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Claire Padovano  
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**BOROUGH OF MAYWOOD**  
**15 Park Avenue, Maywood, NJ 07607**

**ORDINANCE #12-25**

**AN ORDINANCE AMENDING CHAPTER 52 OF THE BOROUGH CODE OF THE  
BOROUGH OF MAYWOOD ENTITLED "PERSONNEL POLICIES"**

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF  
MAYWOOD, IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY, AS  
FOLLOWS:**

**WHEREAS**, the Mayor and Council of the Borough of Maywood desire to revise Chapter 52 of the Borough Code to incorporate the recommended edits of the Municipal Excess Liability Joint Insurance Fund.

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Borough of Maywood, County of Bergen as follows:

**Article IV entitled "On-the-Job Harassment," shall henceforth be entitled "Policy against Harassment," Section 52-14 entitled "Policy," subsection (D)(2) shall be deleted in its entirety and replaced with the following:**

**Section 52-14. Policy**

...

(D)(2) Any form of harassment or discrimination related to an employee's protected group status violates this policy. A hostile work environment can arise not only from conduct at the workplace, but can also arise from conduct occurring in a work-related context outside of the workplace (i.e., virtually or off-site) and conduct occurring in a non-work related context (i.e., through private phones, computers, or social media accounts) when that conduct impacts the workplace.

**Article X entitled "Employment Benefits," Section 52-47 entitled "Vacations," subsection (C) shall be deleted in its entirety and replaced with the following:**

**Section 52-57. Vacations.**

(c) Accumulation of Vacation Time. Vacation leave must be taken in the year that it is earned, except that employees who do not take vacation leave that accrues in a given year because of business demands shall be granted that accrued leave only during the next succeeding year, with written approval of the Employer. However, vacation leave not taken in a given year because of duties directly related to a state of emergency declared by the Governor may accumulate at the discretion of the Employer until, pursuant to a plan established by the Employer, the leave is used or the employee or officer is compensated for that leave, which shall not be subject to collective negotiation or collective bargaining.

**Article XI entitled “Miscellaneous,” Section 52-75 entitled “Americans With Disabilities” shall henceforth be entitled “Americans with Disabilities Act and Pregnant Workers Fairness” and shall be deleted in its entirety and replaced with the following:**

**Section 52-75. Americans With Disabilities Act and Pregnant Workers Fairness.**

The Employer complies with the New Jersey Law Against Discrimination, the Americans with Disabilities Act and the federal Pregnant Workers Fairness Act (“PWFA”). 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, pregnancy, pregnancy-related medical condition, breastfeeding or childbirth. The Employer also will make reasonable accommodations wherever necessary for all employees or applicants with disabilities or with known limitations related to pregnancy, childbirth or related medical conditions, 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.

The Pregnancy Workers Fairness Act (“PWFA”) defines “pregnancy and childbirth” as meaning the pregnancy or childbirth of the specific employee in question and includes, but is not limited to, current pregnancy; past pregnancy; potential or intended pregnancy (which can include infertility, fertility treatment, and the use of contraception); labor; and childbirth.

Requesting Accommodation. Qualified employees or prospective employees with disabilities, or who need accommodations due to pregnancy, childbirth, or related medical conditions, 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, or include an explanation of the pregnancy-related limitation 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 or pregnancy or childbirth-related condition 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 or employee affected by pregnancy or childbirth 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.

In the case of an employee needing accommodations for pregnancy or childbirth, a reasonable accommodation may include the temporary suspension of essential functions and/or modifications or adjustments that permit the temporary suspension of essential functions.

In the case of an employee breastfeeding her infant child, the accommodation shall include reasonable break time each day to the employee and a suitable room or other location with privacy, other than a toilet stall, in close proximity to work area for the employee to express breast milk for the child.

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 II. Ratification and Affirmation.

In all other respects, the terms, conditions and provisions of Chapter 52 of the Code of the Borough of Maywood are ratified and affirmed.

## Section III. Repealer.

Any article, section, paragraph, subsection, clause, or other provision of the Code of the Borough of Maywood inconsistent with the provisions of this ordinance is hereby repealed as to said inconsistencies and conflicts.

## Section IV. Severability.

If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

Section V. Effective Date.

This ordinance shall take effect immediately upon final passage and publication according to law.

Date: \_\_\_\_\_ APPROVED: \_\_\_\_\_  
Richard Bolan, Mayor

ATTEST: \_\_\_\_\_  
Barbara L. Dispoto, RMC/CMC  
Borough Clerk

**Introduction-1<sup>st</sup> Reading**

**Date: October 14, 2025**

	Moved	Seconded	Ayes	Nays	Abstain	Absent	Recuse
Mayor Bolan							
Councilmember Bennin			X				
Councilmember Flynn			X				
Councilmember Herrick			X				
Councilmember Padovano		X	X				
Councilmember Ullman			X				
Council President DeMuro	X		X				

**Adoption-2<sup>nd</sup>/Final Reading**

**Date: November 12, 2025**

	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mayor Bolan						
Councilmember Bennin						
Councilmember Flynn						
Councilmember Herrick						
Councilmember Padovano						
Councilmember Ullman						
Council President DeMuro						

**CERTIFICATION**

I, Barbara L. Dispoto, Municipal Clerk of the Borough of Maywood in the County of Bergen and the State of New Jersey do hereby certify that the foregoing ordinance is a true copy of the original ordinance duly passed and adopted on second reading by the Governing Body at the meeting of July 22, 2025.

Date: \_\_\_\_\_

\_\_\_\_\_  
Barbara L. Dispoto, RMC/CMC  
Borough Clerk