

RESOLUTION NO. 2018-_____

A RESOLUTION TO AFFIRM THE CITY OF VINELAND'S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTERS, 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 Vineland 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 the Conscientious Employee Protection Act, and

WHEREAS, the City Council of the City of Vineland has determined that certain procedures need to be established to accomplish this policy

NOW, THEREFORE BE IT ADOPTED by the City Council of the City of Vineland that:

Section 1: No official, employee, appointee or volunteer of the City of Vineland by whatever title known, or any entity that is in any way a part of the City of Vineland 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 of Vineland.

Section 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 of Vineland to provide services that otherwise could be performed by the City of Vineland.

Section 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 including therewith Executive Order No. 1 executed by the Honorable Philip D. Murphy, Governor of the State of New Jersey on January 16, 2018, concerning discrimination, harassment and civil rights.

Section 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.

Section 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.

Section 6: The Business Administrator shall establish written procedures that require all officials, employees, appointees and volunteers of the City of Vineland as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

Section 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.

Section 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 of Vineland. 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 of Vineland's web site.

Section 9: This resolution shall take effect immediately.

Section 10: A copy of this resolution shall be published in the official newspaper of the (local unit type) in order for the public to be made aware of this policy and the City of Vineland's commitment to the implementation and enforcement of this policy.

Adopted:

President of City Council

ATTEST:

City Clerk

Reid Wanda

From: Tonetta Richard
Sent: Tuesday, January 23, 2018 3:16 PM
To: Reid Wanda; Scarpa Christine; Petrosky Keith; Vargas Albert; Calakos Angela; Acosta David; Spinelli Paul; Franceschini Ronald J.
Cc: Dickenson Bob
Subject: General_Anti_Harassment_Resolution-1.docx
Attachments: General_Anti_Harassment_Resolution-1.docx; 20180123143152808.pdf

All,

This resolution now includes Gov. Murphy's Executive Order that prohibits employers from questioning a prospective employee regarding salaries of prior employers. The Executive Order was signed January 16, 2018 and is effective February 1. Its purpose is to assure that women have the same advantage regarding salaries as do men. We need to make sure this EO is distributed to all parties performing interviews for prospective employees. A copy is attached

EXECUTIVE ORDER NO. 1

WHEREAS, the Constitution and laws of the State of New Jersey appropriately espouse the fundamental principles of fairness and equal treatment of all New Jersey residents; and

WHEREAS, as Governor, I am strongly committed to leading an administration that always adheres to and will act on these values; and

WHEREAS, all New Jerseyans should be compensated based on the nature of the work and services they provide, and must never be subject to different pay because of their gender; and

WHEREAS, studies have demonstrated that women in New Jersey who hold full-time, year-round jobs are paid 82 cents for every dollar paid to men holding full-time, year-round jobs; and

WHEREAS, this wage gap has been demonstrated to exist across all industries and among workers with all levels of education; and

WHEREAS, studies further reveal that Asian-American women are paid 87 cents for every dollar paid to White men, while Black women are paid 58 cents for every dollar paid to White men, and Latina women are paid 43 cents for every dollar paid to White men; and

WHEREAS, the gap between the wages of Latina women and White men in New Jersey is the largest in the nation, and the gap between the wages of Black women and White men is significantly greater than the nation's average; and

WHEREAS, this discriminatory wage gap results in lost wages exceeding \$32 billion every year for New Jersey's women, hurting their ability to support themselves and their families; and

WHEREAS, asking job applicants about their salary histories inappropriately perpetuates the wage gap by allowing prospective employers to offer lower salaries to women than they otherwise would; and

WHEREAS, New Jersey's state government must set a positive example for other employers to acknowledge and close the gender wage gap by prohibiting inquiry into the salary histories of prospective employees;

NOW, THEREFORE, I, PHILIP D. MURPHY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. No State entity shall inquire about a job applicant's current or previous salaries unless and until the entity has made a conditional offer of employment, including an explanation of the overall compensation package to the applicant.

2. Additionally, no State entity shall make inquiry of a current or prior employer or search public records databases to ascertain an applicant's current or previous salary. Moreover, a State entity shall take all reasonable measures to avoid inadvertently discovering salary history while gathering other information about the applicant. Any unintentionally discovered information concerning an applicant's salary history shall not be used by a State entity in any employment decision.

3. Nothing in this Order shall prevent a job applicant from volunteering information about compensation, but an applicant's refusal to volunteer compensation information shall not be considered in any employment decisions.

4. State entities are authorized to request and verify current or previous compensation information prior to a conditional offer of employment that includes compensation information only if the applicant voluntarily provides such information or if verification is required by federal, state, or local law.

5. In the event that a State entity is already in possession of a job applicant's compensation information on the effective date of this

7. Any applicant who is improperly asked about his or her salary history may report the violation to the Governor's Office of Employee Relations, which shall investigate the allegation and take appropriate remedial measures. This shall be the sole remedy for a violation.

8. Nothing in this Order shall be construed to create a private right of action on behalf of any employee or prospective employee at a State entity, nor shall this Order impair any rights under any collective bargaining agreement or supersede any federal, state, or local law.

9. For purposes of this Order, "State entity" shall mean any of the principal departments in the Executive Branch of State government and any agency, authority, board, bureau, commission, division, institution, office, or other instrumentality within or created by any such department, and any independent State authority, commission, instrumentality, or agency over which the Governor exercises executive authority, as determined by the Attorney General.

10. This Order shall take effect on February 1, 2018.

[seal]

GIVEN, under my hand and seal this 16th day of January, Two Thousand and Eighteen, and of the Independence of the United States, the Two Hundred and Forty-Second.

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor