



Municipal Excess Liability Joint Insurance Fund

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BULLETIN

TO: All Members

FROM: Fred Semrau, Fund Attorney

DATED: August 20, 2018

**RE: Model Personnel Policy and Procedure Manual
Section 5 – Open Public Meetings Act**

Recently, our Supreme Court has issued an opinion pertaining to the Open Public Meetings Act and procedures concerning personnel matters. The Court specified certain types of discussions by a governing body that would require notification to employees whose rights could be adversely affected and those instances where discussion does not require notice.

In addition, Municipal Attorneys have different interpretations and there are different circumstances that arise whereby a notification and the right of employees to be participate in Closed Sessions is subject to prevailing case law and interpretation. Therefore, the direction and advice should follow the advice of the entity's legal counsel as opposed to specifying such in the Handbook.

Accordingly, we have modified this section of the **Model Personnel Policy Manual** and **Employee Handbook** so that the existing case law and interpretation by legal counsel would apply.

Open Public Meetings Act Procedures Concerning Personnel Matters:

Discussions by the governing body or any public body concerning appointment, termination, terms and conditions of employment, performance evaluation, promotion or discipline of any current or prospective officer or employee may be held in closed session. Ultimately, the guidance as to notification of employees and the right to have the discussion in executive or the open session should be discussed with and be based upon the guidance and advice of the legal counsel for the public entity and recent court decisions.