTAL CHANGE ORDERS TO DATE \$ 1,802.63

APPROVED:  
 \_\_\_\_\_  
 OWNER \_\_\_\_\_ DATE \_\_\_\_\_

**RESOLUTION NO. 172, 2020**

A RESOLUTION AUTHORIZING 2020 BUDGET APPROPRIATION TRANSFERS

**WHEREAS**, Budget transfers are permitted between budget appropriations as per N.J.S.A. 40A: 4-58 during the last two months of the year,

**NOW, THEREFORE, BE IT RESOLVED** by the Common Council of the City of Linwood, Atlantic County and State of New Jersey that the list of 2020 Budget transfers be and the same are hereby approved.

**BE IT FURTHER RESOLVED** that the Treasurer's Office shall be authorized to make further budget transfers if needed before December 31, 2020.

<u>Appropriation</u>	<u>From</u>	<u>To</u>
Administrator O/E	2,000.00	
Elections O/E	2,000.00	
Tax Assessor O/E	5,000.00	
Legal O/E	20,000.00	
General Liability Insurance	20,301.00	
Workers Compensation O/E	20,000.00	
Public Works O/E	7,000.00	
Police S/W	7,000.00	
Public Building & Grounds O/E		10,000.00
Clerk O/E		4,000.00
Construction O/E		2,000.00
Landfill Disposal Costs		50,000.00
Electric O/E		5,000.00
Street Lighting O/E		5,000.00
Fire Hydrant Service O/E		300.00
Tax Assessor S/W		1.00
Public Works S/W		7,000.00
 Totals:	 83,301.00	 83,301.00

I, Leigh Ann Napoli, RMC, Municipal Clerk of the City of Linwood, do hereby certify that the foregoing resolution was duly adopted at a Regular Meeting of the City Council of Linwood, held this 10th day of November, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 10th day of November, 2020.

\_\_\_\_\_  
LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

\_\_\_\_\_  
DARREN MATIK, MAYOR

APPROVED: \_\_\_\_\_

**RESOLUTION NO. 175, 2020**

A RESOLUTION CLOSING THE MEETING OF NOVEMBER 10, 2020

**WHEREAS**, the Open Public Meetings Act provides for the closing of public meetings by way of Resolution under certain circumstances, as provided in that Act, and when the governing body determines that it is in the public interest to close said meeting; and

**WHEREAS**, the minutes of a closed session can and shall be made available to the public for inspection at such time when it has been determined by the Common Council that the aforementioned reasons for closing this session are no longer applicable;

**NOW, THEREFORE, BE IT RESOLVED**, by the Common Council of the City of Linwood, that this meeting shall be closed for the purpose of discussing an employment matter.

**BE IT FURTHER RESOLVED**, that the minutes of said closed session shall be made available to the public when Council has determined that it is no longer in the public interest to keep said minutes in a confidential manner.

I, Leigh Ann Napoli, RMC, Municipal Clerk of the City of Linwood, do hereby certify that the foregoing resolution was duly adopted at a Regular Meeting of the City Council of Linwood, held this 10th day of November, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 10th day of November, 2020.

\_\_\_\_\_  
LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

\_\_\_\_\_  
DARREN MATIK, MAYOR

APPROVED: \_\_\_\_\_

**RESOLUTION NO. 176, 2020**

A RESOLUTION AUTHORIZING THE EXECUTION OF A SEPARATION AGREEMENT WITH  
JOHN A. HAMILTON

**WHEREAS**, John A. Hamilton is an employee of the City of Linwood;  
and

**WHEREAS**, the terms and conditions of a Separation Agreement  
between John A. Hamilton and the City of Linwood have been reached and  
have been embodied into a written document; and

**WHEREAS**, the Common Council of the City of Linwood is desirous of  
authorizing the execution of said Separation Agreement on behalf of  
the City of Linwood;

**NOW, THEREFORE, BE IT RESOLVED**, by the Common Council of the City  
of Linwood that the Separation Agreement between John A. Hamilton and  
the City of Linwood be and is hereby approved;

**BE IT FURTHER RESOLVED**, that the Mayor and City Clerk be and are  
hereby duly authorized, empowered and directed to execute the  
aforesaid Separation Agreement on behalf of the City of Linwood with  
John A. Hamilton.

I, Leigh Ann Napoli, RMC, Municipal Clerk of the City of Linwood,  
do hereby certify that the foregoing resolution was duly adopted at a  
Regular Meeting of the City Council of Linwood, held this 10th day of  
November, 2020.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal  
this 10th day of November, 2020.

\_\_\_\_\_  
LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

\_\_\_\_\_  
DARREN MATIK, MAYOR

APPROVED: \_\_\_\_\_