

The Board recognizes that employees and officials, elective and appointive, do not relinquish their First Amendment rights to comment on matters of public interests, otherwise available to the public, simply as a result of the fact of public employment.

The Board further recognizes that it must balance the public employee's (personnel) interest in free speech against the Board's interest in the effective and efficient fulfillment of its responsibilities to the public. The Board finds and determines that it has a fiduciary responsibility to the public to protect information that has been accessed, either directly or indirectly, by its elective and/or appointive employees (personnel) and officials during the performance of their business or scope of duties. The purpose of this Policy is to ensure such public entrustment and to promote, maintain and enhance a duty and tradition of effective public service by establishing standards of conduct to guide its employees (personnel) and officials relative to confidential and private information, however transmitted or maintained, that is obtained, possessed or controlled, directly or indirectly, by its employees (personnel) or officials by reason of his/her position with the Board, and by its nature is such that it is not known to the general public or is not a matter of public record.

The Board recognizes that in addition to free speech, the elective and appointive employees (personnel) and officials have protected rights under Federal and State Legislation and the purpose and intent of this policy is not to infringe upon those rights.

The Board shall enact Rules and Regulations, procedures or guidelines and directives to implement or otherwise effectuate the purpose and intent of this Policy and Federal, State and local laws, and Rules, Regulations, Procedures, Guidelines or Directives promulgated thereto, as amended, which were enacted to insure or supplement the intent and purpose of this Policy. Said Rules and Regulations, procedures or guidelines and directives may be amended or supplemented by the Board as it deems necessary.

Legal References: United States Constitution
Constitution of the State of New Jersey
N.J.S.A. 11A:1-et seq. (Civil Service Act)
N.J.S.A. 34:19 et seq. (Conscienton Employee Protection Act)

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