

CITY OF MILLVILLE

COMMISSIONERS

LISA M. ORNDORF, MAYOR
Director of Public Affairs
JOSEPH SOOY, VICE MAYOR
Director of Revenue & Finance
BENJAMIN J. ROMANIK
Director of Parks & Public Property
C. KIRK HEWITT
Director of Public Safety
ROBERT W. MCQUADE, JR
Director of Public Works



"A MAIN STREET NEW JERSEY COMMUNITY"

12 SOUTH HIGH STREET
P.O. BOX 609
MILLVILLE, NEW JERSEY 08332

TELEPHONE: (856)825-7000
FAX: (856)825-3686
www.millvillenj.gov

OFFICERS

RAYMOND COMPARI
Administrator
JEANNE PARKINSON
City Clerk
MARCELLA SHEPARD
Chief Financial Officer
TRACEY GREGOIRE
Tax Collector
BRIAN P. ROSENBERGER
Tax Assessor

Date:

2/10/22

To:

K. Shulden

See below in response to your OPRA request received by the City Clerk's Office on 2/13/22 (2). (See Disclaimer on Pg 2)

☐ Please be advised there are no records responsive to your request

☒ See attached, no Redactions were made.

☐ See attached, redactions were made pursuant to (see statute(s) below with "x" mark(s)):

☐ Denied, the provisions of the Open Public Records Act do not allow the disclosure of records pursuant to (see statute(s) below with "x" mark(s)):

Billing information:

☐ Amount Due: _____ must be received prior to release of record

Payment information:

☐ Returned Check: Check No. _____ in the amount of _____

☐ Payment Received: Check No. _____ in the amount of _____

Exceptions to Public Access to Government Records:

- ☐ Inter-agency or intra-agency advisory, consultative or deliberative communications, N.J.S.A. 47:1A-1.1, et seq.
- ☐ Legislative records, N.J.S.A. 47:1A-1.1, et seq.
- ☐ Medical Examiner records, N.J.S.A. 47:1A-1.1, et seq.
- ☐ Criminal investigatory records, N.J.S.A. 47:1A-1.1, et seq.
- ☐ Victim records, N.J.S.A. 47:1A-1.1, et seq.
- ☐ Trade secrets and proprietary commercial or financial information obtained from any source, N.J.S.A. 47:1A-1.1, et seq.
- ☐ Any record within Attorney/Client Privilege N.J.S.A. 47:1A-1.1 et seq.
- ☐ Administrative or technical information regarding computer hardware, software and networks, N.J.S.A. 47:1A-1.1, et seq.
- ☐ Emergency or Security information and surveillance techniques, N.J.S.A. 47:1A-1.1, et seq.
- ☐ Security measures and surveillance techniques, N.J.S.A. 47:1A-1.1, et seq.
- ☐ Information that is disclosed would give an advantage to competitors or bidders, N.J.S.A. 47:1A-1.1
- ☐ Information on any sexual harassment complaint, any grievance filed or collective negotiations, N.J.S.A. 47:1A-1.1
- ☐ Communications between City and Insurance Company, N.J.S.A. 47:1A-1.1 et seq.
- ☐ Information which is to be kept confidential pursuant to court order, N.J.S.A. 47:1A-1.1 et seq.
- ☐ Certificate of honorable discharge issued by the United States government, N.J.S.A. 47:1A-1.1 et seq.
- ☐ Personal Identifying Information, N.J.S.A. 47:1A-1.1, et seq.
- ☐ Social Security Numbers, N.J.S.A. 47:1A-1.1, et seq.
- ☐ Certain records of higher education, N.J.S.A. 47:1A-1.1, et seq.
- ☐ Biotechnology trade secrets, N.J.S.A. 47:1A-1.2, et seq.

- ___ Limitations to convicts -personal information pertaining to the person's victim or the victim's family, N.J.S.A. 47:1A-2.2, et seq.
- ___ Ongoing Investigations, N.J.S.A. 47:1A-3.a.
- ___ Public defender records that relate to the handling of any case, N.J.S.A. 47:1A-5.k.
- ___ Upholds exemptions contained in other State or federal statutes and regulations, Executive Orders of the Governor, Rules of Court, Constitution of this State, or judicial case law N.J.S.A. 47:1A-9.
- ___ Personnel and pension records, N.J.S.A. 47:1A-10, et seq.
- ___ Privacy Interest - "a public agency has a responsibility and an obligation to safeguard from public access a citizen's personal information with which it has been entrusted when disclosure thereof would violate the citizen's reasonable expectation of privacy." N.J.S.A. 47:1A-1.1, et seq.

NOTE: Court documents can be requested through the NJ Judiciary website at www.judiciary.state.nj.us

If you feel the City has neglected to provide what you have requested, or any part thereof, or if you believe there is some legal authority that supports your position, please notify us and we will be happy to reconsider our response or denial of access as the case may be.

Mandatory Disclaimer:

If your request for access to a government record has been denied or unfilled within seven (7) business days required by law, you have the right to challenge the decision by the City of Millville to deny access. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint with the Government Records Council (GRC) by completing the Denial of Access Complaint Form. You may contact the GRC by toll-free telephone at 866-850-0511, by mail at P.O. box 819, Trenton, NJ 08625, by e-mail at grc@dea.state.nj.us, or at their website at www.state.nj.us/grc. The GRC can also answer other questions about the law. All questions regarding complaints filed in Superior Court should be directed to the Court Clerk in your County.

If you have any questions please contact my office.

Sincerely,


Jeanne M. Parkinson, RMC
City Clerk

Respond 2/10/22 ✓

Due 2/17/22

Mercado, Wendy

From: Jeanne Parkinson
Sent: Thursday, February 03, 2022 12:39 PM
To: Mercado, Wendy
Subject: FW: OPRA request - Policy and Procedures

(2)

Please process.

-----Original Message-----

From: K Whilden <opra+request-29172-d359a610@requests.opramachine.com>
Sent: Thursday, February 3, 2022 10:57 AM
To: Jeanne Parkinson <Jeanne.Parkinson@millvillenj.gov>
Subject: OPRA request - Policy and Procedures

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Millville City,

This is a request for public records made under OPRA and the common law right of access. I am not required to fill out an official form. Please acknowledge receipt of this message.

Records requested:

- 1) Social Media Policy/Procedures ✓
- 2) Policy/Procedures regarding the personal use of government property (including the physical buildings/offices, IT infrastructure, and/or use of government issued cell phones. ✓

Yours faithfully,
K. Whilden

Please use deliver records electronically via email to the below UNIQUE address for all replies to this request:
opra+request-29172-d359a610@requests.opramachine.com

Is jeanne.hitchner@millvillenj.gov the wrong address for OPRA requests to Millville City? If so, please contact us using this form:

https://opramachine.com/change_request/new?body=millville_city

Disclaimer: This message and any reply that you make will be published on the internet. Our privacy and copyright policies:
<https://opramachine.com/help/officers>

View this OPRA request & responses online:
https://opramachine.com/request/policy_and_procedures

C: Pam Ray

Please note that in some cases publication of requests and responses will be delayed.

If you find this service useful as an OPRA custodian, please ask your web manager to link to us from your organisation's website.

The City reserves the right to monitor the employee's Internet usage. In addition, the City has the right to restrict access to specific types of prohibited content through the use of a content filtering system.

#1

§ 46-52 Social media.

The City fully respects the legal rights of the employees, including their rights under the National Labor Relations Board to engage in concerted and protected activities, and any part of this policy which interferes with or "chills" the legal rights of the employees will not be enforced. In general, what you do on your own time is your affair. However, activities in or outside of work that affect job performance, the performance of others, or the City's business interests are a proper focus for the City's policy. To the extent that employees use social media outside of their employment and, in so doing, employees identify themselves as the City's employees, or if they discuss matters related to the City on a social media site, employees must:

A. Employees should not represent themselves as a spokesperson of the City. Nothing in these policies are designed to interfere with, restrain or prevent employee communications regarding wages, hours or other terms and conditions of employment. City employees have the right to engage in or refrain from such activities. Further, discriminatory remarks, harassment, bullying, threats of violence and similar behavior that is not tolerated in the workplace are also not acceptable through Communication Media, whether same is performed on the City's equipment or on the employee's own personal Communication Media.

B. Employees that maintain personal web pages and web sites, including but not limited to Face book, You Tube, My space, Twitter etc., shall not post information on such sites that would constitute a violation of the personnel policies of the City if expressed or published using any other medium or in any other manner. The posting of words, phrases, photographs, images or any kind of information on a personal web site may be grounds for the imposition of disciplinary action against the employee if the words, phrases, photographs, images or information adversely reflects on the employee's fitness for duty or constitutes a violation of the personnel policies of the City. However, nothing in this social media policy prevents employees from using his/her own personal Communication Media during the employee's non-working hours to engage or participate in protected concerted activities pursuant to the National Labor Relations Act. Protected concerted activities include when an employee addresses group concerns with the employer; forms, joins or helps a labor organization; initiates, induces or prepares for group action; or speaks on behalf of or represents other employees. Nevertheless, employees are encouraged to resolve workplace grievances internally by discussing issues with their supervisor and/or the Administration, and are asked to refrain from posting comments or materials on Communication Media that can be viewed as malicious, obscene, threatening, intimidating, or that could create a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law if the employee chooses to address their grievances using Communication Media.

C. Maintain the confidentiality of the City's private or confidential information. Do not post internal reports, policies, procedures or other internal business-related confidential communications.

D. Not create a link from your blog, website or other social networking site to the City's website without identifying yourself as a City associate.

E. Express only your personal opinions. Never represent yourself as a spokesperson for the City. If the City is a subject of the content you are creating, be clear and open about the fact that you are an associate and make it clear that your views do not represent those of the City, fellow associates or people working on behalf of the City. If you do publish a blog or post online related to the work you do or subjects associated with the City, make it clear that you are not speaking on behalf of the City.

§ 46-53 Employee rights of communication.

Article XIII. Communications Media Policy

§ 46-50 Purpose.

Whether or not an employee chooses to create or participate in a blog, wiki, online social network or any other form of online publishing or discussion is his or her own decision. However, the City recognizes that emerging online collaboration platforms are fundamentally changing the way individuals and organizations communicate, and this policy is designed to offer practical guidance for responsible, constructive communications via social media channels for employees. The same principles and guidelines that apply to the activities of employees in general, as found in the City's Policies and Procedures, apply to employee activities in social media channels and any other form of online publishing.

A. The City's communication media are the property of the City and, as such, are to be used for legitimate business purposes only. For purposes of this communication media policy, "communication media" includes all electronic media forms provided by the City, such as cell phones, smart phones, computers, electronic tablets, access to the Internet, voicemail, e-mail, and fax.

B. All data stored on and/or transmitted through communication media is the property of the City. For purposes of this policy, "data" includes electronically stored files, programs, tables, databases, audio and video objects, spreadsheets, reports and printed or microfiche materials which serve a City business purpose, regardless of who creates, processes or maintains the data, or whether the data is processed manually or through any of the City's mainframe or midrange systems or workstations; servers, routers, gateways, bridges, hubs, switches and other hardware components of the City's local or wide-area networks.

§ 46-51 Use of communication media.

A. The City respects the individual privacy of its employees. However, employee communications transmitted by the City's communication media are not private to the individual. All communication media and all communications and stored information transmitted, received, or contained in or through such media may be monitored by the City. The City reserves the absolute right to access, review, audit and disclose all matters entered into, sent over or placed in storage in the City's communication media. By using the City's equipment and/or communication media, employees consent to have such use monitored at any time, with or without notice, by City personnel. The existence of passwords does not restrict or eliminate the City's ability or right to access electronic communications. However, the City cannot require the employee to provide his/her password to his/her personal account.

B. All e-mail, voicemail and Internet messages (including any technology-based messaging) are official documents subject to the provisions of the Open Public Records Act (N.J.S.A. 47:1A-1 et seq.). If employees conduct work-related business on their personal emails, cell phones, or other personal Communication Media, it is also subject to the provisions of the Open Public Records Act. Employees of the City are required to use the assigned municipal e-mail account for all City business and correspondence. The use of private e-mail accounts for any City business or during business hours is strictly prohibited. The City reserves the right to remove employee email access including, but not limited to, family medical leave.

C. Employees can only use the City's communication media for legitimate business purposes. Employees are restricted from accessing or using the company's Communication Media for personal purposes during company time on company equipment without prior authorization from the Administration to do so. Employees may not use the City's communication media in any way that is defamatory, obscene, or harassing or in violation of any City rules or policy. Examples of forbidden transmissions or downloads include sexually explicit messages;

unwelcome propositions; ethnic or racial slurs; or any other message that can be construed to be harassment or disparaging to others based on their actual or perceived age, race, religion, sex, sexual orientation, gender identity or expression, genetic information, disability, national origin, ethnicity, citizenship, marital status or any other legally recognized protected basis under federal, state or local laws, regulations or ordinances. Further, discriminatory remarks, harassment, bullying, threats of violence and similar behavior that is not tolerated in the workplace are also not acceptable through Communication Media, whether same is performed on the City's equipment or on the employee's own personal Communication Media

D. All employees who have been granted access to electronically stored data must use a logon ID assigned by the City. Certain data, or applications that process data, may require additional security measures as determined by the City. Employees must not share their passwords, and each employee is responsible for all activity that occurs in connection with his or her password. Information security is necessary to protect the City's information (data and software) from accidental or intentional unauthorized disclosure, modification, or loss. Information security is managed under guidelines dealing with identification, authentication, authorization, production environment, and ability to audit. All employees should be familiar with such security measures adopted by the City.

E. All employees may access only data for which the City has given permission. All employees must take appropriate actions to ensure that City data is protected from unauthorized access, use or distribution consistent with these policies. Employees may not access or retrieve any information technology resource or store information other than where authorized. All City data must be stored centrally as required by the City. This provides greater security and ensures backup of all City data is performed.

F. Employees must not disable antivirus and other implemented security software for any reason, in order to minimize the risk of introducing computer viruses into the City's computing environment.

G. Employees may not install, remove, or modify any hardware device, software application, program code, either active or passive, or a portion thereof, without the express written permission from the City. Employees may not upload, download, or otherwise transmit commercial software or any copyrighted materials belonging to parties outside of the City or licensed to the City. Employees shall observe the copyright and licensing restrictions of all software applications and shall not copy software from internal or external sources unless legally authorized. Workstation settings and configurations and network settings must not be modified by unauthorized employees. Internet security settings (where applicable) must not be changed. The foregoing includes but is not limited to the systems Network ID (or Computer Name), IP Address, Gateway and DNS addresses etc.

H. Social media and its uses in government and daily life are expanding each year, however, only those employees directly authorized by City Administrator may engage in social media activity during work time through the use of the City's communication media as it directly relates to their work and it is in compliance with this policy.

I. Employees must not reveal or publicize confidential City information. Confidential proprietary or sensitive information may be disseminated only to individuals with a need and a right to know and where there is sufficient assurance that appropriate security of such information will be maintained. Such information includes, but is not limited to, the transmittal of personnel information such as medical records or related information. In law enforcement operations, confidential, proprietary or sensitive information also includes criminal history information, confidential informant identification, and intelligence and tactical operations files.

J. No City employee shall post internal working documents to social media sites. This includes, but is not limited to, screenshots of computer stations, pictures of monitors and/or actual documents themselves without the prior approval of the City Administrator; in addition, photographs, pictures or digital images of any crime scenes, traffic crashes, arrestees, detainees, people or job-related incidents or occurrences taken with the City's communication media to any person, entity, business or media or Internet outlet, whether on or off duty, without the express

written permission of the City Administrator. Except in emergency situations, employees are prohibited from taking digital images or photographs with media and equipment not owned by the City. For purposes of this section, an "emergency situation" involves a sudden and unforeseen combination of circumstances or the resulting state that calls for immediate action, assistance or relief, and may include accidents, crimes and flights from accidents or crimes and the employee does not have access to the City's communication media. If such situation occurs, the employee agrees that any images belong to the City and agrees to release the image to the City and ensure its permanent deletion from media device upon direction from the City.

K. No media advertisement, electronic bulletin board posting, or any other communication accessible via the Internet about the City or on behalf of the City, whether through the use of the City's communication media or otherwise, may be issued unless it has first been approved by the City Administrator. Under no circumstances may information of a confidential, sensitive or otherwise proprietary nature be placed or posted on the Internet or otherwise disclosed to anyone outside the City. Such authorized communications may result in disciplinary action.

L. Because authorized postings placed on the Internet through use of the City's communication media will display on the City's return address, any information posted on the Internet must reflect and adhere to all of the City's standards and policies.

M. All users are personally accountable for messages that they originate or forward using the City's communication media. Misrepresenting, obscuring, suppressing, or replacing a user's identity on any communication media is prohibited. "Spoofing" (constructing electronic communication so that it appears to be from someone else without a legitimate authorized purpose and authorized by the City Administrator) is prohibited.

N. Employees must respect the laws regarding copyrights, trademarks, rights of the public and the City and other third-party rights. Any use of the City's name, logos, service marks or trademarks outside the course of the employee's employment, without the express consent of the City, is strictly prohibited. To minimize the risk of a copyright violation, employees should provide references to the source(s) of information used and cite copyrighted works identified in online communications.

O. Use of Internet. The City provides Internet access to its employees in order to make available a vast array of information resources and to allow participation in and access to increasing county and state resources.

Employees must comply with all policies adopted by the City including but not limited to policies regarding prohibition of discrimination and harassment and all applicable federal, state and local laws, including laws governing the transmission and dissemination of information while accessing the Internet.

Employees who are using Internet may not:

- Use the network to make unauthorized entry into other computational, informational or communication services or resources;
- Distribute unsolicited advertising;
- Invade the privacy of others;
- Make any attempt to damage computer equipment or software;
- Engage in any activity that is harassing or defamatory;
- Use the Internet for any illegal activity, including violation of copyright or other rights of third parties, or in a manner inconsistent with the Township's tax-exempt status or its proper operation; and/or
- Download unauthorized software, fonts, templates or scripts.

G. Employees can appeal disciplinary actions pursuant to the rules of the New Jersey Civil Service Commission, with notification to the City Commissioner.

§ 46-42 General causes.

#2

A. An employee may be subject to discipline for any one or more of the following general causes:

- (1) Falsification of public records, including attendance and other personnel records; theft of time.
- (2) Failure to report absence.
- (3) Harassment of coworkers and/or volunteers and/or visitors.
- (4) Theft or attempted theft of property belonging to the City, fellow employees, volunteers or visitors.
- (5) Failure to report to workday or days prior to or following a vacation, holiday and/or leave, and/or any other unauthorized day of absence.
- (6) Fighting on City property at any time.
- (7) Being under the influence of intoxicants (e.g., liquor) or illegal drugs (e.g., cocaine or marijuana) on City property and at any time during work hours.
- (8) Possession, sale, transfer or use of intoxicants or illegal drugs on City property and at any time during work hours.
- (9) Entering the building without permission during nonscheduled work hours.
- (10) Soliciting on the City's premises during work time. This includes but is not limited to distribution of literature or products or soliciting membership in fraternal, religious, social or political organizations, and/or sales of products, such as those from Avon, Amway, etc.
- (11) Careless waste of materials or abuse of tools, equipment or supplies.
- (12) Deliberate destruction or damage to City property.
- (13) Sleeping on the job.
- (14) Carrying weapons of any kind on the City premises and/or during work hours, unless carrying a weapon is a function of your job duties.
- (15) Violation of established safety and fire regulations.
- (16) Unauthorized absence from work area, and/or roaming or loitering on the premises, during scheduled work hours.
- (17) Defacing walls, bulletin boards or any other City property.
- (18) Failure to perform duties, inefficiency or substandard performance.
- (19) Unauthorized disclosure of confidential City information.
- (20) Gambling on the City premises.
- (21) Horseplay, disorderly conduct and use of abusive and/or obscene language on the City premises, and off premises when engaged in City-related business.
- (22) Deliberate delay or restriction of your work effort, and/or incitement of others to delay or restrict their work effort.
- (23) Conviction of a crime or disorderly person's offense.
- (24) Violation of City policies, procedures and regulations.
- (25) Unauthorized use of computers, Internet, and email.
- (26) Disparagement of the company or any company official whether this occurs on or off company property.
- (27) Incompetency, inefficiency or failure to perform duties.
- (28) Insubordination.
- (29) Inability to perform duties.
- (30) Chronic or excessive absenteeism or lateness.
- (31) Conviction of a crime.
- (32) Conduct unbecoming a public employee.
- (33) Neglect of duty.
- (34) Misuse of public property, including motor vehicles.

- (35) Discrimination that affects equal employment opportunity (as defined in N.J.A.C. 4A:7-1.1), including sexual harassment.
- (36) Violation of federal regulations concerning drug and alcohol use by and testing of employees who perform functions related to the operation of commercial motor vehicles, and state and local policies issued thereunder.
- (37) Personal cell phone use that is disruptive to City operations.
- (38) Other sufficient cause.

B. Other sufficient cause shall include but not be limited to violations of municipal ordinances, rules and regulations, written policies, department directives or lawful orders of a superior.

§ 46-43 Types of discipline.

Discipline may be in the form of major discipline or minor discipline and may include, but not be limited to, the following:

- A. Oral reprimand;
- B. Formal written reprimand;
- C. Counseling;
- D. Suspension with pay;
- E. Suspension without pay;
- F. Monetary fine;
- G. Disciplinary demotion;
- H. Removal.

Major disciplinary action includes termination, disciplinary demotion or suspension or fine exceeding five (5) working days. Minor discipline includes a formal, written reprimand or a suspension or fine of five (5) working days or less. Employees who object to the terms or conditions *for any suspension exceeding 5 days* discipline are entitled to a hearing under their applicable collective bargaining agreements and/or New Jersey Civil Service Act. *Employees who object to the terms or conditions of the discipline are also entitled to a hearing under their applicable collective bargaining agreements.* In every case involving employee discipline, employees will be provided with an opportunity to respond to charges either verbally or in writing.

In cases of employee misconduct, the City believes in corrective action for the purpose of correcting undesirable behavior and preventing a recurrence of that behavior. The corrective action taken will be related to the gravity of the situation, the number and kind of previous infractions and other circumstances. In every case, employees will be given an opportunity to state the situation from their point of view.

§ 46-44 Termination of employment.

An employee may be terminated depending upon the circumstances including but not limited to the following offenses. All discharges will be in accordance with federal and state laws, including the New Jersey Civil Service Act as well as applicable collective bargaining agreements.

- A. Incompetence, inefficiency or failure to perform duties;
- B. Chronic or excessive absenteeism or lateness;
- C. Conviction of a crime;
- D. Conduct unbecoming a public employee;
- E. Misuse of public property, including motor vehicles;
- F. Violation of federal, state or City regulations concerning alcohol and drug use and possession;
- G. Repeated violations of City policies and procedures or rules and regulations;