

**TOWNSHIP OF HAMILTON
COUNTY OF MERCER, NEW JERSEY**

ORDINANCE

No. **20-029**

ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF HAMILTON, NEW JERSEY, PART I, ADMINISTRATIVE LEGISLATION, CHAPTER 45, PERSONNEL POLICIES, § 45-15, OUTSIDE EMPLOYMENT

CONSULTATIVE SERVICE

Consultative service which shall be included in the definition of Outside Employment shall mean the provision of personal services by an employee, including the rendering of advice or consultation, which requires advance knowledge in a field of science or learning customarily acquired by a course of specialized instruction and study in an institution of higher education, hospital or similar facility.

PROFESSIONAL SERVICE

Professional service which shall be included in the definition of Outside Employment shall mean the provision of personal services by an employee, including the rendering of advice or consultation, which involves the application of the skills of a profession which is defined as a calling requiring specialized knowledge and often long and intensive preparation including instruction in skills and methods as well as in the scientific, historical or scholarly principles underlying such skills and methods. It is characteristic of a profession that those in the profession, through force of organization or concerted opinion, establish and maintain high standards of achievement and conduct, and commit its practitioners to continued study of the field. Consulting and advising with respect to subject matter that is generally regarded as the province of practitioners of a profession shall be considered a profession.

FIDUCIARY RELATIONSHIP (SERVICES INVOLVING)

Profession which involves a fiduciary relationship, which shall be included in the definition of Outside Employment, means a profession practiced by an employee, in which the nature of the services provided causes the recipient of those services to place a substantial degree of trust and confidence in the integrity, fidelity and specialized knowledge of the practitioner. Such professions are not limited to those whose practitioners are legally defined as fiduciaries and include practitioners in such areas as law, insurance, medicine, architecture, financial services and accounting.

B. No Township full-time employee shall perform outside employment for more than 10 hours per week without obtaining annual prior written approval from their Director. No Township full-time officer shall perform outside employment for more than 10 hours per week without obtaining annual prior written approval from the Personnel Officer, Assistant Business Administrator and the Director of Law. Any Township employee or officer who has previously received approval for outside employment of more than 20 hours per week, shall now obtain annual written approval for more than 10 hours per week of outside employment. The employee's or officer's position with the Township is the priority consideration in making the annual determination as to whether the outside employment is compatible or incompatible with Township employment. Township officers and employees may engage in outside employment that is compatible with the proper discharge of their official duties and as long as such employment does not:

- (1) Bring disfavor or disrespect upon the officer or employee, the Township, or the Department or office in which the officer or employee works, in accordance with the judgment of the Director of his or her Department or office.
- (2) Impede, or adversely affect directly or indirectly, the performance or proper discharge of the officer's or employee's official duties.

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- (3) Take place during the time the officer or employee is being paid for or is conducting Township work, in Township uniform, or while wearing a badge or other insignia that identifies him or her as a Township officer or employee; using any Township-owned or leased resources, such as telephones, vehicles, printers, computers, or other supplies or equipment.
- (4) Engage in any employment, enterprise or outside activity which is in conflict with the duties, functions, responsibilities, or the department by which the officer or employee serves.
- C. A Township officer or employee may not perform outside employment during the same twenty-four (24) hours during which the Township officers or employee are receiving sick leave or injury benefits from the Township. An officer or employee who is injured, disabled or becomes ill as a result of his or her outside employment shall not be given injury benefits by the Township.
- D. Failure to comply with this Chapter by any Township officer or employee, or to comply with additional policies adopted by the Division of Personnel and/or individual Departments or Offices in accordance with this Chapter, shall be considered grounds for dismissal and other disciplinary action, and for recovery of wages and benefits paid by the Township.
- E. A Director, Assistant Business Director and/or the Personnel Officer shall have the unilateral right to rescind the approval of outside employment of a Township employee or officer, should the outside employment become incompatible with the proper discharge of the employee's or officer's official duties or for any other reason listed in Section B, above.
- F. Conformance with other laws. Nothing in this Chapter shall be deemed to authorize a Township officer or employee to engage in outside employment in violation of any other applicable federal, state or local law or regulation, including but not limited to laws and regulations governing conflicts of interest and other ethics concerns.
- G. A Township officer or employee authorized to engage in outside employment is obligated to report outside sources of income on any required annual financial disclosure statements he or she is required to file.
- H. Should written approval be denied to a Township employee or officer to engage in outside employment or revoked, the Township employee or officer may appeal the decision in writing to a Committee consisting of the Personnel Director, the Business Administrator and one additional employee or officer (including a Union representative) of the Township employee's or officer's choice. The Committee shall have twenty (20) days to convene and make a written determination on whether to approve or disapprove the request to engage in outside employment.

§ 45-16. Disciplinary action.

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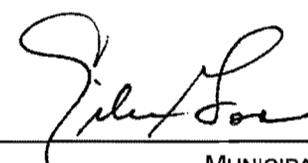
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Any Ordinance or Ordinances in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

This Ordinance shall become effective immediately upon final adoption and publication thereof according to law.

PRESIDENT



MUNICIPAL CLERK

RECORD OF VOTE

First Reading							Second Reading						
COUNCIL	AYE	NAY	NV	AB	ORD	SEC	COUNCIL	AYE	NAY	NV	AB	ORD	SEC
ANTHONY P. CARABELLI, JR.	✓						ANTHONY P. CARABELLI, JR.						
NANCY PHILLIPS	✓				✓		NANCY PHILLIPS						
CHARLES F. WHALEN	✓					✓	CHARLES F. WHALEN						
PASQUALE "PAT" PAPERIO, JR.	✓						PASQUALE "PAT" PAPERIO, JR.						
RICHARD L. TIGHE, JR.	✓						RICHARD L. TIGHE, JR.						

X - Indicates Vote A.B. - Absent N.V. - Not Voting ORD. - Moved SEC. - Seconded

REJECTED _____
JEFFREY S. MARTIN, MAYOR
DATE

APPROVED _____

RECONSIDERED BY COUNCIL _____ OVERRIDE VOTE AYE _____ NAY _____

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EXPLANATION Matter UNDERLINED thus in this legislation is new matter.
Matter contained in BRACKETS [thus] is to be omitted from the law.