

RESOLUTION NO. 77-2010 TO AFFIRM THE CITY OF BURLINGTON'S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTEERS, INDEPENDENT CONTRACTORS AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS

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

WHEREAS, the Common Council has determined that certain procedures need to be established to accomplish this policy.

NOW THEREFORE, be it resolved by the Common Council of the City of Burlington, in the County of Burlington and the State of New Jersey that:

1. No official, employee, appointee or volunteer of the City by whatever title known, or any entity that is in any way a part of the City, shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the City's business or using the facilities or property of the City;
2. The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the City to provide services that otherwise could be performed by the City;
3. Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights;
4. The Business Administrator shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints;
5. No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline;
6. The Business Administrator shall establish written procedures that require all officials, employees, appointees, and volunteers of the City as well as all other entities

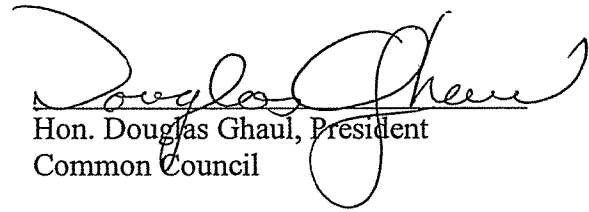
subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution;

7. The Business Administrator shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring;

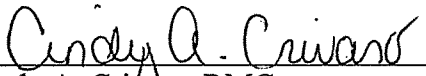
8. At least annually, the Business Administrator shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the City. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the City's web site.

9. This resolution shall take effect immediately.

10. A copy of this resolution shall be published in the official newspaper of the City in order for the public to be made aware of this policy and the City's commitment to the implementation and enforcement of this policy.

  
Hon. Douglas Ghaul, President  
Common Council

Attest:

  
Cindy A. Crivaro, RMC

April 6, 2010

RECORD OF VOTE OF PASSAGE BY THE COMMON COUNCIL						
	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
BABULA	✓		✓			
CONAWAY			✓			
HATALA			✓			
LOLLAR						✓
MERCURI						✓
WOODARD		✓	✓			
GHAUL			✓			

F. **Equal Employment Opportunity and Anti-Discrimination (Affirmative Action Policy Statement)**

**POLICY and PROCEDURE**

It is the policy and commitment of the City to prevent discrimination and ensure equal employment opportunity for all persons consistent with Title VII of the 1964 Civil Rights Act as amended by the Equal Opportunity Act of 1972, the New Jersey Law Against Discrimination (LAD) and all other applicable laws. Under no circumstances will the city discriminate nor tolerate discrimination on the basis of sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, effectual or sexual orientation, domestic partnership status, civil union status, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), service in the United States armed forces, gender identity or expression and/or any other characteristic protected by law. Decisions regarding the hiring, promotion, transfer, demotion or termination are based solely on the qualifications and performance of the employee or prospective employee. Age shall be a valid factor for employment only where it is required for the position by law and where it is a lawful occupational requirement.

This policy is applicable to all phases of employment, such as recruitment, selection, appointment, placement, promotion, demotion, transfer, training, wages, benefits, working conditions, and such personnel actions as layoff, recall, discharge, disciplinary action, performance evaluation and use of all facilities. If any employee or prospective employee feels they have been treated unfairly, he/she has the right to address his/her concern with his/her supervisor, or if preferred, the Department Director, Business Administrator or the City Attorney.

This policy shall be incorporated by reference herein into any and all other applicable policies of this Manual.