**TOWNSHIP OF MEDFORD**

**PERSONNEL POLICIES & PROCEDURES MANUAL**

**Revised and Reissued January 1, 2025**

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**AT-WILL STATEMENT & DISCLAIMER**

The contents of this Personnel Policies and Procedures Manual (“the Manual” or “PPPM”) summarize the current benefits, guidelines and policies within the Township of Medford (referred to hereafter as “the Employer”).

The Employer reserves the right to change, delete, suspend, or discontinue any part or parts of this Manual at any time, without prior notice, and any such action shall apply to existing as well as future employees. Employees should be aware that these benefits, guidelines and policies may be changed at any time, and that depending upon the circumstances of a given situation, the Employer’s actions may vary from the provisions of this Manual. **The contents of this Manual DO NOT CONSTITUTE THE TERMS OF A CONTRACT OF EMPLOYMENT.**

**It should be noted that nothing contained in this Manual should be construed as a guarantee of continued employment; but rather, EMPLOYMENT WITH THE EMPLOYER IS ON AN AT-WILL BASIS. This means that either the employee or the Employer, with or without cause, may terminate the employment relationship at any time with or without notice, for any reason not expressly prohibited by law or by the terms of a collectively negotiated agreement. Any exception must be expressly authorized and signed by the Employer.**

This Manual supersedes and replaces all prior personnel policy and benefit statements, whether oral or in writing. While some of the provisions contained herein refer specifically only to federal law, employees should be aware that the Employer will comply with all federal, state and local laws. Should any provision in this Manual be found to be unenforceable and/or invalid, such finding does not invalidate the entire Manual, but only the subject provision. Many of the policies in this handbook shall also apply in equal force to volunteers and seasonal employees of the Employer.

When changes are made to this Manual, the Employer will make any corresponding changes to the Employee Handbook that are necessary so that the Manual and Handbook do not conflict.

All employees will be notified when any material changes are made to the policies contained in this Manual.

**If there is a conflict between this Manual and any collective negotiations agreement, the provisions of the collective negotiations agreement will govern for represented employees. This Manual has been written so as not to conflict with the provisions and mandates of the laws and regulations governing employment in the State of New Jersey. If there is a conflict between this Manual and any such mandate pursuant to law, such law will prevail for covered employees.**

NOTE: This Personnel Policies & Procedures Manual is accompanied by an Employee Handbook which outlines specific terms and conditions not contained in this PPPM.

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## section one: FAIR EMPLOYMENT PRACTICES

# Equal Employment Opportunity

The Employer is committed to the principle of equal employment opportunity and anti-discrimination pursuant to Title VII of the 1964 Civil Rights Act as amended by the Equal Opportunity Act of 1972, the New Jersey Law Against Discrimination (LAD) and all other applicable State or federal laws pertaining to equal employment opportunity in the workplace. Under no circumstances will the Employer discriminate on the basis of sex, race, creed, color, religion, national origin, ancestry, age, marital status, affectional or sexual orientation, pregnancy, pregnancy-related medical condition, breastfeeding, or childbirth, domestic partnership status, civil union status, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), liability for service in the United States Armed Forces, gender identity or expression, and/or any other characteristic protected by State or federal law. Accordingly, decisions regarding hiring, promotion, transfer, demotion or termination are based solely on the qualifications and performance of the employee or prospective employee. If any employee or prospective employee feels they have been treated unfairly, they have the right to address their concern with their supervisor, or if they prefer, their Department Head, Human Resources Officer, or the Township Manager, using the complaint procedure set forth in the Policy Against Harassment set forth in this Manual.

Any employees with questions or concerns about any type of discrimination or harassment in the workplace are encouraged to bring these issues to the attention of management through the complaint procedure set forth in the Policy Against Harassment set forth in this Manual.

# Americans With Disabilities

The Employer complies with the New Jersey Law Against Discrimination and the Americans with Disabilities Act. 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. The Employer also will make reasonable accommodations wherever necessary for all employees or applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential duties and assignments connected with the job and provided that accommodations are not unduly extensive, substantial or disruptive, or that would fundamentally alter the nature of the Employer’s operations. 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.

Requesting Accommodation. Qualified employees or prospective employees with disabilities 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, 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 and the need for the desired accommodation. The Employer will engage in an interactive process with the requestor in an effort to reasonably accommodate the known physical or mental limitation of an otherwise qualified applicant or employee with a disability 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.

Examples of 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.

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.

# Pregnancy Anti-Discrimination Policy

Introduction:

 Under New Jersey law, pregnant and breastfeeding employees are entitled to special protection from discrimination as well as various statutory accommodations. At a minimum, a pregnant employee or an employee who is nursing a newborn child shall be entitled to the same leave of absence entitlements, use of paid and unpaid leave time, and temporary light duty assignments as any other employee who is temporarily unable to perform the full duties of his or her position due to a disability or disabling illness.

Terminology:

For the purposes of this policy, “pregnancy or breastfeeding” means pregnancy, childbirth, and breast feeding or expressing milk for breastfeeding, or medical conditions related to pregnancy, childbirth, or breastfeeding, including recovery from childbirth.

For the purposes of this policy, in determining whether an accommodation would impose “undue hardship” on the operation of an employer’s business, the factors to be considered include: the overall size of the employer’s business with respect to the number of employees, number and type of facilities, and size of budget; the type of the employer’s operations, including the composition and structure of the employer’s workforce; the nature and cost of the accommodation needed, taking into consideration the availability of tax credits, tax deductions, and outside funding; and the extent to which the accommodation would involve waiver of an essential requirement of a job as opposed to a tangential or non-business necessity requirement.

Expectations for pregnant or nursing employees:

 In order for a pregnant or nursing employee to be entitled to the benefits and protections afforded under this policy, she must provide as much advance notice as possible of her need for leave or modified duty but no less than 15 days prior to a leave of absence unless a doctor indicates, in writing, that emergent circumstances are present. The notice shall be provided to the Human Resources Officer or Township Manager who shall maintain it in a separate, medical personnel file and shall share the information with the employee’s manager or supervisor, as necessary. A pregnant employee notifying the Township of her pregnancy shall be permitted to continue working with the approval of her obstetrician/gynecologist or treating medical provider. The pregnant employee shall promptly furnish the Township with a doctor’s note outlining any job limitations (based upon the physician’s understanding of the employee’s duties or written job description), including any lifting or other physical restrictions, that the employee may perform such duties without the risk of physical harm to herself of the child, along with the anticipated duration of such limitations. The pregnant employee shall promptly furnish the Township with periodic updated doctor’s notes when her treating physician imposes additional restrictions or limitations upon her activities or eliminates previously imposed restrictions or limitations.

Duty to furnish reasonable accommodations:

 Upon consideration of the request and documentation submitted by the pregnant or breastfeeding employee, the Human Resources Officer or Township Manager, shall inform the employee’s supervisor or manager to make available to the employee reasonable accommodations in the workplace, such as bathroom breaks, breaks for increased water intake, periodic rest, assistance with manual labor, job restructuring or modified work schedules, and temporary transfers to less strenuous or hazardous work, for needs related to the pregnancy when the employee, based on the advice of her physician, requests the accommodation. In the case of an employee breast feeding her infant child or pumping breastmilk, the accommodation shall include reasonable break time each day for the employee and a suitable room or other location with privacy, other than a toilet stall, in close proximity to the work area. If a breastfeeding employee is assigned to a work location where no such suitable locations exist, the Township will engage with the employee to identify an arrangement that affords suitable privacy. Although the Township may be able, under certain circumstances, to demonstrate that providing the accommodation would be an undue hardship on the business operations of the employer, the Township will use reasonable efforts to interact with the employee to find a solution.

Prohibition against discrimination in employment:

 No supervisor or manager shall treat an employee that he or she knows or should know is pregnant or breastfeeding in a manner less favorable than non-pregnant employees are treated. Further, no supervisor or manager shall treat a pregnant or breastfeeding employee less favorable than a non-pregnant/ non-nursing employee who is similar in their ability or inability to work. Additionally, managers and supervisors shall prohibit non-supervisory employees from disparaging a pregnant or breastfeeding employee on the basis of such pregnancy, breastfeeding or any accommodation made in relation thereto.

Prohibition against retaliation:

The Township shall not in any way penalize the employee in terms, conditions or privileges of employment for requesting or using any accommodation provided by this policy. Workplace accommodations and paid or unpaid leave provided to a pregnant or breastfeeding employee shall not be provided in a manner less favorable than accommodations or leave provided to non-pregnant/ non-nursing employees who are similar in their ability or inability to work. This policy shall not affect pregnant or breastfeeding employees leave entitlements under any other law.

# Harassment AND DISCRIMINATION

The Employer is committed to providing a work environment that is free of harassment and discrimination. The Employer will not tolerate harassment of or by employees towards anyone, including any supervisor, co-worker, or non-employee, including vendors and citizens.

Applicability. This policy applies to all people employed by the Employer, as well as volunteers working on behalf of the Employer, and prohibits such conduct by or towards all such employees/volunteers. Independent contractors, vendors and all other parties, engaged in a professional business relationship with the Employer are also expected to abide by the policy. In addition, no employee shall be required to withstand behavior from the public which violates this policy.

Purpose. This policy is designed to ensure all employees a work environment free of any type of discrimination based upon a protected status, including freedom from sexual harassment. The purpose of this policy is to inform employees that harassment based upon a protected status is prohibited, to educate employees about harassment based upon a protected status and to provide employees with a procedure to bring complaints to management’s attention.

Provisions. All employees are expected to avoid any behavior or conduct of a harassing or discriminatory nature. The Employer prohibits any form of harassment or discrimination related to an employee's protected group status, including but not limited to race, creed, color, national origin, ancestry, religion, age, marital status, pregnancy, pregnancy-related medical condition, breastfeeding, or childbirth, civil union status, domestic partnership status, affectional or sexual orientation, familial status, genetic information, sex, gender identity or expression, disability (including perceived disability, physical, mental, and/or intellectual disabilities), atypical hereditary cellular or blood trait, or because of the liability for service in the Armed Forces of the United States, veteran status, citizenship status, or any other group status protected by law. Harassment includes, but is not limited to:

A. Treating an individual less favorably based on a person’s protected group status;

B. Using derogatory or demeaning slurs to refer to a person’s protected group status;

C. Calling another by an unwanted nickname which refers to one or more protected group statuses, or telling ethnic jokes that harass an employee or create a hostile work environment;

D. Using derogatory references regarding a protected group status in any job-related communication;

E. Engaging in threatening, intimidating, or hostile acts, in the workplace, based on a protected group status; or

F. Displaying or distributing material in the workplace that contains language or derogatory or demeaning images, based on any protected group status.

Any form of harassment or discrimination related to an employee’s protected group status violates this policy. Such conduct shall result in appropriate disciplinary action up to and including dismissal from employment.

This policy applies to all employment practices such as recruitment, selection, hiring, training, promotion, transfer, assignment, layoff, return from layoff, termination, compensation, fringe benefits, working conditions and career development.

Sexual Harassment. The Employer prohibits sexual harassment of its employees in any form. Such conduct shall result in appropriate disciplinary action up to and including dismissal from employment.

A. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct, gestures or communications, expressed or implied, of a sexual nature when:

(1) Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment; or

(2) Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment, or

(3) That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment, or creating an intimidating hostile or offensive employment environment.

B. Prohibited Conduct: No supervisory employee shall threaten or insinuate either directly or indirectly, that an employee's refusal to submit to sexual advances will adversely affect the employee’s continued employment, evaluation, compensation, assignment, advancement, or any other condition of employment. Similarly, no supervisory employee shall promise or suggest either directly or indirectly, that an employee's submission to sexual advances will result in any improvement in any term or condition of employment for the employee.

Other sexually harassing conduct in the workplace, whether committed by supervisory or non-supervisory personnel is also prohibited. This includes, but is not be limited to:

(1) Sexual flirtations, advances, propositions, subtle pressure for sexual activity, flirtatious whistling, discussing sexual activities or the lack thereof;

(2) Verbal abuse of a sexual nature including sexually oriented "kidding" or "teasing," "practical jokes," jokes about gender-specific traits, and foul or obscene language or gestures;

(3) The display or posting on social or other media of sexually graphic or suggestive pictures or pictures of an offensive nature, or objects in the workplace, including sexually suggestive written material such as letters, notes, facsimiles, voice messages, text messages and e-mails;

(4) Any unwelcome sexually motivated touching, including, for example, patting, pinching, hugging, cornering, blocking or impeding movement and repeated brushing against another employee's body.

Sexual harassment also occurs when one person harasses another solely because of the victim's gender. This type of sexual harassment may involve unwelcome sexual demands or overtures, but it may also take the form of other harassing conduct not necessarily sexual in nature. For example, this would include gender stereotyping such as comments about the lesser abilities, capacities, or the "proper role" of females. It also includes subjecting a woman or a man to non-sexual harassment solely because of her or his gender. Sexual harassment is prohibited whether the harasser is male or female, and whether the harassment is opposite sex or same-sex harassment.

Complaint Procedure. Any employee who feels he or she has been subject to harassment should report the incident directly to the Human Resources Officer or Township Manager. The employee will be asked to complete a Harassment Complaint Form. Employees, however, are not required to complete the complaint form to initiate a harassment complaint under this policy.

Any individual uncomfortable reporting an incident to the Human Resources Officer and/or Township Manager should feel free to go to any management representative which he or she feels most comfortable to relay the problem. When any management representative learns of a violation of this policy, the management representative shall assist the victim in reporting the alleged incident(s) of harassment.

All employees should notify the alleged harasser that the behavior in question is thought to be offensive and unwelcome. However, failure to inform the alleged harasser that the behavior is unwelcome does not prevent the victim from filing a complaint pursuant to this policy. The harassment or discrimination does not have to occur on the Employer’s property during regular work hours for an employee to file a complaint under this policy.

The Employer strongly encourages employees who witness conduct which they believe violates the Employer’s Policy Against Harassment to report the violation pursuant to this complaint procedure. The Employer encourages the prompt reporting of complaints so that rapid response and appropriate action may be taken. Any complaint should be reported within sixty (60) days to be considered current. Nevertheless, due to the sensitive nature of these problems, all complaints will be investigated, regardless of when they are filed.

Employees should be further aware that there are no “off the record” complaints about harassment or discrimination. All complaints however made will be thoroughly investigated.

Investigation Procedure. The Employer will conduct an investigation into the harassment complaint to determine the merits of the allegations. The Human Resources Officer and/or Township Manager will either investigate the complaint or designate an objective investigator to determine the validity of any complaint. The objective investigator may include any third party deemed appropriate.

The investigation shall be completed in a reasonable time to resolve the issue and minimize the effects of such investigation on the parties involved.

If the Employer determines that the complaint has merit, the accused shall face appropriate disciplinary action based upon the severity of the complaint and any prior history of past charges against the individual. Disciplinary action may include a written warning, suspension, demotion, and/or termination of employment. Any disciplinary action shall be consistent with applicable collective negotiations agreements and applicable due process safeguards. Upon completion of the investigation, the entire file shall be maintained in a secure location with the Employer.

In the event that the Employer determines the complaint to be intentionally dishonest or filed in bad faith, appropriate disciplinary action may be taken against the employee who caused the complaint to be filed.

Privacy. To the extent possible, all persons involved in a harassment complaint will be given the utmost protection of privacy. Specifically, the Employer will strive, both during and after the investigation, to maintain confidentiality to the fullest extent possible, including confidentiality of the identities of all persons involved or alleged to be involved in the incident, revealing only those particulars of the matter to the extent necessary for a thorough investigation. Any employee who unnecessarily compromises the confidentiality of an investigation will be subject to appropriate discipline.

Responsibility of Supervisory Personnel. Supervisors are to monitor the work environment to ensure that all subordinates comply with this Policy Against Harassment. When a supervisor learns of a violation of this policy, the supervisor shall assist the victim in reporting the alleged incident(s) of harassment.

Alternatively, the supervisor shall report the matter to the designated Human Resources Officer and/or Township Manager for resolution.

Retaliation Prohibited. The Employer encourages victims of harassment to bring their complaints to management by ensuring that no reprisals or retaliation will result from the good faith reporting of harassment. The filing of a complaint, in good faith, shall not, under any circumstances provide cause for discipline. Additionally, it is a violation of this policy for any personnel to retaliate against another because he or she filed a complaint or otherwise participated in the complaint or investigation procedure.

Any supervisor who receives a harassment complaint from any employee must bring it to the attention of the Human Resources Officer and/or Township Manager for resolution. In this regard, there are no “off the record” complaints. Supervisors shall closely monitor the work environment for any forms of retaliation once an allegation has been made. This will include but not be limited to verbal remarks, irregular assignments or any other activity that may contribute to a hostile work environment.

Legal Effect. This Policy Against Harassment is to be construed as a unilateral expression of the policy of the Employer concerning harassment in the workplace. It is not intended to create any contractual rights or duties and any such intention or effect is hereby disclaimed. This policy may be amended, supplemented, modified and/or revised at any time. Any employee with questions regarding the Employer's Policy Against Harassment should contact the Human Resources Officer and/or Township Manager.

Training.The Employer recognizes the need to reinforce its policies with effective training. Training is to be provided to all supervisory and non-supervisory employees. Ultimately, the goal of effective training is to build a culture in which all employees feel safe. Training may be conducted in person or through electronic means.

Monitor for Compliance.The Employer acknowledges the importance of ensuring that employers’ policies and procedures are actually working as intended to prevent sexual harassment and other forms of discrimination from occurring in the workplace. It is the expectation of the Employer that all supervisors shall enforce anti-harassment policies and that setting the proper example is part of their job description and part of the evaluation of their job performance.

# WhistleblowING

As a matter of policy, the Employer abides by all federal, state, and local laws, rules, and regulations applicable to its operations and requires all its employees do the same. Every employee is responsible for assisting the Employer to implement this policy.

In the ordinary course, a violation of this policy should be reported to an employee's Department Head in writing, signed by the employee. If that is not practical or if that action is taken but does not prevent or correct the perceived violations, the employee is to deliver a written statement, signed and dated to the designated Human Resources Officer. The written statement should detail the specific information the employee possesses so that the Employer may undertake an investigation.

The Employer or any of its employees will not retaliate against any employee who makes a good faith report pursuant to this policy, even if an investigation reveals that no violation occurred. More specifically, neither the Employer nor any of its employees will take any retaliatory action or tolerate any reprisal against an employee who:

Discloses, or threatens to disclose, to a supervisor or to a public body an activity, policy or practice of the Employer or another employer that the employee reasonably believes is in violation of a law, or a rule or regulation issued under the law, or, in the case of an employee who is a licensed or certified health care professional, reasonably believes constitutes improper quality of patient care;

Provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any violation of law, or a rule or regulation issued under the law by the Employer or another employer, with whom there is a business relationship, or, in the case of an employee who is a licensed or certified health care professional, provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into quality of patient care;

Provides information involving deception of, or misrepresentation to any member of the public, vendor, employee, former employee, retiree or pensioner of the employer or any government entity;

Provides information regarding any perceived criminal or fraudulent activity, policy or practice of deception or misrepresentation which the employee reasonably believes may defraud any member of the public, vendor employee, former employee, retiree or pensioner of the Employer or any governmental entity; or

Objects to, or refuses to participate in, any activity, policy or practice which the employee reasonably believes: (1) is in violation of a law, or a rule or regulation issued under the law or, if the employee is a licensed or certified health care professional, constitutes improper quality of patient care; (2) is fraudulent or criminal; or (3) is incompatible with a clear mandate of public policy concerning the public health, safety or welfare or protection of the environment.

Disclosure to the Employer first, however, is not required where (1) the employee is reasonably certain that the violation is known to one or more officials; (2) where the employee reasonably fears physical harm; or (3) the situation is emergent in nature. The employee must give the Employer a reasonable opportunity to correct the activity, policy or practice. It is the Employer's responsibility to correct or prevent such violations. This is a legal obligation and a practical necessity.

This policy is important to how the Employer conducts its operations. Consequently, each employee should, if possible, seek to resolve any problem through Employer channels before reporting such to any outside person or entity.

# retaliation

Employees should be aware that no retaliation whatsoever will be permitted against anyone who files a complaint in good faith regarding an incident of alleged harassment or discrimination, the violation of any law, rule or regulation, or who assists in the investigation thereof. Any employee who is found to have committed a retaliatory act against a person who has filed a complaint under any of the Employer’s Fair Employment Practices shall be subject to appropriate discipline up to an including termination of employment.

 After the matter is concluded, and if a determination is made that harassment or discrimination has occurred, in addition to imposing the appropriate discipline on the actor involved, the Employer will follow up with the person who was subject to the harassment or discrimination to determine whether the conduct at issue has ended, and to ensure that there has been no new occurrence of harassment or discrimination by the original actor, or by anyone else in retaliation for the complaint made.

# Section Two: Employee Benefits

# Compensation

The Employer will pay its employees in accordance with the provisions of applicable collective negotiations agreements, ordinances, and in compliance with the Fair Labor Standards Act (“FLSA”) and the New Jersey Wage and Hour Law.

Employees are paid every other Thursday. There are either 26 or 27 pay periods per year. If a pay day falls on a holiday, the pay day shall be the last working day before the holiday. All employees shall be paid by way of Direct Deposit, with the HR Coordinator withholding all applicable deductions.

All employees are required to punch in and out, including for meal breaks using the timeclock or software provided by the Township. All time off requests shall be submitted through the designated timekeeping system.

Unless otherwise specified by collective negotiations agreement, the Employer pay period begins on a Monday, and ends on a Sunday, two weeks later. Paychecks are typically issued on the Thursday after the pay period concludes. Employees must enroll in Direct Deposit

Employees are not entitled to retroactive pay increases if an employee separates employment, voluntarily or involuntarily, from the employ of the Employer prior to the retroactive payment, unless otherwise stated in the applicable collective negotiations agreement.

# Overtime

The Employer complies with all applicable federal and state laws with regard to payment of overtime work, including the New Jersey Wage and Hour Law and the federal Fair Labor Standards Act.

Under the Fair Labor Standards Act, certain employees in managerial, supervisory, administrative, computer or professional positions are exempt from the provisions of the Act. There are also employees who may be exempt because their compensation exceeds $151,164 per year (eff. 01/01/2025 per 29 C.F.R. Sec. 541.601) depending upon their job duties. The Township Manager shall notify all Exempt employees of their status under the Act. Exempt employees are not eligible to receive overtime compensation and are required to work the normal workweek and any additional hours needed to fulfill their responsibilities. Time off consideration for large amounts of additional hours may be provided with the Township Manager’s prior approval and at the sole discretion of the Township Manager.

Depending on work needs, employees may be required to work overtime. Employees are not permitted to work overtime unless the overtime is budgeted and approved by the Department Head and the Township Manager. Employees working overtime without prior approval will be subject to disciplinary action. Employees are not permitted to “punch in” or begin work prior to their scheduled workday unless approved by the Department Head and the Township Manager.

Non-exempt employees scheduled for a normal workweek of less than 40 hours shall be paid at the straight-time rate for all hours worked up to 40 hours. Non-exempt employees are paid overtime at the rate of one and one-half times the regular rate of pay for all hours worked over forty (40) in a workweek. Employees may choose overtime compensation in the form of overtime pay or compensatory time off. The maximum number of hours that an employee may accrue for future compensatory time off is 40 hours. Once this maximum has been accumulated, all additional hours will be compensated by overtime pay.

Accrued and taken compensatory time hours must be noted on the employee’s time sheet. Previously scheduled vacation time and holiday time are considered time worked for purposes of determining overtime compensation.

EXEMPT EMPLOYEES:

The Township’s policy for granting compensatory time to salaried employees who are not eligible for overtime compensation is thus:

1. Salaried employees shall be entitled to compensatory time at the rate of hour for hour for time worked beyond 40 hours in a workweek. (Note: for 35 hour exempt employees, there is no comp. time for hours worked between 35 to 40.) Salaried employees must notify their department head or the Township Manager of the need to work more than 40 hours.
2. The maximum amount of compensatory time a salaried employee may accrued and carry:
* 14 hours for salaried employees who are scheduled for a 35 hour workweek;
* 16 hours for salaried employees who are scheduled for a 40 hour workweek.
1. Salaried employees who wish to use compensatory time in accordance with this policy must scheduled the use of such time on days which will not be unduly disruptive to their department’s operations.

# PAID HOLIDAYS

Regular full time employees are entitled to the following paid holidays:

* New Year’s Day
* Martin Luther King’s Birthday
* President’s Day
* Good Friday
* Memorial Day
* Juneteenth
* Independence Day
* Labor Day
* Columbus Day/ Indigenous Peoples
* Veterans Day
* Thanksgiving Day
* Day after Thanksgiving
* Christmas Day

The Employer reserves the right to change or delete the holidays set forth above.

**This policy is not intended to conflict with the collective negotiations agreement between the Employer and its represented employees. If there is a conflict between this Manual and any collective negotiations agreement, the provisions of the collective negotiations agreement will prevail for represented employees.**

Weekend Holidays. If a paid holiday falls on a Sunday, it will be observed on the following Monday. If a paid holiday falls on a Saturday, it will be observed on the preceding Friday. Employees who work on weekends will observe the holiday in accordance with the terms of their collective negotiations agreement.

Eligibility for Holiday Pay. To qualify for holiday pay, employees must be in pay status the scheduled workday immediately preceding and immediately following the holiday. Any employee who is absent without Employer approval on the day before or the day after a holiday shall not receive holiday pay unless the absence was approved in advance. If a paid holiday occurs while an employee is on approved vacation or sick leave, the employee shall not have that holiday charged as sick or vacation time.

Religious Holidays. Employees who wish to observe religious holidays not designated as a holiday by the Employer may do so without loss of pay by using available personal or vacation days, but only to the extent that the employee has not already used up his or her available personal or vacation days and such time off is scheduled in advance.

Part-time employees shall receive paid holidays in proportion to their regularly scheduled work hours.

# Medical Benefits

PLEASE NOTE: FULL DETAILS OF EMPLOYEE'S HEALTH/MEDICAL AND HOSPITALIZATION PLANS CAN BE FOUND IN THE OFFICIAL PLAN DOCUMENTS. IF THERE IS ANY CONFLICT OR INCONSISTENCY BETWEEN THE INFORMATION IN THE POLICIES AND PROCEDURES MANUAL AND THE OFFICIAL PLAN DOCUMENTS, THE OFFICIAL PLAN DOCUMENTS WILL GOVERN. THE EMPLOYER RESERVES THE RIGHT TO MODIFY, REVOKE, SUSPEND, TERMINATE OR CHANGE ANY OR ALL SUCH PLANS, IN WHOLE OR IN PART, AT ANY TIME WITH OR WITHOUT NOTICE IN ACCORDANCE WITH APPLICABLE LAW. THE EMPLOYER ALSO RESERVES THE RIGHT TO CHANGE THIRD PARTY-ADMINISTRATORS AND/OR INSURANCE CARRIERS IN ACCORDANCE WITH APPLICABLE LAW.

Full time regular employees and their immediate family members including civil union partners, are provided health insurance coverage through an employer-sponsored health benefits program beginning sixty (60) days after their hire date. Part-time and full-time temporary or seasonal employees are not entitled to medical insurance benefits.

Failure to complete all necessary paperwork in accordance with the time frames established by the Employer will result in a delay of coverage. Additionally, failure to enroll dependents or to make other changes or corrections in coverage may jeopardize available benefits. All employees must promptly notify the Employer of any change in status (i.e., marriage, divorce, birth, adoption, death) within the time frame designated in the health benefit plan that outlines employer-provided coverage. The Employer reserves the right to conduct a coverage audit to verify proper coverage for employees and eligible dependents. Benefit levels for non-unionized employees are subject to change at the discretion of the Township.

Dependent Defined. The Employer defines “dependent” as used in this policy as it is defined under the Employer’s self-insured health benefits plan. Generally, “dependent” means an employee’s spouse (residing in the same household) and/or the employee’s unmarried children under the age of twenty-six (26) years.

“Children” includes stepchildren, legally adopted children and foster children provided that they are reported for coverage and are wholly dependent upon the employee for support and maintenance. A spouse or child enlisting or inducted into military service shall not be considered a dependent during the military service.

Medical/Hospitalization Coverage. The Employer provides major medical and hospitalization coverage for eligible, full-time employees. The Employer may provide major medical and hospitalization coverage for the employee’s eligible dependents.

Full-time employees working on average thirty (30) hours per week or more and, if applicable, their eligible dependents become eligible to participate in the Employer’s major medical and hospitalization plan in accordance with current health plan documents.

Prescription Drug Coverage. The Employer provides prescription drug coverage for the employee. The Employer may provide prescription drug coverage for the employee’s eligible dependents.

Employees will be responsible to pay a co-pay on prescriptions. Full-time employees and their eligible dependents become eligible to participate in the Employer’s prescription coverage plan in accordance with current plan documents.

Dental Coverage.

Full-time employees and, if applicable, their eligible dependents become eligible to participate in the Employer’s dental plan in accordance with the current plan documents. All full-time employees shall be eligible for enrollment in the Employer's dental plan in accordance with the specific requirements of the dental plan maintained by the Employer.

The Employer provides dental insurance for the employee. Employees represented by employee organizations receive dental coverage in accordance with applicable collective negotiations agreements, while non-represented employees are entitled to dental coverage in accordance with the Employee Handbook. The Employer may provide dental coverage for the employee’s eligible dependents.

Payments of such premiums/ premium equivalents by the Employer will terminate upon the employee's separation from service. Upon separation, the employee may, if eligible, purchase continuation health benefit coverage to the extent, and for the period, provided by federal law (e.g., “COBRA” coverage).

Retiree Health Coverage.

Unless otherwise stated in a collective negotiations agreement or the Employee Handbook, the Employer provides post-retirement health benefits and prescription benefits for single-only coverage, provided the employee qualifies for and has retired through the New Jersey Division of Pensions and Benefits under the Police and Fireman’s Retirement System (“PFRS”) or the Public Employees Retirement System (“PERS”) and meets at least one of the following requirements:

(a) Retirement on a disability pension (police only); or

(b) Retirement with twenty-five (25) years or more of service credit in a state or locally-administered retirement system and a period of service with the Employer as stated in the Employee Handbook or an applicable collective negotiations agreement.

The Employer reserves its right to change eligibility requirements for retiree health benefits at any time in accordance with legal requirements.

Where the pension system will deduct the retiree’s required health benefits contribution by withholding such amount from his or her monthly retirement allowance (subject to periodic cost-of-living adjustments), such deductions, when remitted to the Township or credited to the retiree’s account shall be deemed received. Where the pension system does not deduct the retiree’s required health benefits contribution from his or her monthly retirement allowance, the retiree must make direct payments to the Township when required to do so. Continuation of health benefits coverage is contingent upon the retiree making timely payments. Failure to remit full payment to the Township for the required health benefits contribution within 30 days of the date due will result in termination of coverage without further notice to the retiree.

Continuation Coverage. An employee and his/her family, if covered by the Employer’s group health care plan, shall have the right to temporarily continue their coverage due under the plan, paying the group rate themselves, should they lose coverage due to the death of the enrolled employee or termination for reasons other than gross misconduct on the employee’s part, pursuant to the federal Consolidated Omnibus Budget Reconciliation Act (COBRA). For additional information, forms and premium rates, contact the Human Resources Officer.

# HIPAA Compliance

The Employer is committed to upholding both the letter and the spirit of the Health Insurance Portability and Accountability Act (“HIPAA”) regarding the use, maintenance, transfer, and disposition of personal health care information. To the extent that the Employer maintains such information about its employees and others, its elected officials and employees are committed to protecting the privacy and confidentiality of that information.

# Workers Compensation

Employees who suffer job-related injuries and illnesses may be entitled to medical expenses, lost income and other compensation under the New Jersey Workers’ Compensation Act. Any occupational injury or illness must be immediately reported to the supervisor or Department Head. All required medical treatment must be performed by a workers’ compensation physician appointed by the Employer or Workers Compensation carrier.

Supervisors must ensure that the injured worker has transportation to Urgent Care or Emergency Room at the time of the injury, if the injury precludes the employee’s ability to safely operate a motor vehicle. For severe injuries, a supervisor should call Township EMS for an ambulance.

As soon as practical but no later than 48 hours after the incident causing the injury, the supervisor or Department head and injured worker shall complete the necessary investigation and incident reports and submit same to the Township claims coordinator. Even where no medical attention appears necessary, the injured worker and supervisor should complete and submit the necessary reports to the Township Claims Coordinator.

Any follow up appointments will be scheduled by the claims adjuster, nurse case manager or Township claims coordinator. Where the employee is able to continue working, whether his/her normal job or on light duty, appointments ordinarily will be scheduled for non-working hours, subject to the availability of the medical provider. If it is necessary to schedule appointments during regular working hours, the appointments should be scheduled at the beginning or end of the employee’s regular workday. No employee may schedule an appointment without approval from the claims adjustor, nurse case manager or Township claims coordinator.

Employees are expected to attended scheduled appointments. Should an employee need to cancel or reschedule an appointment, he or she should promptly call the claims adjustor, nurse case manager or Township claims coordinator. Late cancellations or failure to show for scheduled appointments may result in a cancellation fee for the employee.

Employees are expected to follow the directions issued by the medical provider. Any restrictions or limitations imposed by a physician in relation to a Workers Compensation injury apply to all activities – both inside and outside of work. Notwithstanding, injured workers who hold secondary employment may continue to work a second job if expressly cleared to do so by the Workers Compensation treating physician. Failure to disclose secondary employment to the physician is grounds for terminating Workers Compensation benefits.

Payment for unauthorized medical treatment may not be covered. No Workers Compensation Temporary Disability Benefits (indemnity payments) other than the payment of medical bills shall be issued until an injured worker has been disabled for a period of seven (7) calendar days from the work-related injury.

While receiving workers’ compensation benefits, the pension portion of an employee’s benefits will still be paid by the Employer. If, however, an employee is receiving workers’ compensation with pay, (which is the differential between the Workers Compensation Temporary Disability Benefits and the employee’s regular pay) the employee is responsible for all deductions, including pension.

The Employer will not tolerate retaliation or discrimination against an individual because the individual has filed a claim for workers' compensation benefits. This prohibition includes denying or limiting any request for leave because an individual asserted a claim for workers' compensation benefits.

Workers’ Compensation Light Duty Policy. The Employer will endeavor to bring employees with temporary work-related injuries or illnesses back on the job as soon as possible. The Employer may recognize a special obligation arising out of the employment relationship and create a temporary light duty position for an employee when s/he has been injured while performing work for the Employer and, as a consequence, is unable to perform his/her full regular job duties.

The Employer will not treat an employee with a disability less favorably than an individual without a disability or screen out an individual on the basis of disability in granting such requests for light duty. The Employer will grant such request, at its sole discretion, and on a case-by case basis in consideration of the medical report submitted by the workers’ compensation physician, the recommendation of the insuring entity, and its staffing needs and requirements. The Employer reserves the right to grant, refuse or terminate a light duty assignment at any time without cause unless it is in conflict with the mandates of the ADA, FMLA, or NJFLA or other State or federal leave laws, where applicable.

The employee and/or the Third Party Administrator (“TPA”) are obligated to inform the Employer of the employee’s medical progress and the Employer shall have the right to review same periodically. Light duty assignments may be in any department and not just the employee’s normal department. Employees on light duty will receive their regular salaries. If light duty is approved, the employee or TPA must keep the Township Manager and/or Human Resources Officer informed of the medical progress. If, at the end of light duty period the employee is not able to return to work without restrictions, the employee should contact the Township Manager and/or Human Resources Officer to discuss his or her options under State or federal law.

Employees may not refuse Light Duty or Transitional Duty assignments that are recommended by a Workers Compensation treating physician.

This policy does not affect an employee’s rights under the Americans with Disabilities Act, the Family and Medical Leave Act, the Fair Labor Standards Act, the Contagious or Life Threatening Illnesses Policy, or other Federal or State law.

# Transitional Duty

**1. Purpose**: To establish guidelines and procedures for transitional duty work assignments to employees who are recovering and recuperating from a work-related injury or illness, with temporary physical work restrictions or limitations, as diagnosed by a treating physician. Transitional duty assignments are temporary in nature.

**2. Policy and Benefits**: According to medical experts, unnecessary, prolonged work absence can cause significant harm to a worker's well-being. By allowing a more accelerated return to work and more significant support during recovery, transitional duty programs can help employees reduce the disruption that injuries or illness cause in their daily lives, leading to better recovery. Transitional Duty programs offer time-limited, modified and meaningful work assignments to employees who, due to an on-the-job injury or illness, have been rendered temporarily incapable of meeting the physical demands of their usual duties. Job assignments are temporarily modified to accommodate the physical limitations imposed by injury or illness, as determined by medical professionals involved in the care of the worker.

The Employer is committed to providing opportunities for employees who have been injured on the job to return to the workforce as soon as possible. The Employer views the Transitional Duty Program as a partnership with the employees who have been injured, with the objective of enhancing the recovery of employees to facilitate their return to work in their previous position as soon as practical.

The Employer will evaluate transitional duty assignments on a case by case basis.

**3. Definitions:**

**Functional Capacity Evaluation (FCE):** A series of tests used to evaluate an injured employee's work-related physical abilities. A functional capacity evaluation is designed to be safe and to provide impartial information about an injury or illness. The tests in an FCE are performed by an evaluator certified to conduct these examinations.

**Injured Worker (IW):** An employee (including persons on probationary, regular, casual or temporary status) of the Employer who, due to an on the job injury or illness, has been rendered temporarily incapable of meeting the physical demands of their regular job duties.

**Maximum Medical Improvement (MMI):** The point at which a Treating Physician determines that (1) the condition resulting from the injury or illness is stable, (2) additional medical treatment or physical therapy will not improve the patient's condition, or (3) the patient has reached the medical plateau of recovery.

**Meaningful Work:** Work assigned under the transitional duty program which in the judgment of the Employer, has a serious, meaningful or useful quality and purpose. A written description of the work to be performed and the expected outcome shall be provided to each employee assigned meaningful work.

**Nurse Case Manager (NCM):** The medical professional assigned to each worker's compensation case who, along with the Treating Physician, works with the employee and the Employer in directing the care of the injured employee.

**Transitional Duty Assignment:** A temporary work assignment that does not exceed an employee's medical work restrictions during a period of recovery from a work-related injury or illness. A transitional duty assignment does not evolve at any time into a regular position, and the injured employee is returned to work on a regular full-time basis as soon as possible.

**Transitional Duty Program Coordinator (TDC):** An employee of the Employer who has been duly assigned the responsibility of managing and directing the Transitional Duty Program by the Township Manager or governing body of the Employer.

**Treating Physician (TP):** The authorized medical professional assigned to each worker's compensation case by the Employer’s workers compensation claims administrator who, along with the Nurse Case Manager, works with the employee and the Employer in directing the care of the injured employee. The Treating Physician is ultimately responsible for recommending an injured employee's ability to return to work under the transitional duty policy, and what limitations should be imposed.

**4. Transitional Duty Program Guidelines:**

The Employer has established the following guidelines for the Transitional Duty Program:

1. Transitional Duty assignments are temporary in nature, and made at the sole discretion of the Township Manager or Human Resources Officer.
2. In order for transitional duty to be offered to an employee, the employee must be qualified to perform the transitional duty assignment. If the employee is not qualified to perform the assignment (or cannot be trained by the Employer to perform the assignment), the transitional duty assignment may be refused by the Employer.
3. Transitional Duty is **temporary**, usually lasting no more than 60 calendar days. This time frame may be extended at the sole discretion of the Township Manager or Human Resources Officer.
4. All employees who are receiving Workers’ Compensation indemnity payments and working Transitional Duty assignments must follow the restrictions imposed by the Treating Physician (TP) while engaging in all activities.
5. Refusal of a transitional duty assignment may adversely affect the employee's worker's compensation temporary disability benefits.
6. As long as the assignment involves "meaningful work" (as defined herein), and it falls within the physical restrictions established by the medical professionals, an employee may be assigned transitional duty work in ANY department of the Employer.
7. Employees shall follow the policy of the Employer regarding time off to attend medical appointments and physical therapy sessions which have been scheduled by the Nurse Case Manager. However, the employee is responsible for notifying the Employer when they are unable to report to their transitional duty assignment due to a scheduled medical appointment.
8. Transitional duty assignments are not guaranteed. Each assignment is reviewed on a case by case basis in accordance with the procedure set forth herein.
9. The Employer reserves the right at any time to request a functional capacity evaluation (FCE) of the injured employee to determine their fitness for assignment.
10. Employees will be paid in accordance with applicable policies, salary ordinances, and collective negotiations agreements while on Transitional Duty. Employees participating in Transitional Duty assignments shall receive the full salary as long as they are working a full work day. All overtime assignments must be approved in advance by the Department head, and must be in accordance with the transitional duty assignment and limitations set forth by the Treating Physician.
11. The employee's time card or work hours shall be maintained by the department to which the employee is regularly assigned.

**5. Transitional Duty Program Procedure:**

Transitional duty assignments are the collective responsibility of the employer, the Claims Administrator, Treating Physician and Nurse Case Manager. The Transitional Duty Coordinator shall pay particular attention to the following:

* The TDC will make assignments with the goal of returning the employee to full duty as soon as possible. This may require the adjustment or modification of duties in the assignment as the employee's medical condition progresses (or regresses).
* The TDC shall maintain the confidentiality of all medical information related to the transitional duty assignments. Only individuals with an administrative "Need to Know" shall be included in discussions on transitional duty.
* The TDC shall notify the Township Manager and the Claims Administrator if he or she becomes aware that an injured employee may have permanent medical restrictions. Permanent restrictions must be treated differently than temporary restrictions, and must be evaluated in accordance with possible implications under the Americans with Disabilities Act (ADA).

The Transitional Duty assignment process is as follows:

1. An initial medical assessment of the injured employee is completed by the Treating Physician in order to determine (1) the work restrictions imposed, and (2) the estimated duration of the recovery period. The results of the written medical assessment are provided to the Nurse Case Manager for review. The Nurse Case Manager will consult the Treating Physician if any clarification is necessary. The Employer will maintain an updated copy of all job descriptions and will forward job descriptions to the Nurse Case Manager for review as part of the assessment process.
2. The NCM will contact the TDC to discuss the results of the initial medical assessment, and whether or not the injured employee is a candidate for a Temporary Duty assignment, and, if so, what Temporary Duty assignments are available. The TDC will consider the employee's skills, knowledge, abilities, risks (if any) to the motoring public or other employees, in addition to the physical limitations set forth by the TP. The following skills may be necessary to participate in a transitional duty assignment:
3. Sit or stand for some tasks
4. Understand and follow directions and procedures
5. Accept direction and function cooperatively
6. Communicate effectively and coherently using telephone, or when initiating or responding to verbal communication
7. Read and understand documents
8. Exercise independent judgment.

If the injured employee is not a candidate for an assignment, the NCM will review the case after each medical appointment with the Treating Physician to determine if the injured worker's status has changed, and if so, the NCM will contact the TDC.

It is extremely important for the TDC to communicate with the NCM regarding the employee's disposition relative to a Temporary Duty assignment.

C. If a work assignment is available, prior to an assignment, the injured worker will meet with the TDC to go over the work assignment, what the expectations are, and any other concerns the injured worker may have. If necessary, the TDC shall arrange for training for the IW. If the IW declines the assignment, he/she will be directed to state the reasons in writing, and the TDC shall notify the IW that failure to accept the TD assignment may adversely affect his/her ability to collect workers compensation temporary disability benefits. If the injured worker's objection is based on a disagreement with the Treating Physician's or Nurse Case Manager's work-related restrictions, the TDC shall discuss the case with the NCM and, if necessary the TP, prior to making a final decision. The decision of the TDC will be final, and shall be communicated to the IW and NCM.

D. The TDC will review ALL assignments in periodic intervals, and, if necessary meet with the injured worker. The NCM shall update the TDC on the employee's medical status after each medical visit. If it appears as if the IW will not be able to return to work after the initial 60 day limit, the TDC will consult with the NCM, and, if necessary, the TP, to determine whether the assignment should be continued until the employee reaches maximum medical improvement (MMI) OR until the employee can return to work to his/her former position without restrictions. The decision of the TDC will be final.

# Section Three: Leaves of Absence

General Rule: employees who have an approved leave and who call in sick the day before or day following a vacation, holiday and/or other scheduled leave or other authorized day of absence, may be required to submit a physician’s statement and may be subject to discipline for absence in conjunction with approved time off or pattern absence, as applicable.

# Vacation Leave

Each employee shall accrue vacation leave as outlined in the Employee Handbook or otherwise stipulated in an employment agreement or collective negotiations agreement. Employees who have completed the probationary period prior to January 1st shall be credited with vacation leave, in advance, on January 1st in anticipation of continued employment. Any employee who separates employment shall have his or her vacation leave pro-rated. If the employee has used more vacation leave than earned, the Township shall make deductions for overdrawn leave from his or her final paycheck and he or she may be required to repay the Township if the final paycheck is insufficient.

Approval of Vacation Leave. An employee’s supervisor must approve the use of vacation time, in advance. While approval of vacation leave shall not be unreasonably withheld, the use of vacation leave shall be subject to staffing levels as solely determined by the supervisor or Department Head. Employees should submit vacation requests as early as possible to ensure adequate staffing. Absent emergent circumstances, a request to use vacation leave submitted less than three (3) days prior to the day(s) off requested shall be granted only at the discretion of the Department Head. No more than two weeks of vacation can be taken continuously without Department Head approval.

Employees shall be permitted to carry a maximum of one (1) year’s accrued vacation leave in addition to the employee’s allotted time for the current year. No employee may carry more than one year’s worth of vacation leave into the next year without written approval of the Employer. Any carried vacation leave that remains unused in excess of one year as of December 31st of any year shall be forfeited.

# Personal LeavE

Each employee shall accrue Personal leave as outlined in the Employee Handbook or otherwise stipulated in an employment agreement or collective negotiations agreement. Employees who have completed the probationary period prior to January 1st shall be credited with Personal leave in advance on January 1st in anticipation of continued employment. Any unused Personal leave shall be forfeited at the end of each calendar year. Personal leave may be used in half or full day increments.

Any employee who separates employment shall have his or her Personal leave pro-rated. If the employee has used more Personal leave than earned, the Township shall make deductions for overdrawn leave from his or her final paycheck and he or she may be required to repay the Township if the final paycheck is insufficient.

# Sick Leave

Regular full time employees shall accrue sick leave as outlined in the Employee Handbook or otherwise stipulated in an employment agreement or collective negotiations agreement. Employees who have completed the probationary period prior to January 1st shall be credited with sick leave in advance on January 1st in anticipation of continued employment.

Any employee who separates employment shall have his or her Sick leave pro-rated. If the employee has used more sick leave than earned, the Township shall make deductions for overdrawn leave from his or her final paycheck and he or she may be required to repay the Township if the final paycheck is insufficient.

Paid sick days shall not accrue during a leave of absence without pay or suspension.

Sick leave credits shall not accrue after an employee has resigned or retired although his or her name is being retained on the payroll until exhaustion of vacation or other compensatory leave. An employee who resigns and returns to service with the Township within one year of resigning shall have his or her sick leave credits restored.

An employee who exhausts all paid sick days in any one year shall not be credited with additional paid sick leave until the beginning of the next calendar year.

Unused sick leave shall accumulate from year to year up to a maximum of 910 hours for 35 hour per week employees or 1040 hours for 40 hour per week employees.

Purposes for which Sick Leave may be used:

Sick leave may be used by employees who are unable to work because of:

**1.** Personal illness or injury;

**2.** Exposure to contagious disease, including COVID-19;

**3.** Care, for a reasonable period of time, of a seriously ill member of the employee's immediate family; or

**4.** Death in the employee's immediate family, for a reasonable period of time.

Sick leave may be used by an employee with a disability for absences related to the acquisition or use of an aid for the disability when the aid is necessary to function on the job. In such cases, reasonable proof may be required by the Employer.

Sick leave should ordinarily not be used for routine doctor’s appointments and dental visits unless the doctor or dentist is not available outside the employee’s normal scheduled work hours. In such case, the sick leave should be submitted and approved in advance of the appointment, inclusive of reasonable travel time. Employees shall only use sick leave for the duration of the appointment and reasonable travel and should use their best efforts to schedule the appointment for the beginning or end of the workday to minimize disruption to their department.

Sick leave prior to or immediately after scheduled time off may be subject to the production of medical documentation verifying the need for such. Employees may be subject to discipline for multiple uses of sick leave in conjunction with scheduled time off.

Provisions related to use of Sick Leave:

An employee needing to use Sick leave shall notify his or her Department Head as soon as practical prior to the start of his or her scheduled workday, consistent with the **Absenteeism and Tardiness** policy herein. The employee must contact the Department Head in accordance with procedures or practices established by the Department Head.

If an employee is absent from work for a period of three consecutive workdays or more than 70 hours (35 hour employees) or 80 hours (40 hour employees) in a calendar year, he or she shall provide a medical certificate to the Department Head. For the consecutive absences, the documentation from the medical provider shall both verify that the employee needed to be absent from work and indicate that the employee is cleared to return to work.

An employee using Sick leave for any purpose other than a prescheduled doctor’s appointment must remain at his or her primary residence for the duration of the their regularly scheduled workday. Should the employee need to leave his/her home to visit a physician or pharmacy, he or she shall notify the Department Head.

**Part-time, temporary and seasonal employees** shall earn sick time in accordance with the New Jersey Paid Sick Leave law at the rate of one (1) hour per 30 hours of work up to a maximum of 40 hours of sick leave in a calendar year and may begin using same after 120 calendar days of employment. Any such unused sick leave may be carried into the succeeding year only. Such leave may be taken for the purposes permitted by the Paid Sick Leave law.

**Employees Covered under a collective negotiations agreement – The employment details set out in this policy work in conjunction with, and do not replace, amend or supplement any terms or conditions of employment stated in any collective negotiations agreement that an employee organization has with the Employer. Wherever employment details in this policy differ from the terms expressed in a collective negotiations agreement with the Employer, the specific terms of the collective negotiations agreement will control.**

# Bereavement Leave

Unless stated otherwise in a collective negotiation’s agreement covering the employee, full-time employees shall be granted up to five (5) consecutive working days of bereavement leave with pay for a death in their immediate family. “Immediate family” means spouse, civil union partner, child, stepchild, foster child, legal ward, grandchild, parents or guardian, step-parents and siblings.

Three consecutive (3) working days of bereavement leave with pay for the death of in-laws, grandparents, and grandchildren.

Employees shall be granted one (1) working day of bereavement leave with pay upon the death of an employee’s aunt, uncle, first cousin, niece or nephew.

In no event shall any part of bereavement leave occur more than fifteen (15) days from the date of death. The Employer may require that the employee produce reasonable proof of death and relationship. Bereavement leave shall not be charged to sick or vacation leave and such leave is not cumulative.

Procedure. To use bereavement leave:

1. Employees who request bereavement leave must notify their Department Head of their intent to take such leave as soon as possible. Unless impracticable, employees should request bereavement leave in writing.

2. The Department Head or his or her designee shall notify the designated Human Resources Officer that an employee is using bereavement leave.

3. Employees who request an extension of bereavement leave beyond the established number of days shall have such extensions, if granted by the Department Head, charged to accumulated unused vacation or sick leave. If an employee has used all of his or her accrued leave time, extended bereavement leave will be considered as a request for a leave of absence without pay.

Family and Medical Leave

In accordance with the federal Family and Medical Leave Act (“FMLA”), the Employer provides eligible employees with up to twelve (12) weeks of unpaid medical and family leave during any twelve (12) month period and up to twenty-six (26) workweeks to care for a Covered Service member. At the conclusion of the leave, subject to some exceptions, an employee generally has a right to return to the same or an equivalent position. The following outlines employees’ rights and obligations under the FMLA and the Employer’s policies implementing the FMLA.

Leave Available. Eligible employees may take up to a total of twelve (12) weeks of unpaid leave during any twelve (12) month period for any one or more of the following reasons:

• The birth, adoption or placement for foster care of the son or daughter of an employee, and to care for such child;

• A serious health condition of a spouse, son, daughter or parent of an employee if the employee is needed to care for such family member; or

• A serious health condition of an employee that makes an employee unable to work. Generally, the incapacity must result in the employee’s inability to work for more than three (3) consecutive days (although there are certain exceptions to this rule);

• Any qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the employee is a member of the Regular Armed forces, National Guard or Reserves on active duty status during the deployment to a foreign country, and or has been notified of an impending call to active duty status as such in support of a contingency operation.

In addition, eligible employees who are either spouse, son, daughter, parent or next of kin of a Covered Service member shall be entitled to a total of twenty-six (26) workweeks of unpaid leave during a single twelve (12) month period to care for the Covered Service member. During this single twelve (12) month period, an eligible employee who qualifies for leave to provide care for the Covered Service member shall be entitled to no more than a combined total of twenty-six (26) workweeks of leave.

Definitions.

“Covered Service member” means a member of the Armed Forces, including a member of the National Guard or Reserves, or a recent veteran who has been discharged, other than dishonorably, within the five years preceding the family member’s initial request for leave, who has a serious injury or illness who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

“Eligible Employee” means an individual who has been employed by the Employer for at least twelve (12) months, has worked at least 1,250 hours during the preceding twelve (12) month period.

“Next of kin” means the nearest blood relative of the individual.

“Qualifying Exigency” covers a number of broad categories of reasons and activities, including short-notice deployment to a foreign country, military events and related activities, child care and school activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, and additional activities agreed to by the employer and the employee.

“Serious Health Condition” means an illness, injury, impairment or physical or mental condition that involves either inpatient care or continuing treatment by a health care provider. It generally includes a period of incapacity due to pregnancy or pregnancy-related medical condition, prenatal care, a chronic health condition, a permanent or long-term health condition, or restorative or preventive treatment.

“Serious Injury or Illness” means an injury or illness incurred by a Covered Service member in the line of duty or on active duty in the Armed Forces, National Guard of Reserves, incurred in the line of duty on active duty or whose pre-existing condition has been aggravated by his/her active duty service, that may render the service member medically unfit to perform the duties of the member’s office, grade, rank or rating.

Eligibility. Any employee who has been employed by the Employer for twelve (12) months or more and worked 1,250 hours or more in the twelve (12) month period preceding the first day of the requested leave may be eligible for an unpaid leave of absence of up to twelve (12) weeks during any twelve (12) month period.

**The twelve (12) month period shall be determined by using a rolling twelve (12) month period that commences with the first day of leave taken.**

Leave to care for a child after birth, adoption, or foster care must conclude within twelve (12) months of the child's birth or placement. If both spouses work for the Employer, they may only take a total of twelve (12) weeks between them during the twelve (12) month period in order to care for a child after birth, adoption, or foster care or to care for a parent with a serious health condition and a combined twenty-six (26) weeks in a single twelve (12) month period for military caregiver leave or a combination of military caregiver leave and other FMLA qualifying reasons. Each spouse may be entitled to additional leave for other qualifying reasons under the FMLA, such as the employee’s own illness or for the serious illness of the employee’s child.

Notice. When the leave is foreseeable, at least thirty (30) days’ advance notice to the Employer, in writing, is required. If thirty (30) days’ notice cannot be provided, as much notice as is practical should be provided. Failure to give reasonable notice may delay the availability of the leave.

Certification. Where leave is taken to care for a family member with a serious health condition or because of the employee’s own serious health condition, medical certification is required and periodic recertification may be required. In addition, where the leave is taken because of the employee’s own serious health condition, a certification of fitness to return to work will be required.

The Employer, at its expense, may require an examination by a second healthcare provider designated by the Employer. If the second healthcare provider's opinion conflicts with the original medical certification, the Employer, at its expense, may require a third, mutually agreeable, healthcare provider to conduct an examination and provide a final and binding opinion.

For military exigency leave, an employee may be required to provide certification that the covered military member is a member of the regular Armed Forces, National Guard or Reserves who is on active duty or called to active duty in support of a contingency operation, as well as certification from the employee about the nature and details of the specific exigency, the amount of leave needed, and the employee’s relationship to the military member. For military caregiver leave, the employee may be required to provide information from the health care provider and employee and/or Covered Service member to support such leave.

**Absent unusual circumstances, medical certifications must be provided within fifteen (15) days.** **The Employer may also require periodic updated certifications and/or status reports from employees concerning their intended return date.**

Failure to provide requested documentation may result in denial of leave. The Employer may attempt to clarify or authenticate the certification or may require additional certifications to support the need for leave. When leave is taken to care for a family member, the Employer may require the employee to provide documentation or a statement of family relationship (e.g., birth certificate or court document) and proof of the need to care for the family member.

Utilization of Paid Leave. Generally, FMLA leave is unpaid. However, depending upon the circumstances, employees may be entitled to receive short-term disability, workers’ compensation benefits, paid family leave benefits, or other state-sponsored wage replacement benefits which pay a portion of normal compensation. These benefits will run concurrently with the employee’s unpaid leave. An employee who is eligible for these benefits may also choose to use accumulated paid leave during their approved unpaid leave. Employees may not receive more than 100% of salary at any time.

Coordination with other Leave Policies. The period of time attributable to the employee’s absence due to any workers’ compensation, disability, or sick leave, will be counted against available leave under this policy to the extent permitted by law. In the event that additional family, medical or sick leave is available pursuant to state laws, this leave will also run concurrently with FMLA leave to the extent permitted by law. FMLA leave, if granted, shall run concurrently with any sick leave available to the employee.

Intermittent Leave. When medically necessary, leave taken because of a serious health condition of an employee or family member or to care for a Covered Service member may be taken on an intermittent or reduced work schedule basis. The employee and employer shall attempt to work out a schedule for such leave that meets the employee's needs without unduly disrupting the employer's operations. The Employer may require an employee taking intermittent or reduced work schedule leave to transfer temporarily to an alternative position with equivalent pay and benefits that is better suited to the leave schedule and may also require the employee to provide periodic certifications of the necessity of continued intermittent leave.

Employment and Benefits Protection. During the leave, health benefits will continue for up to twelve (12) weeks in each rolling twelve (12) month period under the same conditions as if the employee continued to work. Employees must, however, pay the same amount for any benefits continued as they do prior to the leave. Other benefits, if any, will continue during the leave under the same conditions as if the employee continued to work.

If paid leave is substituted for unpaid FMLA leave, the Employer will deduct the employee’s portion of the health plan premium as a regular payroll deduction. If the employee’s FMLA leave is unpaid, the employee must pay his/her portion of the premium in accordance with a payment method that is devised and mutually agreed upon between the employee and the Employer.

Employees should consult with their Department Head and the Human Resources Officer prior to taking an approved leave. If an employee fails to return to work after the FMLA leave expires for any reason except for circumstances beyond his or her control, the employee must pay back all unpaid health benefits premiums. With regard to the employee’s contribution portion of his/her health benefits pursuant to the schedule as provided for in Chapter 78, P.L 2011 and any voluntary supplemental benefits that the employee may have, the employee is solely responsible for making payment arrangements with the Employer or for any voluntary benefits, with the respective insurance company. Healthcare coverage may cease if premium payment is more than thirty (30) days late. With regard to any pension contribution for periods of unpaid leave, employees must contact the Human Resources Officer to make payment arrangements concerning contributions toward pension benefits if the employee is seeking credit for the period of his or her unpaid absence.

Before returning to work following a medical leave (except for intermittent or reduced schedule leave) due to the employee’s own serious health condition, the employee will be required to present a fitness for duty certification from his/her health care provider that he/she is medically able to resume work which must also certify that the provider is familiar with the employee’s job functions. If the date on which the employee is scheduled to return to work from FMLA leave changes, the employee is required to give notice of the change, if foreseeable, to the Employer within two (2) business days of the change.

Subject to some exceptions, most employees will be returned to the position they left or to a position equivalent in pay, benefits and other terms of employment. Individuals identified as “key employees” (the highest paid 10% of salaried employees) at the beginning of their leave may not be returned to their former or equivalent position if restoration will cause substantial economic injury to the Employer. Employees will be informed of their key employee status at the beginning of the leave period.

A failure to return from FMLA leave for reasons other than the employee’s own serious health condition may result in termination of employment on the basis of job abandonment. In the event that an employee cannot return to work at the end of FMLA leave due to a continuation of his/her own serious health condition, he/she must contact the Employer before the expiration of the leave to discuss the options under State and federal law. State leave laws may provide additional leave similar to that provided under the FMLA. The Employer will comply with these State law provisions to the extent they provide for more generous benefits. State leave law benefits will run concurrently with FMLA benefits to the extent permitted by law.

Employees are expected to follow the directions issued by their medical provider. Any restrictions or limitations imposed by a physician in relation to an FMLA personal illness injury apply to all activities – both inside and outside of work. Notwithstanding, injured workers who hold secondary employment may continue to work a second job if expressly cleared to do so by their treating physician and shall provide such authorization to the Township.

Family Temporary Disability. During a period of unpaid leave to care for a family member with a serious health condition or a newborn or adopted child or child placed into foster care with the employee, the employee may be eligible for up to twelve (12) weeks of Family Leave Insurance (“FLI”) payments through the State in a twelve (12) month period. FLI is a monetary benefit paid by the State and not a separate leave entitlement, and will thus run concurrently with FMLA and/or NJFLA leaves.

# New Jersey Family Leave

The Employer provides eligible employees with up to twelve (12) weeks of unpaid, job-protected leave for specified family reasons under the New Jersey Family Leave Act (NJFLA).

Eligible Employees. To be eligible for NJFLA leave, an employee must have worked at least twelve (12) months for the Employer and have worked at least 1,000 hours for the Employer over the previous twelve (12) months.

Qualifying Reasons for Leave. An employee may take NJFLA leave to care for:

• A newly born or adopted child or a child placed into foster care with the employee, but the leave must start within twelve (12) months of the birth of the child or the placement of the child.

• A family member (sibling, grandparent, grandchild, child, spouse, domestic partner, civil union partner, parent-in-law, or parent of a covered individual, or any other individual related by blood to the employee, and any other individual that the employee shows to have aclose association with the employee which is the equivalent of a family relationship) with a serious health condition, including COVID-19.

Leave taken for reasons above must be consecutive and must begin by the end of the twelve (12) month period after the birth or placement for adoption or foster care.

Leave Benefits. An employee may take up to a maximum of twelve (12) weeks of NJFLA leave in a twenty-four (24) month period, which is measured as a rolling twenty-four (24) month period that commences with the first day of NJFLA leave taken.

An employee may take NJFLA leave to care for a seriously ill family member:

• As a single block of time.

• By reducing one’s normal weekly [but not daily] work schedule for no more than twenty-four (24) consecutive weeks in a twenty-four (24) month period.

• Intermittently in increments lasting at least one week, but less than twelve (12) weeks in a consecutive twelve (12) month period, when medically necessary.

Employees permitted to take intermittent or reduced-schedule leave must try to schedule their leave so that it will not unduly disrupt the Employer’s operations. The total time within which an intermittent leave is taken may not exceed a twelve (12) month period, if such leave is taken in connection with a single serious health condition.

Intermittent leaves taken in connection with more than one serious health condition episode must be taken within a consecutive twenty-four (24) month period, or until such time as the employee's twelve (12) week family leave entitlement is exhausted, whichever is shorter. An employee taking a family leave on a reduced leave schedule shall not be entitled to such leave for more than a consecutive twenty-four (24) week period. An eligible employee shall be entitled to only one leave on a reduced leave schedule during any consecutive twenty-four (24) month period. Any remaining family leave to which the employee is entitled subsequent to the expiration of a leave taken on a reduced leave schedule may be taken on a consecutive or intermittent basis.

Depending on the purpose of the employee’s leave, the employee may choose to use accrued paid leave, concurrently with some or all of his/her NJFLA leave. The employee will not be eligible to accrue seniority or benefits, including vacation and holidays, during any period of NJFLA leave. The Employer will notify employees of their options to continue to participate in our group health plans during NJFLA leave.

Required Notice and Certifications. When requesting NJFLA leave, an employee must provide the Employer thirty (30) days' advance written notice. If advance written notice is not possible because of an emergency, the employee must provide the Employer with reasonable oral notice and then follow up with written notice.

The employee also must give the Employer a medical certification supporting the need for leave. The Employer reserves the right to require second or third medical opinions and periodic re-certifications. The employee must also provide periodic reports during his/her leave regarding the employee’s status and intent to return to work as deemed appropriate by the Employer. If an employee fails to provide the required documentation, the Employer may delay the start of the employee’s NJFLA leave, withdraw any designation of NJFLA leave or deny the leave, in which case the employee’s absences will be treated in accordance with the Employer's standard leave of absence and attendance policies and the employee may be subject to discipline up to and including termination of employment.

If an employee provides false or misleading information or omits material information about an NJFLA leave, the employee will be subject to discipline up to and including immediate termination of employment.

Benefits Protection. During a family leave of absence, the employee’s health benefits will be maintained under the same conditions as if the employee continued to work up to twelve (12) weeks. If the employee decides to return to work when his/her family leave of absence ends, the employee may be reinstated to the same or equivalent job with the same pay, benefits, and terms and conditions of employment. If the employee decides not to return to work when the family leave of absence ends, the employee may be required to reimburse the Employer for the health benefits premiums paid on his/her behalf during the leave of absence (except if the failure to return to work was caused by the continuation, recurrence, or onset of serious health condition which would entitle the employee to a leave of absence under the law or other circumstances beyond the employee’s control). Employees are entitled to up to 12 weeks of paid medical benefits (less employee premiums) in a twelve (12) month period while on FMLA or NJFLA.

With regard to any pension contributions, the employee must contact the Human Resources Officer to make payment arrangements concerning contributions toward his/her pension benefits if the employee is seeking credit for the period of his or her unpaid absence. Employees should consult with the Employer prior to taking an approved leave.

Returning to Work after NJFLA Leave. On returning to work after NJFLA leave, eligible employees will typically be restored to their original job or to an equivalent job with equivalent pay, benefits and other employment terms and conditions. Any employee who fails to return to work as scheduled after NJFLA leave or exceeds the twelve (12) week NJFLA entitlement will be subject to the Employer's standard leave of absence and attendance policies. This may result in termination if the employee’s continued absence is unauthorized (for example, if the employee has no other Employer-provided leave available to him/her).

Retaliation Prohibited. The Employer and the NJFLA prohibit the interference with, restraint of or denial of any right provided under the NJFLA and/or discharge or discrimination against any person for opposing any practice made unlawful by the NJFLA or for involvement in any proceeding under or relating to the NJFLA. The Employer encourages employees to bring any concerns or complaints about retaliation or compliance with the NJFLA to the attention of the Human Resources Officer.

New Jersey Family Leave Insurance. During a period of unpaid leave to care for a family member with a serious health condition or a newborn or adopted child or child placed into foster care with the employee, the employee may be eligible for up to twelve (12) weeks of Family Leave Insurance (“FLI”) payments through the State in a twelve (12) month period. FLI is a monetary benefit paid by the State and not a separate leave entitlement, and will thus run concurrently with FMLA and/or NJFLA leaves.

An employee’s job is not protected while receiving FLI benefits – unless the employee is eligible for leave under the FMLA, NJFLA, or is otherwise designated for an approved family leave of absence.

Employees must provide the Employer with advance notice of need for leave, as follows:

• At least thirty (30) days before leave to bond with a newborn or newly adopted child, unless the time of the leave is unforeseeable or the time of the leave changes for unforeseeable reasons.

• In a reasonable and practicable manner for leave to care for a seriously ill family member on a continuous, non-intermittent basis, unless an emergency or other unforeseen circumstance precludes advance notice.

• At least fifteen (15) days before leave to care for a seriously ill family member or leave to bond with a newborn or newly adopted child on an intermittent basis unless an emergency or other unforeseen circumstance precludes advance notice.

Special Note about use of FMLA and NJFLA leave: to the extent that the need for leave to care for a seriously ill family member or for bonding with a newborn or adopted child is covered under both laws, leave time will be counted against both sets of entitlements. By way of illustration only, if an employee takes six weeks of leave to care for a seriously ill parent, the employee’s leave will be charged against both his or her FMLA and NJFLA allotments.

# Leave FOR DOMESTIC VIOLENCE (NJ SAFE ACT)

The New Jersey Security and Financial Empowerment Act, N.J.S.A. 34:11C-1, et seq. (NJ SAFE Act), is a law that provides employment protection for victims of domestic or sexual violence.

The NJ SAFE Act allows a maximum of 20 days of unpaid leave in one 12-month period, to be used within 12 months following any act of domestic or sexual violence. To be eligible, the employee must have worked at least 1,000 hours during the 12-month period immediately before the act of domestic or sexual violence. This leave can be taken intermittently in days, but not hours.

Leave under the NJ SAFE Act may be taken by an employee who is a victim of domestic violence, as that term is defined in N.J.S.A. 2C:25-19 and N.J.S.A. 30:4-27.6, respectively. Leave may also be taken by an employee whose child, parent, spouse, domestic partner, civil union partner, or other relationships as defined in applicable statutes is a victim of domestic or sexual violence.

Leave under the NJ SAFE Act may be taken for the purpose of engaging in any of the following activities, for themselves, or a child, parent, spouse, domestic partner, or civil union partner, as they relate to an incident of domestic or sexual violence:

1. Seeking medical attention;
2. Obtaining services from a victim services organization;
3. Obtaining psychological or other counseling;
4. Participating in safety planning, temporarily or permanently relocating, or taking other actions to increase safety;
5. Seeking legal assistance or remedies to ensure health and safety of the victim; or
6. Attending, participating in, or preparing for a criminal or civil court proceeding relating to an incident of domestic or sexual violence.

An employee seeking leave under the NJ SAFE Act shall contact the Human Resources Officer (HRO) or alternate HRO to apply and arrange for such leave. The HRO shall review the Township’s Domestic Violence Policy under Section 5 of this manual and shall request the employee provide the necessary documentation to support the employee’s absence under the NJ SAFE Act.

# Military Service Leave Policy

The Employer provides military leave in accordance with applicable State and federal law. In all cases involving military leave, the employee must, as soon as possible, provide his or her Department Head with a certificate verifying the call to military duty prior to beginning the military leave.

Organized Militia. Any regular or full-time temporary officer or employee, who is a member of the organized reserve of the Army of the United States, United States Naval Reserve, United States Air Force Reserve or United States Marine Corps Reserve, or other affiliated organization, including the National Guard of other states, shall be entitled to a leave of absence without loss of pay or time on all work days on which he or she is engaged in any period of Federal active duty, up to thirty (30) work days in any calendar year. A military leave of absence is in addition to the employees’ regular vacation or other accrued leave.

Any leave of absence for such duty in excess of thirty (30) work days will be without pay but without loss of time. A full-time temporary officer or employee who has served under such temporary appointment for less than one year will receive military leave without pay but without loss of time.

New Jersey Organized Militia. New Jersey’s organized militia consists of the National Guard (Army and Air), the Naval Militia, and the State Guard. Any regular or full-time officer or employee who is a member of the New Jersey organized militia shall be entitled, in addition to pay received, if any, as a member of the organized militia, to a leave of absence without loss of pay or time on all days during which he or she shall be engaged in State or Federal active duty, up to ninety (90) work days in any calendar year.

Any leave of absence for such duty in excess of ninety (90) work days will be without pay but without loss of time. A full-time temporary officer or employee who has served under such temporary appointment for less than one year will receive military leave without pay but without loss of time.

Reinstatement. To be reinstated by the Employer without loss of privileges or seniority, the employee must report for duty with the Employer within the time required by law following release from active duty under honorable circumstances.

In accordance with legal requirement, employees who take military leave are required to:

• Provide the Employer with proper notice of the leave;

• Apply for reinstatement within the time required by law;

• Have a creditable military record including completion of all required training and fulltime service and be discharged under honorable conditions.

Military leave with pay will be granted to an employee in accordance with N.J.A.C. 4A:6-1.11, N.J.S.A. 38:23-1, N.J.S.A. 38A:4-4 and the Uniformed Services Employment and Reemployment Rights Act (“USERRA”).

On return from a military leave of absence, the employee will be reinstated as required by law. See The Uniformed Services Employment and Reemployment Act (“USERRA”). Failure to comply with the requirement enumerated above or as required by law will jeopardize an employee’s reemployment rights.

# Jury Duty / COURT Leave

When an employee is called for jury duty and for the duration of such service, the employee shall be entitled to a temporary leave with pay provided that:

• The employee submits a written request with a copy of the summons to his or her Department Head within three (3) business days after receipt of the summons;

• The employee inquires about the anticipated length of service and informs his or her Department Head of the expected duration in advance of accepting service;

• The employee notifies his or her Department Head as soon as possible if the length of jury duty has been extended beyond the original return date;

• The employee communicates with their Department Head to determine when they will report to work at such time as his or her presence as a juror is not required;

• The employee provides his or her Department Head with an appropriate certification or order from the assignment judge, clerk of the court or such other officer as shall be appropriate setting forth the period of such jury duty service to be submitted with the weekly time sheet; and

• The employee reimburses the Employer for any payments or fees received as a result of such jury service less any meal or travel expenses.

When necessary, the Employer may reassign shift workers to the day shift during jury duty leave.

Employees are expected to promptly return to work upon conclusion of jury duty unless there is less than 60 minutes remaining in the employee’s scheduled workday. Employees excused from jury duty shall immediately report to work.

Leave of Absence to serve as a Witness or for Personal matters. The Employer is aware that employees may be subpoenaed to appear as witnesses in trials before the court. The Employer will provide employees with a paid leave of absence for matters stemming from their employment. For non-work related legal matters, employees must use available personal or vacation leave, or compensatory time if the employee has exhausted personal or vacation leave.

# Section Four: EMPLOYMENT PRACTICES

# Employment References

To ensure that individuals who work for the Employer are well-qualified and have a strong potential to be productive and successful, it is the policy of the Employer to check the employment references of all applicants at the Employer’s discretion.

Employees should not provide information regarding a current or former employee to the public or any agent of any government agency unless specifically authorized to do so by the Township Manager. Any employee, including a Department head, who receives a request for reference information should forward the request to the Human Resources Officer. Generally, unless otherwise required by law, the Employer will only confirm an employee’s name, title, salary or other compensation, dates of service, reason for separation, if applicable, and specific educational or physical qualifications required for employment. The Employer’s response to a request for reference information shall be communicated in writing only. The Employer does not honor oral requests for employment references.

A current or former employee may also authorize the Employer to release additional information. Unless otherwise required by law, the Employer will only release additional information if the current or former employee provides authorization, in writing.

# CLASSIFICATION, PROBATION AND PROMOTION

Classification – Employment with the Township generally falls into two categories: positions authorized or required by New Jersey statutory provisions or positions authorized through the Township Manager under the Township Code. It is the intent of the Employer to have job descriptions for every position within Township government that reasonably encompass the educational and experience requirements for the position along with the general duties or responsibilities.

Employees who complete an initial employment period shall be deemed to be regular employees of the Township.

Probationary Period – All newly hired civilian employees, whether full time or part time, must serve an initial employment period, as well as any employee who transfers to a different department. The probationary period enables the Department Head to evaluate the new employee’s conduct and work performance before regular employment status is achieved. The initial employment period for employees in civilian titles is 90 days which may be extended by the Township Manager for an additional 90 days.

The initial employment period for police officers and firefighters is one year from completing the Police Training Academy or Fire Training Academy which certifies that police or fire recruits are qualified to serve as municipal public safety officers.

**Promotional Opportunities**

For departments that operate through a strict table of command or a structured table of organization, promotional opportunities shall be competitive and open to qualified employees who meet the educational and/or experience qualifications for the higher position. To compete in a promotional opportunity and to be eligible for promotion, an employee must have regular employment status in a lower title and meet the specific qualifications as described in the individual Promotional Announcement.

For Administrative departments, promotional opportunities shall be based upon the needs of the Department or Office as recommended by the Department Head and approved by the Township Manager.

Upon promotion, employees shall be subject to the Probationary Period referenced herein.

# Performance evaluation

The Employer recognizes that an employee job performance evaluation system is the basis for assisting in employee growth and development. To the extent the Employer requires supervisors to conduct performance appraisals, supervisors shall ensure that:

(1) each employee receives feedback on objectives, accomplishments, strengths, and areas for improvement;

(2) each employee receives advice from his or her supervisor on ways to improve performance and has the chance to identify with his or her supervisor areas where greater contribution is possible, or where either feels more development would be beneficial; and

(3) essential information is recorded concerning strengths and weaknesses of all employees in relation to career development, including potential for advancement and suitability for other positions and training.

The performance evaluation provides the vehicle for a dialogue between the employee and the supervisor and ensures shared expectations of the requirements for the employee's job and the employee's performance in the job. Accordingly, the Employer will use a performance review/evaluation system for all employees.

During performance appraisals, for the specific period under review, supervisors will consider, among other criteria:

• Initiative, dependability and effort

• Knowledge of work

• Attitude and willingness

• Quantity and quality of work

• Disciplinary record

• Attendance and tardiness

Copies of employees’ performance evaluations shall be maintained in employees’ personnel files.

# LAYOFFS

Should the Employer need to institute layoff actions for economy, efficiency or other related reasons, it will first consider voluntary alternatives or implement pre-layoff actions to reduce or minimize the need for layoffs. Demotions for economy, efficiency, or other related reasons may also be considered as layoff actions.

If after pursuing voluntary alternatives or implementing pre-layoff actions, it is necessary to conduct layoffs, layoffs shall be initiated based on inverse seniority (e.g., last in, first out). Any layoffs shall be conducted in accordance with the laws of the State of New Jersey

# DISCIPLINE AND TERMINATION

Corrective disciplinary action, as appropriate, will be taken against any employee found to be in violation of established procedures. All disciplinary action shall be based upon total circumstances involving the employee, the employee's relationship with his/her coworkers, the employee's relationship with his/her supervisor, and the best interests of the Employer. Such disciplinary action shall be of a progressive, educational and corrective nature, and shall not be used in an abusive or vindictive manner.

Discipline is considered to be major or minor. Major discipline shall include:

* Removal
* Disciplinary demotion
* Suspension of greater than 35 or 40 hours
* Fine greater than 35 or 40 hours of pay

Minor discipline is a formal written reprimand or a suspension or fine of up to 35 or 40 hours, depending on the employee’s regular workweek.

This policy covers non-union employees. It also covers union employees to the extent that their collective negotiations agreements do not cover this subject matter.

Procedure in Major Disciplinary Actions – Generally, an employee will be served with a "Preliminary Notice of Disciplinary Action" ("PNDA") setting forth the charges against the employee and affording a hearing opportunity at a specified date, time and location. The employee must respond with a request for a hearing within five (5) days of the receipt of PNDA; otherwise, the hearing is waived. After the hearing (or a waiver of a hearing), a decision is made and within twenty (20) days, unless additional time is agreed to by the parties. Written notification to the employee shall be made by issuing a “Final Notice of Disciplinary Action” form.

An immediate suspension may be imposed prior to a hearing when:

1. The employee is unfit for duty or presents a hazard to any person if permitted to remain on the job or the suspension is necessary to maintain safety, health, order or effective direction of public services. However, a PNDA with opportunity for a hearing must be served in person or by certified mail within five (5) days following the immediate suspension; or
2. The employee is suspected/charged with an act of misdemeanor, felony or any form of malicious mischief which leads to arrest and/or incarceration and fails to notify his Department/Division Head or Designated Superior immediately. This failure could result in disciplinary action, up to and including termination; or
3. The employee has been formally charged with a crime of the First, Second or Third Degree, or a crime of the Fourth Degree directly related to the employee's job.

Where a suspension is immediate, and is without pay, the employee must first be apprised either orally or in writing regarding the charges, the reason why an immediate suspension is sought, and a general description of the evidence in support of the charges. The employee will be provided an opportunity to respond to the charges before a representative of the Employer. The response may be oral or in writing.

During the course of employment, employees are responsible for all Employer property, equipment, devices, materials, or written information issued to them or in their possession or control to be used in the course of their employment. Upon separation from employment, or during periods of unpaid suspension related to major disciplinary charges, employees must return all Employer property immediately upon request or upon termination of employment.

# Confidentiality of Personnel Records

The Human Resources Officer will ensure that adequate personnel records are maintained for each employee in accordance with applicable Federal and State requirements. These records shall include: dates of appointments, transfers, promotions and terminations, job titles, salaries, commendations, complaints, performance evaluations, disciplinary actions, amount of leave accrued and used, a record of the employee's training and other related matters, and attendance records.

A new employee's employment application, letters of reference, reference verification and any other supporting documents will be included in the personnel file. Confidential medical records are maintained in a separate file.

Personnel records, other than name, title, salary, compensation, dates of service, reason for separation, and information on specific educational or physical qualifications required for employment are confidential and are available only to the employee, an authorized representative of the employee, and the Human Resources Officer. Personnel records may also be available to the Township Manager, other members of management, the Employer's legal counsel, and members of the governing body on a need-to-know basis in connection with official duties. Additionally, the Employer will make the records available as required by law.

Employees are entitled to review the contents of their personnel folder, except for reference checks and other information provided to the Employer in the hiring process, but may not review the contents of other employees' personnel file. Employees who want to review their own personnel folder should request an appointment with the Human Resources Officer. Employees should provide the Employer with at least twenty-four (24) hours advance notice of his or her need for an appointment to review his or her personnel file. To protect the integrity of the personnel files, the employee will review the personnel file in the presence of the Human Resources Officer or his/her designee. Employees will not be permitted to photocopy the contents of their folder, take personnel folders outside of the Administration office or remove any documents from the folder.

Employees whose duties require access to personnel documents or information must maintain their confidentiality. Violators of this confidentiality will be subject to appropriate disciplinary action.

# State Residency RequirementS

Every employee shall have his/her principal place of residence in the State of New Jersey. New hires shall have one year from the time of taking office, employment or position to satisfy the requirement of principal residency. Failure to satisfy this requirement shall render the employee unqualified for holding office, employment or position with the Employer.

If, however, an employee holds an office, employment, or position with the Employer as of Sept. 1, of 2011 (the effective date of P.L.2011, c.70), but does not have his or her principal residence in this State on that effective date, he/shall will not be subject to the residency requirement while that employee continues to hold office, employment, or position without a break in public service of greater than seven (7) days.

Unless otherwise provided by law, and subject to the provisions of N.J.S.A. 40A:9-1.3 et seq., if applicable, all officers and employees employed by the Township of Medford shall be and remain bona fide residents of the State of New Jersey while employed with the Township.

# Vital Information -- CHANGES

It is the responsibility of each employee to promptly notify the Human Resources Officer, in writing, of any changes of vital information including but not limited to:

 Legal Name

 Address

 Telephone number

 Emergency Contact/ Emergency Contact number

 Marital Status

 Dependent Children (newborns, adopted, foster and changes to their status)

 Change in status of spouse or dependents for health, prescription and dental benefits

 Change in beneficiary for pension or life insurance policies

 Change in tax status for tax withholding purposes

Changes may be accomplished by submitting a written notice to the Human Resources Officer and by completing the necessary insurance and pension forms with the payroll office. When necessary, the payroll office will provide the employee with additional proper forms to change beneficiary, income tax deductions, etc.

# Section FIVE: SAFETY & HEALTH

# Workplace Violence

The Employer has adopted a zero tolerance policy for workplace violence because it recognizes that workplace violence is a national problem that needs to be addressed by all employers. Consistent with this policy, acts or threats of physical violence, including intimidation, harassment, and/or coercion which involve or affect the Employer, its employees, and/or members of the public, or which occur on the Employer’s property, at any work location or in the context of any work activity will not be tolerated.

Threats or Acts of Violence Defined. “Threats or acts of violence” include conduct against persons or property that is sufficiently severe, offensive, or intimidating to alter the employment conditions with the Employer, or to create a hostile, abusive, or intimidating work environment for one or more employees.

Examples of Workplace Violence. General examples of prohibited workplace violence include, but are not limited to, the following:

All threats or acts of violence occurring on Employer property, regardless of the relationship between the Employer and the parties involved in the incident.

All threats or acts of violence not occurring on Employer property but involving someone who is acting in the capacity of a representative of the Employer.

All threats and acts of violence not occurring on Employer property involving an employee of the Employer if the threats or acts of violence affect the legitimate interest of the Employer.

Any threats or acts resulting in the conviction of an employee or agent of the Employer, or of an individual performing services on the Employer’s behalf on a contract or temporary basis, under any criminal code provision relating to threats or acts of violence that adversely affect the legitimate interests and goals of the Employer.

Specific Examples of Prohibited Conduct. Specific examples of conduct which may be considered “threats or acts of violence” prohibited under this policy include, but are not limited to:

Striking, fighting, pushing or pulling an individual or throwing objects;

Threatening to harm an individual or his/her family, friends, associates, or their property;

The intentional destruction or threat of destruction of property owned, operated, or controlled by the Employer;

Making harassing or threatening telephone calls, letters or other forms of written or electronic communications;

Intimidating or attempting to coerce an employee to do wrongful acts that would affect the business interests of the Employer;

Harassing surveillance, also known as “stalking,” the willful, malicious and repeated following of another person (including using any apparatus, such as motorized vehicles) and making a credible threat with intent to place the other person in reasonable fear of his or her safety;

Making a suggestion or otherwise intimating that an act to injure persons or property is “appropriate,” without regard to the location where such suggestion or intimation occurs;

Unauthorized possession or inappropriate use of firearms, weapons, or any other dangerous devices on Employer property.

While employees of the Employer may be required as a condition of their work assignment to possess firearms, weapons or other dangerous devices, or permitted to carry them as authorized by law, employees are to use them only in accordance with departmental operating procedures and all applicable State and federal laws.

Application of Prohibition. The Employer’s prohibition against threats and acts of violence applies to all persons involved in the Employer’s operation, including but not limited to Employer personnel, volunteers, contract and temporary workers, and anyone else on Employer property. Violation of this policy by any individual on Employer property, by any individual acting as a representative of the Employer while not on Employer property, or any individual acting off of the Employer property when his or her actions affect the public interest or the Employer’s business interests will be followed by legal action, as appropriate. Violation by an employee of any provision of this policy may lead to disciplinary action up to and including termination.

Warning Signs, Symptoms and Risk Factors. The following are examples of warning signs, symptoms, and risk factors which MAY indicate an employee’s potential for workplace violence:

Talking about possession of firearms or dropping hints about a knowledge of firearms;

Making intimidating statements or threats like: “You know what happened at the Post Office,” “I’ll get even,” or “You haven’t heard the last from me”;

Possessing reading material with themes of violence, revenge and harassment;

Hard breathing, reddening of complexion, menacing stare, loudness, fast profane speech;

Acting out either verbally or physically;

Being a loner or socially isolated;

Having a romantic obsession with a co-worker who does not share that interest;

History of interpersonal conflict, disgruntled or ex-employee who is excessively bitter;

Intense anger, lack of empathy;

Domestic problems, unstable/dysfunctional family;

Brooding, depressed strange behavior, “time bomb ready to go off.”

Supervisors should be alerted to and aware of these indicators. If an employee exhibits such behavior, the employee should be monitored and such behavior should be documented. Supervisors shall also inform the Human Resources Officer and discuss whether to make a referral to the Employer’s Employee Assistance Program (“EAP”).

Procedures for Dealing with Acts of Workplace Violence. When a violent act occurs in the workplace: If a violent act or altercation constitutes an emergency, employees shall call 9-1-1 or the Township Police Department. In instances that are not emergency situations, employees shall immediately contact their Department Head or the Human Resources Officer. If possible, the supervisor shall separate the parties involved in the violent altercation. If the parties cannot be separated, or if it would be too dangerous for the supervisor to separate the parties, the supervisor shall call 9-1-1 or the Township Police Department, and contact the Department Head or the Human Resources Officer. The Department Head will contact the Human Resources Officer, who will coordinate a response to the incident.

In instances that involve criminal situations, the Human Resources Officer will contact the Township Police Department for assessment, and if necessary, a criminal investigation.

Employee Reporting Obligations and Procedure. Each employee and every person on Employer property is encouraged to report incidents or threats or acts of physical violence of which he or she is aware. In cases where the reporting individual is not an employee, the report should be made to the Township Police Department. In cases where the reporting individual is an employee, the report should be made to the employee’s Department Head or the Human Resources Officer. Each Department Head shall promptly refer any such incident to the Human Resources Officer.

The Employer will promptly and thoroughly investigate all reports of threats of (or actual) violence and/or suspicious individuals or activities. Any individual determined to be responsible for conduct in violation of this policy will be subjected to disciplinary action up to and including termination of employment, and in situations that involve violations of criminal laws, to arrest and/or prosecution.

Nothing in the policy alters any other reporting obligation established in the Employer’s policies or in state, federal or other applicable law.

Confidentiality and Retaliation. This policy prohibits retaliation against any employee who, in good faith, reports a violation of this policy. Every effort to the extent practicable will be made to protect the safety and identity of anyone who comes forward with concerns about a threat or act of violence. Employees shall refer any questions regarding his or her rights and obligations under the policy to the Human Resources Officer.

# CIVILITY

The Employer is committed to ensuring a safe and health working environment for all employees. As such, it is the policy of the Employer that all employees must strive to recognize and respect the dignity and worth of each member of our team. It is therefore the general policy of the Employer that each employee, regardless of status, position, or title, must treat every other individual, irrespective of employment status, position, or title, with dignity and respect. It is a violation of this policy for any individual or group of individuals to engage in the following types of behavior:

1. An action or activity which violates the Employer’s policies on harassment and/or discrimination.
2. Use of foul, abusive, or demeaning language (written or verbal) or obscene gestures directed toward another individual or individuals.
3. Initiating and /or participating in false or malicious rumors about any employee or group of employees.
4. Engaging in any verbal or physical assault that has the intent or effect of causing an apprehension of fear in another or otherwise creates or promotes a hostile or threatening environment.
5. Knowingly or recklessly interfering with any employee in the normal performance of the employee’s assigned duties.
6. Deliberately filing or making a false or malicious complaint under this or any of the Employer’s policies.
7. Engaging in any activity intended to or which interferes with or retaliates against any individual who has filed or made a complaint under any policy, law, rule, or regulation.
8. Any activity or conduct not previously mentioned that has the intent or effect of creating a hostile or intimidating environment for either the workforce or the public and/or which may have the purpose or effect of discrediting the Employer.

The above are not all inclusive, but are examples of the type of conduct that would violate this policy. Rather, any action or conduct that impedes, interferes with, or frustrates the efficiency and productivity of our workforce is strictly prohibited.

# DOMESTIC VIOLENCE

**PURPOSE**

The purpose of the State of New Jersey Domestic Violence Policy for Public Employers (herein "policy") is to set forth a uniform domestic violence policy for all public employers to adopt in accordance with N.J.S.A. 11A:2-6a. The purpose of this policy is also to encourage employees who are victims of domestic violence, and those impacted by domestic violence, to seek assistance from their human resources officers and provide a standard for human resources officers to follow when responding to employees.

**DEFINITIONS**

The following terms are defined solely for the purpose of this policy:

Domestic Violence - Acts or threatened acts, that are used by a perpetrator to gain power and control over a current or former spouse, family member, household member, intimate partner, someone the perpetrator dated, or person with whom the perpetrator shares a child in common or anticipates having a child in common if one of the parties is pregnant. Domestic violence includes, but is not limited to the following: physical violence; injury; intimidation; sexual violence or abuse; emotional and/or psychological intimidation; verbal abuse; threats; harassment; cyber harassment; stalking; economic abuse or control; damaging property to intimidate or attempt to control the behavior of a person in a relationship with the perpetrator; strangulation; or abuse of animals or pets.

Abuser/Perpetrator - An individual who commits or threatens to commit an act of domestic violence, including unwarranted violence against individuals and animals. Other abusive behaviors and forms of violence can include the following: bullying, humiliating, isolating, intimidating, harassing, stalking, or threatening the victim, disturbing someone's peace, or destroying someone's property.

Human Resources Officer (HRO) –An employee of a public employer with a human resources job title, or its equivalent, who is responsible for orienting, training, counseling, and appraising staff. Persons designated by the employer as the primary or secondary contact to assist employees in reporting domestic violence incidents.

Intimate Partner - Partners of any sexual orientation or preference who have been legally married or formerly married to one another, have a child or children in common, or anticipate having a child in common if one party is pregnant. Intimate partner also includes those who live together or have lived together, as well as persons who are dating or have dated in the past.

Temporary Restraining Order (TRO) - A civil court order issued by a judge to protect the life, health or well-being of a victim. TROs can prohibit domestic violence offenders from having contact with victims, either in person or through any means of communication, including third parties. TROs also can prohibit offenders from a victim's home and workplace. A violation of a TRO may be a criminal offense. A TRO will last approximately 10 business days, or until a court holds a hearing to determine if a Final Restraining Order (FRO) is needed. In New Jersey, there is no expiration of a FRO.

Victim - A person who is 18 years of age or older or who is an emancipated minor and who has been subjected to domestic violence by a spouse, former spouse, or any other person who is a present household member or was at any time a household member. A victim of domestic violence is also any person, regardless of age, who has been subjected to domestic violence by one of the following actors: a person with whom the victim has a child in common; a person with whom the victim anticipates having a child in common, if one of the parties is pregnant; and a person with whom the victim has had a dating relationship.

Workplace-Related Incidents - Incidents of domestic violence, sexual violence, dating violence, and stalking, including acts, attempted acts, or threatened acts by or against employees, the families of employees, and/or their property, that imperil the safety, well-being, or productivity of any person associated with a public employee in the State of New Jersey, regardless of whether the act occurred in or outside the organization's physical workplace. An employee is considered to be in the workplace while in or using the resources of the employer. This includes, but is not limited to, facilities, work sites, equipment, vehicles, or while on work-related travel.

**PERSONS COVERED BY THIS POLICY**

All employees are covered under this policy, including full and part time employees, casual/seasonal employees, interns, volunteers and temporary employees at any workplace location.

**RESPONSIBILITY OF EMPLOYERS TO DESIGNATE A HUMAN RESOURCES OFFICER**

The Employer hereby designates two employees in the Township Administration as the Primary HRO and Secondary HRO, to assist employees who are victims of domestic violence.

The designated Primary and Secondary HRO shall receive training on responding to and assisting employees who are domestic violence victims in accordance with this policy.

Managers and supervisors are often aware of circumstances involving an employee who is experiencing domestic violence. Managers and supervisors are required to refer any employee who is experiencing domestic violence or who report witnessing domestic violence to the designated HRO. Managers and supervisors must maintain confidentiality, to the extent possible, and be sensitive, compassionate, and respectful to the needs of persons who are victims of domestic violence.

The name and contact information of the designated HRO will be provided to all employees.

This policy does not supersede applicable laws, guidelines, standard operating procedures, internal affairs policies, or New Jersey Attorney General Directives and guidelines that impose a duty to report. For example, if there is any indication a child may also be a victim, reporting is mandatory to the Department of Children and Families, Child Protection and Permanency, under N.J.S.A. 9:6-8.13.

**DOMESTIC VIOLENCE REPORTING PROCEDURES**

Employees who are victims of domestic violence are encouraged to seek immediate assistance from their HRO. Employees who have information about or witness an act of domestic violence against an employee, are encouraged to report that information to the designated HRO, unless the employee is required to report the domestic violence pursuant to applicable laws, guidelines, standard operating procedures, internal affairs policies, or New Jersey Attorney General directives and guidelines that impose a duty to report, in which case the employee must so report to the appropriate authority in addition to reporting to the designated HRO. Nothing in this policy shall preclude an employee from contacting 911 in emergency situations. Indeed, HROs shall remind employees to contact 911 if they feel they are in immediate danger.

Each designated HRO shall:

* 1. Immediately respond to an employee upon request and provide a safe and confidential location to allow the employee to discuss the circumstances surrounding the domestic violence incident and the request for assistance.
	2. Determine whether there is an imminent and emergent need to contact 911 and/or local law enforcement.
1. Provide the employee with resource information and a confidential telephone line to make necessary calls for services for emergent intervention and supportive services, when appropriate. The HRO or the employee can contact the appropriate Employee Assistance Program to assist with securing resources and confidential services.
2. Refer the employee to the provisions and protections of The New Jersey Security and Financial Empowerment Act, N.J.S.A. 34:11C-1 et seq. (NJ SAFE Act), referenced in this policy.
3. If there is a report of sexual assault or abuse, the victim should be offered the services of the Sexual Assault Response Team, PROVIDENCE HOUSE.
4. Maintain the confidentiality of the employee and all parties involved, to the extent practical and appropriate under the circumstances, pursuant to this policy.
5. Upon the employee's consent, the employee may provide the HRO with copies of any TROs, FROs, and/or civil restraint agreements that pertain to restraints in the work place and ensure that security personnel are aware of the names of individuals who are prohibited from appearing at the work location while the employee who sought the restraining order is present. All copies of TROs and FROs shall be maintained in a separate confidential personnel file.

**CONFIDENTIALITY POLICY**

In responding to reports of domestic violence, the HRO shall seek to maintain confidentiality to protect an employee making a report of, witnessing, or experiencing domestic violence, to the extent practical and appropriate under the circumstances and allowed by law. Thus, this policy does not supersede applicable laws, guidelines, standard operating procedures, internal affairs policies, or New Jersey Attorney General Directives and guidelines that impose a duty to report.

This confidentiality policy shall not prevent disclosure where to do so would result in physical harm to any person or jeopardize safety within the workplace. When information must be disclosed to protect the safety of individuals in the workplace, the HRO shall limit the breadth and content of such disclosure to information reasonably necessary to protect the safety of the disclosing employee and others and comply with the law. The HRO shall provide advance notice to the employee who disclosed information, to the extent possible, if the disclosure must be shared with other parties in order to maintain safety in the workplace or elsewhere. The HRO shall also provide the employee with the name and title of the person to whom they intend to provide the employee's statement and shall explain the necessity and purpose regarding the disclosure. For example, if the substance of the disclosure presents a threat to employees, then law enforcement will be alerted immediately.

This policy does not supersede applicable laws, guidelines, standard operating procedures, internal affairs policies, or New Jersey Attorney General Directives and guidelines where mandatory reporting is required by the appointing authority or a specific class of employees.

**CONFIDENTIALITY OF EMPLOYEE RECORDS**

To ensure confidentiality and accuracy of information, this policy requires the HRO to keep all documents and reports of domestic violence in confidential personnel file separate from the employee's other personnel records. These records shall be considered personnel records and shall not be government records available for public access under the Open Public Records Act. See N.J.S.A. 47:1A-10.

**PUBLIC EMPLOYER DOMESTIC VIOLENCE ACTION PLAN**

The Employer has developed the following action plan to identify, respond to, and correct employee performance issues that are caused by domestic violence, pursuant to N.J.S.A. 11A:2-6a, and in accordance with the following guidelines:

1. Designate an HRO with responsibilities pursuant to this policy.
2. Recognize that an employee may need an accommodation as the employee may experience temporary difficulty fulfilling job responsibilities.
3. Provide reasonable accommodations to ensure the employee's safety. Reasonable accommodations may include, but are not limited to, the following: implementation of safety measures; transfer or reassignment; modified work schedule; change in work telephone number or work-station location; assistance in documenting the violence occurring in the workplace; an implemented safety procedure, or other accommodation approved by the employer.
4. Advise the employee of information concerning the NJ SAFE Act; Family and Medical Leave Act (FMLA); or Family Leave Act (FLA); Temporary Disability Insurance (TDI); or Americans with Disabilities Act (ADA); or other reasonable flexible leave options when an employee, or his or her child, parent, spouse, domestic partner, civil union partner, or other relationships as defined in applicable statutes is a victim of domestic violence.
5. Commit to adherence to the provisions of the NJ SAFE Act, including that the employer will not retaliate against, terminate, or discipline any employee for reporting information about incidents of domestic violence, as defined in this policy, if the victim provides notice to their Human Resources Office of the status or if the Human Resources Office has reason to believe an employee is a victim of domestic violence.
6. Advise any employee, who believes he or she has been subjected to adverse action as a result of making a report pursuant to this policy, of the civil right of action under the NJ SAFE ACT. And advise any employee to contact their designated Labor Relations Officer, Conscientious Employees Protection Act (CEPA) Officer and/or Equal Employment Opportunity Officer in the event they believe the adverse action is a violation of their collective negotiations agreement, the Conscientious Employees Protection Act or the New Jersey Law Against Discrimination and corresponding policies.
7. Employers, their designated HRO, and employees should familiarize themselves with this policy. This policy shall be provided to all employees upon execution and to all new employees upon hiring. Information and resources about domestic violence are encouraged to be placed in visible areas, such as restrooms, cafeterias, breakrooms, and where other resource information is located.

**OTHER APPLICABLE REQUIREMENTS**

In addition to this policy, the HRO and the public employer's appointing authority must follow all applicable laws, guidelines, standard operating procedures, internal affairs policies, and New Jersey Attorney General Directives and guidelines that impose a duty to report. Additionally, to the extent that the procedures set forth in this policy conflict with collective negotiated agreements or with the Family Educational Rights and Privacy Act (FERPA), the provisions of the negotiated agreements and the provisions of FERPA control.

**POLICY ENFORCEABILITY**

The provisions of this policy are intended to be implemented by the HRO and subject to enforcement by the N.J. Civil Service Commission. These provisions do not create any promises or rights that may be enforced by any persons or entities.

# PROTECTION AND SAFE TREATMENT OF MINORS

1. **Purpose and Scope:**

Under New Jersey law (N.J.S.A. 6-8.21), an abused or neglected child is anyone “under the age of 18 who is caused harm by a parent, guardian or other person having custody or control of that minor.” A child who is under the age of eighteen (18) is considered to be abused or neglected when a parent, caregiver, another child or another adult does one of more of the following:

* 1. Inflicts or allows to be inflicted physical injury by other than accidental means that creates substantial harm or risk of substantial harm, and/or
	2. Fails to provide proper supervision or adequate food, clothing, shelter, education or medical care although financially able or assisted to do so, and/or
	3. Commits or allows to be committed an act of sexual abuse against a child.

There are typically four common types of abuse:

* The failure to meet a child’s basic needs, physically or emotionally, which is called ***neglect***.
* The intentional use of physical force that results in injury, which is called ***physical abuse***.
* The practice of any behaviors that harm a child’s feelings of self-worth or emotional well-being, which is ***emotional abuse***.
* Engaging in sexual acts with a child including pornography, which is ***sexual abuse***.

***Sexual abuse*** typically occurs under two sets of circumstances:

***“Peer-to-Peer”*** abuse is by far the most common, where one or more children or adolescent(s) sexually abuses or inappropriately touches another. Legally, the abuser must be at least 4 years older to trigger the statute. The *American Psychological Association* reports this type of abuse is driven by power and dominance, the same factors that drive bullying within this age group. In fact, bullying can be a precursor to sexual abuse, especially when there is a lack of supervision.

In contrast, ***“adult-to-child”*** abuse is typically thought out and planned in advance, demanding access and privacy and control. These three factors demand a specific type of relationship and setting, meaning that 90% of juvenile sexual abuse victims know their abuser.

In the State of New Jersey every level of government has a role in protecting minors.

* At the State level:
	+ State law is enforced through the NJ Family Division of the State court system. The court has broad powers including the ability to remove children from dangerous situations.
	+ The Department of Children and Families, specifically the Division of Child Protection and Permanency, combines all state operations intended to safeguard children into a single, coordinated program working closely with the Courts, legal advocates and law enforcement.
* At the local level:
	+ Educational professionals have the most contact with children, meaning they are often the first to detect issues.
	+ Municipalities and counties operate or sponsor a variety of programs that involve children including but not limited to:
		- Recreation programs
		- Before and After Care programs
		- Youth sports leagues
		- Youth centers
		- Youth in Government programs
		- Junior law enforcement training programs
	+ The role of **Police and law enforcement agencies** is especially important. Police officers assist in resolving reported situations, often acting as first identifiers. In New Jersey, police are given broad authority to protect children, including the authority to remove them from their parents or caregivers without a court order if necessary to prevent imminent danger to a child. Under the **Prevention of Domestic Violence Act**, a law enforcement officer must make an arrest when the officer finds “probable cause” that domestic violence has occurred. This holds even if the victim refuses to make a complaint. The Act is invoked in situations where the victim exhibits signs of injury caused by domestic violence, when a warrant is in effect, or when there is probable cause to believe that a weapon has been involved in an act of domestic violence. Abusers often use psychological tactics or coercive control over their partners, such as making threats to prevent a victim from leaving or contacting friends, family or police. But even if these conditions are not met, an officer may still make an arrest or sign a criminal complaint if there is probable cause to believe acts of domestic violence have been committed. Now if there is no visible sign of injury but the victim states that an injury did, in fact, occur, the officer must take other factors into consideration in determining probable cause.

This policy provides guidelines that apply broadly to interactions between minors and officials, employees, and volunteers in programs operated by the Employer or affiliated programs or activities. All officials, employees, and volunteers are responsible for understanding and complying with this policy.

1. **Definitions:**
* **Authorized Adult** - Individuals, age 18 and older, paid or unpaid, who interact with, supervise, chaperone, or otherwise oversee and/or interact with minors in program activities, recreational, and/or residential facilities. The Authorized Adults’ roles may include positions as counselors, chaperones, coaches, instructors, etc.

* **Child or Minor** - A person under the age of eighteen (18).
* **Department Heads** - Appointed department heads of the Employer, including the Township Manager, and any assistants.
* **Direct Contact** - Positions with the possibility of care, supervision, guidance or control of children or routine interaction with children.
* **Dual Reporting** – Reporting possible abuse to both the NJ Department of Children and Families and law enforcement at the same time by the individual designated by the Employer to report all possible cases of abuse.
* **Employees, Staff, or Counselors** – persons working for the Employer on a full-time or part-time basis, and compensated by the Employer.
* **Facilities** - Facilities owned by, under the control of, or rented or leased to the Employer.
* **Grooming** - is when someone builds a relationship, trust and emotional connection with a child or young person so they can manipulate, exploit and abuse them.
* **NJ MEL JIF** - New Jersey Municipal Excess Liability Fund Joint Insurance fund.
* **Officials** – Elected officials of the Employer and appointed Board members
* **One-On-One Contact** - Personal, unsupervised interaction between any Authorized Adult and a participant without at least one other Authorized Adult, parent or legal guardian being present.
* **Programs** - Programs and activities offered or sponsored by the Employer.
* **Volunteers** - Individuals volunteering their time to provide services to the Employer who are not on the payroll and receive no compensation.
1. **Policy:**

The Employer is committed to the safety of all individuals in its community, however, the Employer has particular concern for those who are potentially vulnerable, including minor children. The Employer regards the abuse of children as abhorrent in all its forms and pledges to hold its officials, employees and volunteers to the highest standards of conduct in interacting with children.

The Employer is charged with protecting the health, safety, and welfare of all its citizens, including children under the age of 18. To that end, the Employer is firmly committed to protecting children under the care and supervision of the Employer from all forms of physical, mental, sexual and emotional abuse. The Employer is committed to establishing and implementing safeguards to eliminate opportunities for abuse of children entrusted to the care of the Employer. The procedures outlined below shall apply to all officials, employees, and volunteers of the Employer.

1. **Recruitment and Hiring of Employees and Vetting of Individuals Volunteering Their Time:**
	* 1. All prospective employees and volunteers shall undergo a thorough and complete background check, including but not limited to a fingerprint identification check, credit check, motor vehicle record check, reference check (personal and professional), and a check of the Megan’s Law directory for New Jersey and any other State where the applicant previously resided. ***Written documentation of the background check shall be maintained by the Employer in perpetuity.***
		2. Background checks that disclose any negative or questionable results must be reviewed and approved by the Employer ***prior to*** the individual being hired and/or permitted to work with minors in any capacity. **Provisional hiring is not permitted**.
		3. All prospective employees and volunteers must complete the training adopted by the Employer ***PRIOR TO*** starting employment or volunteer service. **In addition to completing the training course adopted by the Employer,** all volunteer coaches shall complete the Rutgers SAFETY Clinic course (*Sports Awareness for Educating Today's Youth ™*) which is a three-hour program that meets the ["Minimum Standards for Volunteer Coaches Safety Orientation and Training Skills Programs"](https://youthsports.rutgers.edu/sports-law/standards) under (N.J.A.C. 5:52) and provides partial civil immunity protection to volunteer coaches under the ["Little League Law"](https://youthsports.rutgers.edu/sports-law/little-league) (2A:62A-6 et. seq.)
		4. The Employer shall **annually** re-check and document the Megan’s Law directory for New Jersey to make certain that current employees are not listed.

* + 1. Once employed, Authorized Adults who are employed are required to notify the Human Resources Officer of an arrest (charged with a misdemeanor or felony) or conviction for an offense within 72 hours of knowledge of the arrest or conviction.
1. **Procedures and Responsibilities of Officials:**

*Under New Jersey Law, an official may be held liable for the abuse or neglect of a child if he or she fails to implement appropriate safeguards to protect the child while the minor has been entrusted to the care of the Employer.* A valid cause of action can be filed by an alleged victim well after the official has left office. It is, therefore, critically important for officials to establish and monitor policies and procedures designed to safeguard minors entrusted to the care of the Employer.

* + - * Officials of the Employer are required to:

Complete the initial training course adopted by the Employer, and any updated/refresher course, in order to better understand their legal duties and responsibilities under Federal and NJ State Law. The training program will include the following concepts:

* + - * + Recognizing the signs of abuse and neglect of minors.
				+ Establishing guidelines for protecting minors from emotional and physical abuse and neglect.
				+ Understanding and being prepared to implement the procedures necessary to eliminate opportunities for abuse.
				+ Becoming familiar with the legal requirements to report suspected cases of abuse.
				+ Fully understanding the legal consequences for not being diligent in making certain that employees of the Employer adhere to all policies and procedures as adopted.

Meet ***annually*** with all Department Heads to review the “Policy Addressing Sexual Abuse of Minors”, and to verify that the administration is adhering to this policy which includes all of the following provisions.

Conduct ***random and unannounced*** visits to program sites to observe the setup of the programs and conduct of the employees and volunteers of the Employer.

1. **Program Procedures:**

All Employer programs operated by, sponsored by, or affiliated with the Employer shall comply with the following procedures. All officials, employees, and volunteers who interact with or could possibly interact with minors, and those employees who supervise employees who interact with or could possibly interact with minors, shall adhere to the following policy.

1. **Specific Program Procedures:**

The following policies shall apply to **all programs** offered by, sponsored by or affiliated with the Employer. As an essential element of compliance with the overall objective of protecting and addressing the safe treatment of minors, the Employer shall:

* + - * 1. Establish a written procedure for the notification of the minor's parent/legal guardian in case of an emergency, including medical or behavioral problem, natural disasters, or other significant program disruptions. Authorized Adults with the program, as well as participants and their parents/legal guardians, must be advised of this procedure in writing prior to the participation of the minors in the program. In addition, (the local unit type) shall provide information to parents or legal guardians detailing the manner in which the participant can be contacted during the program.
				2. Make certain that all program participants provide a [***Medical Treatment Authorization form***](https://universityethics.psu.edu/sites/universityethics/files/youth_programs_medical_treatment_authorization_5_10_18.pdf)to the Employer.
				3. Implement and adopt a ***“Code of Conduct”*** for volunteer and paid staff members which, ***at a minimum***, will include the following:

 ***Code of Conduct***

* + - * Staff members will, at all times, respect the rights of program participants and use positive techniques of guidance including positive reinforcement and encouragement.
			* Staff members will portray a positive role model for youth by maintaining an attitude of respect, loyalty, patience, courtesy, tact, and maturity.
			* Staff members shall not transport children in their own vehicles, unless written authorization from the child’s parent or guardian has been received.
			* Members of the staff shall not be alone with children they meet in the programs outside of the camp. This includes babysitting, sleepovers, and inviting children to their home.
			* Staff members shall, at all times, be visible to other staff members while supervising minors. Any exceptions require a written explanation before the fact and approval of the Program Director.
			* Staff members will appear neat, clean, and appropriately attired.
			* Staff members will refrain from intimate displays of affection towards others in the presence of children, parents and staff.
			* Staff members are required to refrain from texting, and posting or checking any of the social media outlets while they are working or volunteering. The only exception is for texting for the purposes of communicating with another staff member or parent regarding a programmatic issue pertaining to a child.
			* Staff members are prohibited from buying gifts for individual program participants.

**In addition to the Code of Conduct, the following shall be a part of the specific program provisions:**

* + - * The possession or use of alcohol and other drugs, fireworks, guns and other weapons is prohibited.
			* The Employer shall set forth rules and procedures governing when and under what circumstances participants may leave the Employer property during the program.
			* No violence, including sexual abuse or harassment, will be tolerated.
			* Hazing of any kind is prohibited. Bullying including verbal, physical, and cyber bullying are prohibited and will be addressed immediately.
			* No theft of property will be tolerated.
			* No use of tobacco products will be tolerated.
			* Misuse or damage of Employer property is prohibited. Charges will be assessed against those participants who are responsible for damage or misuse of property.
			* The inappropriate use of cameras, imaging, and digital devices is prohibited including use of such devices in showers, restrooms, or other areas where privacy is expected by participants.
			* Under no circumstances are any images of any child taken during any of the activities conducted or sponsored by the Employer to be shared on any social media platform without the expressed written consent of a parent or legal guardian.
			* The Employer shall assign a staff member who is at least 21 years of age to be accessible to participants. Additional Authorized Adults will be assigned to ensure one-on-one contact with minors does not occur and that appropriate levels of supervision are implemented.
			* Take appropriate steps to make certain that children are not released to anyone other than the authorized parent, guardian, or other adult authorized by the parent or guardian (written authorization on file in advance.)
			* Develop and made available to participants and their parents or guardians, the rules and discipline measures applicable to the program. Program participants and staff must abide by all regulations and may be removed from the program for non-compliance with rules.
			* The recommended ratio of counselors to program participants should reflect the gender distribution of the participants, and should meet the following:
			1. One staff member for every six participants ages 4 and 5
			2. One staff member for every eight participants ages 6 to 8
			3. One staff member for every ten participants ages 9 to 14
			4. One staff member for every twelve participants ages 15 to 17
* Responsibilities of the counselors must include, at a minimum, informing program participants about safety and security procedures, rules established by the program, and behavioral expectations. Counselors are responsible for following and enforcing all rules and must be able to provide information included herein to program participants and be able to respond to emergencies.

**Specific Policy and Procedures for Use of Restrooms by Children/Minors:**

* + - All restrooms shall be checked in advance by staff persons before minor children enter to make certain that no other individuals are present.
		- Staff members (of the same sex) are to stand guard at the doorway to make certain that no one else enters the restroom while a child is there. Children should not be permitted enter restrooms in pairs or in groups, unless it is absolutely necessary.
1. **Procedures for Law Enforcement Officers:**

Law enforcement officers of the Employer frequently interact with minors in a variety of ways. It is important to establish guidelines to assist law enforcement officers in being aware of how to act and react in these circumstances. To that end, the Chief of Police or his or her designee of the Employer shall formulate a written policy addressing the safe treatment of minors for consideration and approval by the governing body for law enforcement officers who interact with minors.

The policy shall, at a minimum, incorporate and address the following:

* 1. **Transporting minors in a police vehicle.** Whenever possible, victims or alleged victims of sexual assault or other crimes, or minors removed from a situation for protective purposes, shall be transported by two officers (at least one of whom shall be of the same sex as the victim) in unmarked vehicles that does not have a prisoner compartment/partition. Officers transporting a minor for whatever reason shall document starting and stopping mileage through radio contact.

* 1. Directives issued by the NJ State Attorney General pertaining to interaction with minors shall be incorporated into the policy.
	2. The following provisions from the ***“Code of Conduct”*** for counselors shall be included in the policy for officers assigned to work in school settings (i.e. Class 3 officers):
		1. Officers will, at all times, respect the rights of students and use positive techniques of guidance including positive reinforcement and encouragement.
		2. Officers will portray a positive role model for youth by maintaining an attitude of respect, loyalty, patience, courtesy, tact, and maturity.
		3. Officers shall not transport children in their own vehicles. Officers shall not arrange to see students outside of school and this includes babysitting, sleepovers, and inviting children to their home. Any exceptions require a written explanation before the fact and approval of the Chief.
		4. Officers shall make certain that they are neat, clean, and appropriately attired.
		5. Officers will refrain from intimate displays of affection towards others in the presence of children, parents and staff. Officers shall not buy gifts for students at any time.
		6. All officers are required to complete the initial training course offered by the NJMEL JIF, and any refresher courses as well.
1. **Training Requirements:**

Individual training courses have been designed for each of the following categories and **all** officials, employees, and volunteers of the Employer are required to complete training (and refresher course training) adopted by the Employer. ALL employees of the Employer shall complete the training course whether they interact with children/minors or not. Although training records will be maintained, it is recommended that each Employer and individual trainees also keep copies of their own training records.

* 1. **Officials**

Complete the initial training course adopted by the Employer, and any updated/refresher course, in order to better understand their legal duties and responsibilities under Federal and NJ State Law. The training program will include the following concepts.

* + - * + Recognizing the signs of abuse and neglect of minors.
				+ Establishing guidelines for protecting minors from emotional and physical abuse and neglect.
				+ Understanding and being prepared to implement the procedures necessary to eliminate opportunities for abuse.
				+ Becoming familiar with the legal requirements to report suspected cases of abuse.
				+ Fully understanding the legal consequences for not being diligent in making certain that employees of the Employer adhere to all policies and procedures as adopted.
	1. **Department Heads**
		1. Content of course shall include:
			1. Current State NJ State Law pertaining to Sexual Abuse of Minors
			2. Recognizing the signs of abuse and neglect
			3. Different types of abuse (i.e. Peer to Peer, Adult to Child, etc.)
			4. Legal responsibility for implementing and monitoring procedures and employees
			5. Reporting cases of abuse
	2. **Volunteers and Employees of the Employer**
		1. Content of course shall include:

* + - 1. Current State NJ State Law pertaining to Sexual Abuse of Minors
			2. Recognizing the signs of abuse and neglect
			3. Different types of abuse (i.e. Peer to Peer, Adult to Child, etc.)
			4. Legal responsibility for implementing and monitoring procedures and employees
			5. Reporting cases of abuse
	1. **Law Enforcement Officers**
		1. Content of course shall include:
			1. Current Status of NJ Law and Directives from the Attorney General for Law Enforcement personnel
			2. Police Officers responsibilities
			3. Officers in Schools
			4. Reporting Abuse
1. **Reporting Suspected Child Abuse/Neglect:**

In light of the importance and priority placed on safeguarding the health and safety of minors, it is critically important that suspected cases of child abuse and neglect are reported as soon as possible. ***As a government official, employee or volunteer, you are legally required to report suspected child abuse. This requirement includes all governmental officials, employees and volunteers.***

The following procedures shall be utilized in reporting suspected cases of abuse. The Employer shall also train officials, department heads, employees and volunteers in the concept of **“dual reporting”** as listed and defined below and shall encourage all staff and volunteers to utilize this process as much as possible in reporting suspected cases of abuse.

Child Abuse is hard thing to talk about, especially with victims. The most important thing to remember is to **show calm reassurance and unconditional support.**  Avoid interrogation and leading questions. Understand that denial and embarrassment are common reactions. Don’t display disbelief, shock, or disgust. Instead, be reassuring. Make sure the child knows that they did nothing wrong. Reassure them that this is not their fault and make sure they know that you take it seriously.

Interviewing children to investigate sexual abuse requires highly technical expertise. ***Do not “investigate” an abuse situation.*** ***Do not interrogate the child***. Rather report it immediately as shown below. And finally, keep safety as the priority. If there is the possibility of violence against yourself or the child, get the appropriate professionals or agencies involved as soon as possible.

***It is recommended that, whenever possible, officials, employees and volunteers report the suspected abuse to both the NJ Department of Children and Families and law enforcement at the same time, which is known as “dual reporting.”***

***For employees or volunteers of programs*** ***conducted by the Employer:***

* + - * Immediately report suspected cases to the Program Director in charge.
			* The Program Director shall immediately investigate the alleged incident. The Director shall document the alleged abuse in writing including the following information, as recommended by the New Jersey Department of Children and Families:
				1. ***Who:*** The child and parent/caregiver’s name, age and address and the name of the alleged perpetrator and that person’s relationship to the child.
				2. ***What:*** Type and frequency of alleged abuse/neglect, current or previous injuries to the child and what caused you to become concerned.
				3. ***When:*** When the alleged abuse/neglect occurred and when you learned of it.
				4. ***Where:*** Where the incident occurred, where the child is now and whether the alleged perpetrator has access to the child.
				5. ***How:*** How urgent the need is for intervention and whether there is a likelihood of imminent danger for the child.
			* After documenting all of the facts surrounding the alleged abuse, the Program Director shall call the Hotline established by the NJ Department of Children and Families @ 1-877-652-2873. It is not the supervisor’s role to make a decision on whether a case should be reported. All cases shall be reported.

***For* *Volunteer coaches or other volunteers in charge of programs sponsored by or affiliated with the Employer.***

* + - 1. The Volunteer shall immediately document the alleged abuse in writing including the following information, as recommended by the New Jersey Department of Children and Families:
				1. ***Who:*** The child and parent/caregiver’s name, age and address and the name of the alleged perpetrator and that person’s relationship to the child.
				2. ***What:*** Type and frequency of alleged abuse/neglect, current or previous injuries to the child and what caused you to become concerned.
				3. ***When:*** When the alleged abuse/neglect occurred and when you learned of it.
				4. ***Where:*** Where the incident occurred, where the child is now and whether the alleged perpetrator has access to the child.
				5. ***How:*** How urgent the need is for intervention and whether there is a likelihood of imminent danger for the child.
			2. After documenting all of the facts surrounding the alleged abuse, the Volunteer shall call the Hotline established by the NJ Department of Children and Families @ 1-877-652-2873.

***For Officials and Department Heads who witness or become aware of alleged cases of abuse or neglect***:

1. The Officials and Department Heads shall immediately document the alleged abuse in writing including the following information, as recommended by the New Jersey Department of Children and Families:
	* + - 1. ***Who:*** The child and parent/caregiver’s name, age and address and the name of the alleged perpetrator and that person’s relationship to the child.
				2. ***What:*** Type and frequency of alleged abuse/neglect, current or previous injuries to the child and what caused you to become concerned.
				3. ***When:*** When the alleged abuse/neglect occurred and when you learned of it.
				4. ***Where:*** Where the incident occurred, where the child is now and whether the alleged perpetrator has access to the child.
				5. ***How:*** How urgent the need is for intervention and whether there is a likelihood of imminent danger for the child.
* After documenting all of the facts surrounding the alleged abuse, the Officials or Department Heads shall call the Hotline established by the NJ Department of Children and Families @ 1-877-652-2873.

***For Law Enforcement Officers:***

* + Immediately report any suspected or alleged cases of abuse or neglect to the County Prosecutor.
1. **Important Information Regarding Reporting Suspected Abuse Under NJ Law:**

**The following guidelines have been established under New Jersey law, for those reporting suspected or alleged cases of abuse or neglect. The Employer encourages all officials, employees, and volunteers in programs operated by the Employer or affiliated programs or activities to report suspected cases of abuse with the following in mind.**

* + 1. *Any person who, in good faith, makes a report of child abuse or neglect or testifies in a child abuse hearing resulting from such a report is immune from any criminal or civil liability as a result of such action. Calls can be placed to the hotline anonymously.*
		2. *However, any person who knowingly fails to report suspected abuse or neglect according to the law or to comply with the provisions of the law is a disorderly person.*
		3. *When a report indicates that a child may be at risk, an investigator from the Division of Child Protection and Permanency (formerly Youth and Family Services) will promptly investigate the allegations of child abuse and neglect within 24 hours of receipt of the report.*
1. **Acknowledgement of Receipt and Review of Policy:**

All officials, employees/counselors, and volunteers shall sign and date an acknowledgement form that confirms they have received and reviewed the Policy Addressing the Protection and Safe Treatment of Minors, issued to them by the Employer. The same process shall be used for any revised policy issued in the future.

**Grooming Behavior**

Grooming is when someone builds a relationship, trust and emotional connection with a child or young person so they can manipulate, exploit and abuse them.

Here are some common characteristics of someone attempting to “groom” a child.

* Molesters often refer to their intended victims by pet names and use gifts to foster exclusivity and build a relationship while starting the practice of keeping secrets.
* The molester might begin to spend time with the victim outside of the regular program or schedule, contacting parents to become involved in a child’s life in some capacity, like babysitting. For this reason, many parents are shocked after abuse comes to light simply because the abuser seemed so good – too good to be true, in fact.
* Inevitably, the favoritism is not enough to keep the victim, and the abuser resorts to threats—threats that play off of a child’s guilt over the sexual contact.
* During the grooming process and abuse itself, victims often begin to show tell-tale signs including:
	+ Sexual behaviors or strong sexual language that is too adult for their age.
	+ Many children feel at fault after the abuse and begin to suffer guilt and depression, even resorting to self-harm.
	+ Also look for cuts and scratches or other self-inflicted injuries.

 **Indicators of Child Abuse/Neglect**

The New Jersey Department of Children and Families issued the following guidelines to assist in recognizing the indicators of child abuse/neglect.

**Indicators of Child Abuse / Neglect**

Different types of abuse and neglect have different physical and behavioral indicators.

**Physical Abuse**

|  |  |
| --- | --- |
| **Physical Indicators** | **Behavioral Indicators** |
| Unexplained bruises and welts:* On face, lips, mouth
* On torso, back, buttocks, thighs
* In various stages of healing
* Cluster, forming regular patterns
* Reflecting shape of article used to inflict (electric cord, belt buckle)
* On several different surface areas
* Regularly appear after absence, weekend or vacation

Unexplained burns:* Cigar, cigarette burns, especially on soles, palms, back or buttocks
* Immersion burns (sock-like, glove-like doughnut shaped on buttocks or genitalia)
* Patterned like electric burner, iron, etc.
* Rope burns on arms, legs, neck or torso

Unexplained fractures:* To skull, nose, facial structure
* In various stages of healing
* Multiple or spiral fractures

Unexplained laceration or abrasions:* To mouth, lips, gums, eyes
* To external genitalia
 | Wary of adult contactsApprehensive when other children cryBehavioral extremes:* Aggressiveness
* Withdrawal

Frightened of parentsAfraid to go homeReports injury by parents |

**Physical Neglect**

|  |  |
| --- | --- |
| **Physical Indicators** | **Behavioral Indicators** |
| Consistent hunger, poor hygiene, inappropriate dressConsistent lack of supervision, especially in dangerous activities or long periodsConstant fatigue or listlessnessUnattended physical problems or medical needsAbandonment | Begging, stealing foodExtended stays at school (early arrival and late departure)Constantly falling asleep in classAlcohol or drug abuseDelinquency (e.g. thefts)States there is no caregiver |

**Sexual Abuse**

|  |  |
| --- | --- |
| **Physical Indicators** | **Behavioral Indicators** |
| Difficulty in walking or sittingTorn, stained or bloody underclothingPain or itching in genital areaBruises or bleeding in external genitalia, vaginal or anal areasVenereal disease, especially in pre-teensPregnancy | Unwilling to change for gym or participate in PEWithdrawn, fantasy or infantile behaviorBizarre, sophisticated or unusual sexual behavior or knowledgePoor peer relationshipsDelinquent or run awayReports sexual assault by caregiver |

**Emotional Maltreatment**

|  |  |
| --- | --- |
| **Physical Indicators** | **Behavioral Indicators** |
| Habit disorders (sucking, biting, rocking, etc.)Conduct disorders (antisocial, destructive, etc.)Neurotic traits (sleep disorders, speech disorders, inhibition of play) | Behavior extremes:* Compliant, passive
* Aggressive, demanding

Overly adoptive behavior:* Inappropriately adult
* Inappropriately infant
 |

# Drug and alcohol Free Workplace

**NOTE: All applicants for positions that require a Commercial Driver’s License (“CDL”) and all employees whose job requires them to possess a CDL shall be excluded from this Alcohol and Drug-Free Workplace policy. Instead, employees holding a CDL are governed by federal and State regulations embodied in the Township’s CDL Drug and Alcohol Testing Policy.**

**DRUG-FREE WORKPLACE**

The Employer is committed to maintaining a safe, pleasant, and productive working environment. Employees have the right to come to work without fear of interacting with someone under the influence of drugs or alcohol. This is considered a Health & Safety Policy of the Employer. This Policy highlights the Employer’s Drug and Alcohol Free Workplace Policy.

The Employer recognizes the prime importance of protecting the safety, health and welfare of its employees and others with whom the workforce interfaces such as citizens, contractors and members of the public. The objective of this policy is to maintain a working environment free from the adverse effects of substance abuse. While the Employer has no intention of intruding into the private lives of its employees, it does expect employees to report to work unimpaired and able to perform the duties of their jobs safely and effectively. In addition to absenteeism and accidents, substance abuse can adversely affect performance, productivity and workplace morale. Co-workers may feel that they have to cover up, or work harder because of someone’s substance abuse. Ultimately an employee with an alcohol or drugs problem may lose their job and/or suffer devastating effects on their health*.* The Employer has a duty to safeguard its employees and the public from the risk of harm from employees who work under the influence of alcohol and drugs, including prescription medications. Similarly, employees who are working under the influence, and employees who know that a fellow employee is working under the influence, owe such a duty. The failure to honour that duty by taking the right steps to prevent this risk can result in legal liability. All employees and contractors are responsible and accountable for ensuring that they, and their employees, are not under the influence of alcohol or drugs when carrying out work on behalf of the Employer. Managers and supervisors are responsible for taking appropriate action where they identify individuals who are at work while under the influence of alcohol or drugs. They should also take appropriate action to protect the health and safety of individuals who may be affected.

All drug and alcohol testing information is considered confidential information by the Employer and will be maintained in a separate file along with the employee's medical records, separate from other personnel files. An employee has the right to inspect and obtain a copy of his or her drug or alcohol test results. Drug testing information will only be released to those employees of the employer with a job related need to know, the DER and Alternate DER, to defend against any administrative action brought by the employee against the Employer, in grievance or arbitration proceeding under the terms of a collective negotiations agreement, in a court of law under subpoena, as released by the employee in writing, the Medical Review Officer (MRO), Employer’s insurers, rehabilitation programs and as otherwise required by law. The Drug and Alcohol Free Workplace Policy does not tolerate the abuse of drugs or alcohol in the workplace. Understand that this Policy prohibits illegal drug use on or off the job including misuse of prescription medications. The Employer encourages any employee suffering from a substance abuse problem to seek help through its Employee Assistance Program’s (EAP) Substance Abuse Professional (SAP) for a confidential evaluation and referral for substance abuse treatment if necessary.

The EAP can help improve employees’ health and avoid trouble with the law. Compliance with this policy is a condition of hire or continued employment.

**WHY AND WHEN ARE EMPLOYEES SUBJECT TO TESTING?**

* Pre-employment: Drug testing will be performed on all final applicants for safety-sensitive positions, or who transfer into a safety-sensitive position, as a condition of their employment.
* Routine Fitness-for-Duty: Safety-sensitive employees may be required to submit to a drug test as part of a routine Fitness-for-Duty examination and may be based on a particular job classification.
* Reasonable Suspicion: All employees will be required to submit to a drug and/or alcohol test if the Employer has a reasonable suspicion that an employee is under the influence of drugs or alcohol, which adversely affect or could adversely affect the employee's job performance. Employees selected for testing shall be suspended until a negative drug/alcohol screen or laboratory test result is received. If a negative result, the employee will not suffer a loss of pay.
* Post-Accident/Incident Testing: Testing of a safety-sensitive employee or any employee operating a Township vehicle, or a personal vehicle for Township business, may be conducted under any of the following circumstances: 1) the employee involved in the incident/accident was actively engaged in the activity which objectively could have caused or contributed to the injury or damage; or 2) the employee was operating, controlling, or repairing any machinery, tool, device, equipment or vehicle that was involved in the incident/accident; or 3) the employee’s action or inaction was likely a contributing factor to the incident/accident or cannot be completely discounted as a contributing factor based on current info; or 4) testing is being conducted as part of the Employer’s Post Incident/Accident Investigation related to possible Workers’ Compensation disqualification; or 5) testing is being conducted for other non-injured employees whose actions, or inaction, could have contributed to the incident/accident as part of a root cause investigation; or 6) post-accident drug testing is required by the Workers’ Compensation Carrier or Fund.
* Rehabilitation/Follow-up: An employee who has voluntarily requested rehabilitation prior to a positive drug test may be subject to unannounced drug and/or alcohol testing under a work continuation agreement, to determine whether he or she is under the influence of alcohol or drugs after successful completion of the rehabilitation program. The testing will be without notice in conjunction with a referral for treatment.

Notwithstanding, no drug testing under this policy shall include a test for cannabis or cannabinoids unless the employer, using an employee certified to detect and identify impairment, conducts a physical evaluation of the employee and determines that the employee is impaired based on documentation of physical signs or other evidence of impairment during the employee’s work hours.

**POLICY PROHIBITIONS**

For the purposes of this policy, “illegal drugs” or “illegal drug use” shall also include using prescription medication without a valid prescription, misuse of a valid prescription medication and misuse of over-the-counter medication.

Employees and applicants for employment with the Township are strictly prohibited from engaging in the following conduct:

1. With respect to illegal drugs, employees and applicants violate this Policy by engaging in the following conduct, whether or not during work time, on the Employer’s premises or property or at an assigned job site, and are subject to discipline up to and including discharge, or rejection of the application for employment, or cancellation of contractual agreements:
	1. Testing positive in a confirmed drug or alcohol test, or refusing to be tested.
	2. Bringing and/or storing (including in a desk, locker, automobile, or other repository) illegal drugs or drug paraphernalia on Township premises or property, including Township-owned or leased vehicles, or vehicles used for Township business.
	3. Having possession of, being under the influence of, testing positive for, or being in close proximity to persons using illegal drugs, or otherwise having in one’s system illegal drugs.
	4. Using, consuming, transporting, distributing or attempting to distribute, manufacturing, selling, or dispensing illegal drugs. In addition, the Employer will refer such matters to the Township Police Department.
	5. A conviction or plea of guilty relative to any criminal drug offense occurring in the workplace. All employees must notify the Township in writing of any criminal drug conviction no later than five (5) calendar days after such conviction. Drug use off-the-job which adversely affects an employee’s performance on the job, or which has the potential to jeopardize the health or safety of other employees, the public or the Township’s equipment or operations, shall be cause for disciplinary action up to and including dismissal. Action will be taken against employees who are convicted for an off-the job drug offense. In deciding what action will be taken, the incident will be evaluated in terms of the nature of the conviction, the employee’s job assignment, the employee’s record with the Employer and other factors related to the impact of the employee’s conviction on the Employer.
	6. Abuse of prescription drugs which includes exceeding the recommended prescribed dosage or using others’ prescribed medications. Such prescriptions brought to work should remain in the original labeled container and show both the prescribing doctor’s name and the prescription’s expiration date.
	7. Switching, tampering with, diluting, or adulterating any specimen or sample collected under this Policy, or attempting to do so.
	8. Refusing to cooperate with the terms of this Policy which includes submitting to questioning, drug testing, medical or physical tests or examinations, when requested or conducted by Employer or its designee, is a violation of this Policy and may result in disciplinary action up to and including termination. A refusal to test includes conduct obstructing testing such as failure to sign necessary paperwork or failing to report to the collection site at the appointed time. Note that if there is a suspicion that an employee has adulterated or substituted a specimen, another specimen must be produced under direct observation. This means the professional must directly observe the urine exiting the employee’s person.
	9. Failure to advise pre-duty the Employer of the use of a prescription or over-the-counter drug which may alter the employee’s ability to safely perform the essential functions of his or her job.
	10. Failure of an employee to notify one’s supervisor before reporting to work if he or she believes that he or she is under the influence of drugs.
2. With respect to alcohol, employees violate this Policy by engaging in the following conduct during work time, on Employer premises or property or at an assigned worksite:
	1. Bringing and/or storing (including in a desk, locker, automobile, or other repository) alcohol on Township premises or property, including Township owned or leased vehicles, or vehicles used for Township business.
	2. Having possession of, being under the influence of, testing positive for or having in one’s system, alcohol. Using, consuming, transporting, distributing or attempting to distribute, manufacturing, selling, or dispensing alcohol. *Exceptions to the policy concerning alcohol consumption or possession may be made only upon the prior explicit approval of senior management for specifically identified circumstances.*
	3. A conviction or plea of guilty relative to any criminal alcohol offense occurring in the workplace. All employees must notify the Township in writing of any criminal alcohol conviction not later than five (5) calendar days after such conviction. Alcohol use off-the-job which adversely affects an employee’s performance on the job, or which has the potential to jeopardise the health or safety of other employees, the public or Township’s equipment or operations, shall be cause for disciplinary action up to and including dismissal. Action will be taken against employees who are convicted for an off-the job alcohol offence. In deciding what action will be taken, the incident will be evaluated in terms of the nature of the conviction, the employee’s job assignment, the employee’s record with the Employer and other factors related to the impact of the employee’s conviction on the Employer.
	4. Switching, tampering with, or adulterating any specimen or sample collected under this Policy, or attempting to do so.
	5. Refusing to cooperate with the terms of this Policy which includes submitting to questioning, alcohol testing, medical or physical tests or examinations, when requested or conducted by Employer or its designee, is a violation of this Policy and may result in disciplinary action, up to and including termination. A refusal to test includes conduct obstructing testing such as failure to sign necessary paperwork or failing to report to the collection site at the appointed time.
	6. Failure of employee to notify his or her supervisor before reporting to work if he or she believes that he or she is under the influence of alcohol.

# OCCUPATIONAL Safety & HEALTH

The Employer endeavors to provide a safe and healthy work environment for all employees and shall comply with the requirements of the Public Employees Occupational Safety and Health Act (“PEOSHA”). The Employer is equally concerned about the safety of the public.

Consistent with this policy, employees will receive periodic safety training and will be provided with appropriate safety equipment. Employees are responsible for observing safety rules and using available safety devices including personal protective equipment (PPE). Failure to do so constitutes grounds for disciplinary action.

Any occupational or unsafe public condition, practice, procedure or act must be immediately reported to the supervisor or Department Head. Any on-the-job accident or accident involving the Employer’s facilities, equipment, or motor vehicles must also be immediately reported to the supervisor or Department Head and the Township Manager. Failure to do so constitutes grounds for disciplinary action. Employees are encouraged to discuss safety concerns with supervisory personnel.

# Contagious/Life Threatening Illness

The Employer is committed to providing and maintaining a healthy and safety work environment which allows all employees to perform their jobs in a safe and productive manner. The Employer respects the dignity and worth of every employee through its Equal Opportunity Employment statement, which explains its policy and practice with respect to prohibiting discrimination in every phase of employment. The Employer provides support for individual employees who may be facing the trauma of a life-threatening or catastrophic illness. The purpose of this policy is to support the physical and emotional health of all employees, minimize disruptions of productivity and morale caused by the presence of a worker with a life-threatening illness, and demonstrate the Employer's continued commitment to its affirmative action goals related to physically disabled employees.

If an employee has learned that he or she has a contagious or life threatening illness, including but not limited to HIV/AIDS, the employee must take all necessary steps to protect further spread of the disease or illness, including following medical advice from a personal physician or a directive from a Public Health Officer. When appropriate, the employee’s Department Head should be notified of any illnesses that may affect the health, safety, and welfare of any coworker or member of the general public. Employees with such conditions, who are able to meet perform the essential functions of their position and whose continued employment does not pose a threat to their own health and safety or that of others, are assured equal employment opportunities and reasonable accommodations in their employment. If an employee is able to work or continue working, he or she is expected to be productive. If the individual cannot work, then he or she may be eligible for disability benefits.

Consistent with the concern for employees with life-threatening illness, the Employer offers the following resources through the Human Resources Officer:

1) Employee education and information on terminal illnesses and specific life-threatening illnesses.

2) Referral to agencies and organizations which offer supportive services for life-threatening illnesses.

3) Consultation in assisting employees in efficiently managing health, leave and other benefits. The Employer encourages employees who need these resources to contact the Human Resources Officer.

# Security

The Employer makes every effort to provide for employees’ safety and security while at work. The Employer, however, does not accept responsibility for the protection of employees’ personal property. The Employer is not liable for loss or damage to personal property.

The Employer strives to maintain a work environment that is free of illegal drugs, alcohol, unauthorized firearms, explosives, or other improper materials. To this end, the Employer prohibits the possession, transfer, sale, or use of such materials on its premises. The Employer requires the cooperation of all employees in administering this policy. Desks, lockers, other storage devices, and Employer vehicles may be provided for the convenience of employees, but remain the sole property of the Employer. Accordingly, they, as well as any articles found within them, can be inspected by any agent or representative of the Employer at any time, either with or without prior notice. The Employer may conduct video surveillance of Employer property to, among other things, identify safety concerns, detect theft, and discourage or prevent acts of harassment and workplace violence and may monitor employee e-mails.

Security is every employee’s responsibility. If any employee sees or suspects that an individual is breaching security, it is the employee’s responsibility to notify his or her supervisor or Department Head immediately. In the event a serious incident occurs, employees must report it to their Department Head or the Police Department promptly. The following are examples of serious incidents that should be reported immediately:

1. Any accident which results in the injury of a third party while on the premises.

2. Any incident in which physical force is either used by or against an employee or member of the public.

3. Any incident which involves a crime, or an attempt to commit a crime, such as robbery or the theft of money.

4. Any incident in which a serious unfavorable reaction from the public might be expected.

5. Any incident where property is damaged as a result of intentional or grossly reckless conduct.

6. The loss of Employer keys

7. Theft or involuntary disclosure of the employee’s password(s) to his/her log-in credentials, computer, mobile device or software applications furnished by the Employer.

8. Involuntary lock-out from an employee’s workstation or mobile device, or the infection of a computer or software with a malicious virus or program.

9. Any other incident, which an employee believes is of a nature that it should be brought to the attention of the Department Head without delay.

# section 6: employer property and equipment

# Computer Use, Electronic Mail, and Internet

The Employer’s e-mail, voicemail, data messaging, computer systems, computer hardware and software, computer networks, mobile networks and Internet service are for official Employer business. Use for any or all other non-business purposes during working time is prohibited. “Working time” shall be defined as any time in which the employee is engaged in or required to be performing work tasks for the Employer. Working time excludes times when employees are not engaged in performing work tasks, including authorized break periods and meal times. Notwithstanding, nothing in this policy sanctions the use of Employer computer equipment, networks or service for personal use during break periods and meal times.

**Note: All e-mail, voicemail, data messages, and internet communications are considered to be “official” records or documents subject to the provisions of the Open Public Records Act (“OPRA”), N.J.S.A. 47:1A-1 et seq.**

The Employer operates in an environment where the use of computers, mobile devices, e-mail and the Internet are essential tools for certain employees. Those employees are encouraged to use computers, mobile devices, e-mail and the Internet in the performance of their duties; however, it is the responsibility of the employee to guarantee that these tools and systems are solely used for business-related purposes during working time, (as defined above) and are used in a proper and lawful manner at all times.

• Employees are advised that all computers/ computer hardware owned by the Employer are to be used for business purposes only during working time, and that they have no expectation that any information stored on an Employer computer, server or network is private. Because e-mail messages are considered as business documents, the Employer expects employees to compose e-mails with the same care as a business letter or internal memo.

• The Employer reserves its right to monitor its computer systems, including but not limited to, mobile devices, servers, network drives, computer files, e-mail messages and Internet usage, with or without notice, at any time, at the Employer's discretion. The Employer also reserves the right to access and disclose such communications and recordings to third parties in certain circumstances. Therefore, employees shall have no expectation of privacy in any transmissions made or received using Employer computers, mobile devices or email accounts.

• Township-issued computers, servers, mobile devices, networks and the Internet, as well as the messages thereon, are the property of the Employer.

• The Employer reserves the right to block or cancel any employee’s access to specific Internet sites or the Internet as a whole while using Township computers or mobile devices, or while on the Employer’s time.

• The Employer's network, including its connection to the Internet, is to be solely used for business-related purposes during working time. If permission is granted, an employee’s personal use of the Employer's computer, e-mail and connection to the Internet shall not interfere with the employee’s duties and shall comply with the Employer’s policies and all applicable laws.

• Employees are prohibited from tampering with or modifying the fire wall, and from downloading software applications without authorization from a Department head. Additionally, downloading or misusing software available through the Internet could violate copyright laws or licensing requirements.

• Personal use of any computer during working time (as defined above) is prohibited, unless expressly authorized by the employee’s Department head or designee.

* Employees shall refrain from opening email messages from unknown sources, especially messages that appear to be non-business related solicitations and/or are from individuals with whom the employee has had no previous contact.
* Employees are prohibited from connecting non-Township issued devices such as personal mobile devices to the Township’s hardware unless specific permission is granted by a Department head.

• Employees must be aware that the mere deletion of a file or message may not fully eliminate that file or message from the system.

• The existence of personal access codes, passwords and/or "message delete functions," whether provided by the Employer or generated by the employee, do not restrict or eliminate the Employer's access to any of its electronic systems as the employees are “on notice” that they should not have any expectation of privacy when using these systems.

• Employees shall not share personal access codes or passwords, provide access to an unauthorized user, or access another’s e-mail or Internet account without authorization from their Department head.

• Any messages or transmissions sent outside of the organization via e-mail or the Internet will pass through a number of different computer systems, all with different levels of security. Accordingly, employees must not send privileged and/or confidential communications (i.e. Social Security numbers, medical and/or HIPAA protected information, dependent information or other information protected from unlawful disclosure), via e-mail or the Internet unless the message is properly encrypted, and should consider a more secure method of communication for such data.

• Because postings placed on the Internet may display the Employer’s address or other Employer-related information, and thus reflect on the Employer, employees shall make certain before posting such information that it exhibits the high standards and policies of the Employer. Under no circumstances shall data of a confidential nature (i.e. Social Security numbers, medical and/or HIPAA protected information, dependent information or other information protected from unlawful disclosure) be posted on the Internet.

• If an employee identifies his/ herself as an employee in any manner on any internet posting or blog, comment on any aspect of the Employer’s business or post a link to the Employer, the employee must include the following disclaimer in an openly visible location: "the views expressed on this post are mine and do not necessarily reflect the views of the Employer or anyone associated/affiliated with the Employer."

• Subscriptions to news groups or mailing lists are permitted only when the subscription is for a work-related purpose and authorized by Employer. Any other subscriptions are prohibited.

• All files downloaded from the Internet, e-mail attachments or the like should be checked for possible viruses. If uncertain whether the virus-checking (anti-virus) software is current, the employee must check with the Employer's designated representative – the Human Resources Officer.

• Any unauthorized use of e-mail or the Internet is strictly prohibited while at work or while using an Employer computer or mobile device. "Unauthorized use" includes, but is not limited to: connecting, posting, or downloading obscene, pornographic, violent, sexually suggestive, or discrimination-based material; attempting to disable or compromise the security of information contained on the Employer's computer systems or the Employer’s fire wall; or sending or receiving obscene, violent, harassing, sexual or discrimination-based messages. If an employee receives a message that is representative of an "unauthorized use" of the Employer's electronic media from someone outside of the Employer, it is the employee's duty to immediately inform the sender of such materials that he or she must refrain from sending such materials. “Discrimination-based material” means content or conduct that is prohibited by the Policy against Harassment contained within this Manual.

• Employee Internet postings SHALL NOT VIOLATE ANY OTHER APPLICABLE EMPLOYER POLICY, including, but not limited to, the following: the Employer’s Anti-Harassment and Discrimination Policies.

• Employer business which is conducted by an employee on his or her personal computer or mobile device, or using the employee’s personal email account is subject to this policy and may be subject to the provisions of OPRA.

Any employee who violates this policy shall be subject to appropriate disciplinary action. This policy shall not be construed to restrict employees' rights to share information about their employment terms and conditions in communication with each other, or engage in other concerted activities for their mutual aid and protection.

Social Network Postings

For purposes of this policy, a social network is defined as a site that uses internet services to allow individuals to construct a user profile within that system, define a list of others users with whom they share some affiliation, and view and access their list of connections and those made by others within that system. The type of network and its design vary from site to site. Examples of the types of internet based social networking activities include: blogging, networking, photo sharing, video sharing, microblogging, podcasting, as well as posting comments on the user pages or the websites themselves. The absence of, or lack of explicit reference to a specific site or activity does not limit the extent of the application of this provision.

The use of the internet and social networking sites, including but not limited to Snapchat, Facebook, Instagram and Twitter is a popular activity; however, employees must be mindful of the negative impact of inappropriate or unauthorized postings upon the Employer and its relationship with the community. This provision identifies prohibited activities by employees on the internet where posted information is accessible to members of the general public, including, but not limited to, public postings on social networking sites.

Specifically, the Employer reserves the right to investigate postings, private or public, that violate work-place rules, such as the prohibition of sexual harassment and other harassing or discriminatory conduct, where such postings lawfully are made available to the Employer by other employees or third parties. Employees should use common sense in all communications, particularly on a website or social networking site accessible to anyone. If an employee would not be comfortable with his or her supervisor, coworkers, or the management team reading his or her words, he or she should not write or post them.

Further, employees should also use due care to avoid posting the Employer’s logo or Township emblem while using social media to prevent the appearance that the employee is posting as an official representative of, or representing the views of the Township or its elected officials.

Employees are advised that they can be disciplined for commentary, content, or images that are defamatory, pornographic, proprietary, harassing, libelous, or that can create a hostile work environment. They may also be sued by agency employees or any individual who views such commentary, content, or images as defamatory, pornographic, proprietary, harassing, libelous or creating a hostile work environment. What an employee says or posts on his or her social media page, account or on a website or what is said or posted on his or her social media page or account by others could potentially be grounds for disciplinary action, up to and including termination. However, nothing in this social networking policy is designed to interfere with, restrain, or prevent social media communications during non-working hours by employees engaging in protected concerted activities regarding wages, hours, or other terms and conditions of employment pursuant to the New Jersey Employer-Employee Relations Act or to prevent communications which are protected by the First Amendment freedom of speech clause, unless such communications are made as part of the employees’ official job duties.

# Telephone and Personal Communication Usage

Land-line Telephones. Employer telephones are for official business use only during working time. Charges for all other usage, including personal calls and unauthorized use of such devices, must be reimbursed to the Employer. Working time shall be defined as any time in which the employee is engaged in or required to be performing work tasks for the Employer, and excludes times when employees are properly not engaged in performing work tasks, including break periods and meal times.

Employer-Issued Mobile Phones/Devices. Employer-issued mobile devices may be issued to certain employees in the course of their employment with the Employer. Such Employer-issued devices are the sole and exclusive property of the Employer and are only to be utilized by employees in the course and scope of their employment during working time or, after hours as needed to conduct the Employer’s business. Employees will be charged for costs incurred due to their personal use of such devices. Accordingly, the Employer reserves the right to monitor the use of the Employer-issued cell-phones without notice, at any time, and any such data collected from the mobile device equipment is the sole and exclusive property of the Employer to be used for any purpose.

Similarly, the Employer reserves the right to review the manner and use of these mobile devices and physically inspect the equipment at any time with or without notice. Accordingly, the employee shall have no reasonable expectation of privacy in any transmissions made or received using an Employer-issued mobile device.

Employees are expected, at all times, to respect the integrity of the Employer-issued mobile devices and to maintain the equipment in proper working condition. If an employee discovers or recognizes that the mobile device is not in proper working condition, it is the employee’s responsibility to bring this fact to the attention of his or her supervisor immediately.

Upon termination of employment or in the instance of an upgrade to the employee’s phone or service, the employee must return the Employer-issued device to the Employer.

Prohibited Use of Personal Communication Devices. To alleviate distraction and disruption of regular work routines, personal communication devices are strictly prohibited from use during working time and/or in work locations, except where the Employer has provided such device(s) to employees for business use, or in case of an emergency (such as illness, accident, and calls of a similar emergent nature).

Employees are prohibited from using their personal communication device to copy and/or upload any confidential information (i.e. Social Security numbers, medical and/or HIPAA protected information, dependent information or other information protected from unlawful disclosure). Employees must make reasonable efforts to obtain supervisor approval prior to making emergency calls during working time. Personal communication devices are defined as, but not limited to, cellular or two-way phones, tablets, text-messaging devices, iPhones, Android-enabled devices, BlackBerrys and pagers.

Other Personal Electronic Devices. Employees are not permitted to utilize electronic devices such as personal laptops, game systems, MP3 players, portable DVD players or any other type of personal entertainment systems while at work unless expressly authorized by their department head.

# CARE OF THE EMPLOYER’S PROPERTY

Employees are responsible for all Employer property, equipment, vehicles, tools, devices, supplies, materials, or records/ documents issued to them or in their possession or control which are to be used in the course of their employment. Each employee is directly responsible at all times for the proper care and use of Employer property, equipment, and vehicles.

Employees’ responsibilities include, but are not limited to, the closure and locking of office windows and doors and motor vehicles, keeping official documents and records free from damage, spillage, tearing or mutilation/ destruction, preventing excessive wear or damage to equipment, tools or facilities, safekeeping electronic devices (including proper storage when not in use) and proper care of supplies or other materials that are consumed in the course of business.

Additionally, employees are to use Township-issued equipment for its intended purpose, to maintain and safeguard such equipment and to promptly report any defects or malfunctions in such equipment to their Department head.

Employees shall promptly report any suspected theft, destruction, defacing, damage, or misuse of Employer property or the property of a coworker, visitor, contractor, or member of the public which is observed at a Township work location or public property to their Department head.

# Use of Employer OR PERSONALLY OWNED Vehicles

# (Non-Law Enforcement)

The Employer owns and maintains a fleet of vehicles ("Employer Vehicles") that are used in furtherance of the business of the Employer. It is the Employer’s goal to ensure that its vehicles are operated in a safe and efficient manner and that employees (drivers) observe all motor vehicle laws, rules and regulations, while exercising good judgment in the operation of Employer Vehicles. The following policy governs the use of all Employer Vehicles (with the exception of vehicles utilized for law enforcement purposes), and supersedes all other vehicle policies previously in effect. Any employee violating the provisions contained herein will be subject to appropriate disciplinary action, in accordance with applicable laws and regulations. Violations of this policy may also result in the denial of indemnification and/or defense by the Employer to the employee in any civil or criminal matter brought in any Court arising from improper use of an Employer vehicle. The Employer also expressly reserves its right to seek indemnification and/or contribution from employees (including their personal automobile insurance policies) found to have acted in violation of this policy to the maximum extent permitted by law.

Driving Privileges and Licensure. The use of an Employer Vehicle by an employee is subject to the approval and discretion of the Township Manager. Any employee operating an Employer Vehicle must have, in his or her possession, a valid driver's license issued by a state licensing agency within the United States.

A. Employees are required to file a copy of a valid driver's license with the Employer prior to the use of an Employer Vehicle.

1. Upon request, an employee must provide a copy of their driver's license or other required documents within twenty-four (24) hours of said request.

2. Employees shall inform the Employer within twenty-four (24) hours of any changes in the status of their driving privileges.

3. Failure to comply with the requirements of this section will result in an immediate suspension of an employee's privilege to operate an Employer vehicle and may also result in the denial of indemnification and/or defense by the Employer to the employee in any civil or criminal matter brought in any Court arising from the use of an Employer vehicle while said employee's driving privileges were suspended or revoked.

B. The Employer reserves the right to obtain a driving abstract record from the New Jersey Motor Vehicle Service Commission or other regulatory and law enforcement agencies.

1. The Employer reserves the right to suspend an employee's Employer driving privileges if the Employer deems necessary based on the employee's driving record.

2. The Employer shall utilize information obtained pursuant to this section only for the purposes of furthering the objectives of this Policy and for no other reason, and will not reveal personal or other information contained in an employee's driving abstract record to any party except where required by applicable law.

C. The Employer occasionally offers safe driving courses and reserves the right to compel employee attendance at such courses.

D. If requested by the Township Manager or Human Resources Officer, the employee must agree to consent to a simulated road test to determine his/her fitness to safely operate a vehicle.

E. In the event that the employee is under the influence of any medication (prescribed or over-the-counter) that might impair his/her ability to safely operate a vehicle, he/she must refrain from driving until he/she notifies the Employer and awaits clearance to resume driving.

Official Use Only. The use of Employer Vehicles is restricted to official Employer business only. Employees shall not be permitted to use Employer vehicles for travel or activity unrelated to Employer business. Likewise, no supervisor may authorize such use or any use of an Employer Vehicle for other than Employer business or use which is otherwise inconsistent with this policy.

For the purposes of this policy, employees assigned Employer Vehicles may utilize such to pick up a meal from a convenience store, grocery store or dining establishment during an authorized break or lunch period so long as the business in near the employee’s assigned field location or along the route from one field assignment to another, and consistent with departmental policy.

Employer Vehicles assigned to employees under this policy are to be operated only by the employee while acting within the scope of their employment. No employee shall authorize or permit any other non-Employer employee, including but not limited to family members of the employee, to operate or ride as a passenger in an assigned Employer Vehicle, unless said passengers are assisting in the official business of the Employer, unless expressly authorized by the Township Manager.

Location of Vehicles. Employees who are assigned the regular use of an Employer Vehicle for official business may, with written permission of his/her Department Head, take the Employer Vehicle home at night and keep said vehicle at home while off duty.

If the employee will be absent from duty for more than one (1) working day, he/she must surrender the Employer vehicle to his/her direct supervisor unless directed otherwise. An employee storing the vehicle at his residence must keep the vehicle locked and provide safe parking for the vehicle at all times.

Commuting. The use of an Employer Vehicle for driving to and from work is voluntary and does not entitle the employee to compensation or pay while engaged in that activity.

Accidents and Incidents. Prior to operation of any Employer vehicle, employees must consult their Department Head as to the appropriate steps to take if they become involved in an accident (filling out accident reports, obtaining witness names, etc.)

A. In the event of an incident or accident involving the use of an Employer Vehicle, employees must immediately contact their supervisor and/or Department Head. All required reports and documentation must be submitted to the Township Manager within two (2) business days of receipt.

B. An employee may be required to submit to an alcohol or drug screening test following an accident or incident if there is a reasonable suspicion to believe that the employee’s use of drugs or alcohol may have contributed to the cause of the accident or as otherwise required by law or other policy of the Employer.

Citations and Violations. Operators of Employer Vehicles are expected to follow all laws, regulations and rules proscribed by the Motor Vehicle Commission. Drivers are responsible for paying any moving violation tickets and MUST notify the Employer of said violations within forty-eight (48) hours of receipt of said ticket (regardless of the employee's decision to contest such ticket in municipal court). Drivers are responsible for paying all parking tickets incurred. The Employer should be notified of the receipt of a parking ticket within 48 hours of receipt of said ticket.

Drivers are responsible for all "Notice of Delinquent Toll Payment Violations" (including but not limited to EZ-Pass). Upon having been notified of said violation, either by direct mail or notice from the Employer, an employee shall, within ten (10) business days of such notice, provide acceptable proof to the Employer that the outstanding toll and any related fees have been paid.

General Policies and Procedures. Employees authorized to use an Employer Vehicle for official business must adhere to the policies and procedures set forth in this Policy. Failure to comply with the provisions below will result in a loss of privileges:

A. Drivers must ensure that all required documents (driver's license, LD. badge/card, registration, insurance card) are in their possession while operating the vehicle. Vehicle registration and insurance cards should be kept in a locked compartment of the vehicle when not in use.

B. Employees assigned exclusive use of an Employer Vehicle are responsible for scheduling all repairs and manufacturer recommended maintenance with the Employer, in order to maintain all manufacturers' warranties (including routine oil changes).

C. Vehicles are to be kept clean at all times, and should be washed and vacuumed regularly (unless prohibited by the New Jersey Department of Environmental Protection or other similar regulatory body).

D. No smoking or consumption of alcoholic beverages is allowed in Employer Vehicles at any time.

E. In accordance with N.J.S.A. 39:4-97.3 and any other applicable statutes and regulations, the use of hand-held phones or electronic devices (BlackBerry, navigation systems, etc...) while driving Employer Vehicles is prohibited. This prohibition includes the sending or reading of e-mails, text messages and other similar communications.

F. All occupants must wear seat belts at all times when the vehicle is in use and observe all road safe rules and regulations, such as "Wipers On, Lights On."

G. Employees are expected to operate vehicles in a safe and courteous manner at all times and are expressly reminded to avoid tailgating or other unsafe practices.

H. Employees are reminded of the risks inherent from driving while drowsy. In the event that a driver becomes tired while operating a vehicle, they should pull off the road and seek appropriate assistance.

I. Personally owned vehicles. Ordinarily, employees shall not use personally owned vehicles to conduct Employer business. When necessary to do so, employees must receive permission to use their personally owned vehicle to conduct Employer business. Examples of limited circumstances where such permission may be granted include commuting to a training program or Township event during work hours, or running an errand on behalf of the Township. In such instances, the employee must provide the Employer with a copy of their current Certificate of Insurance evidencing limits of automobile liability consistent with State law.

# Section sEVEN: MISCELLANEOUS Personnel Rules

# Appearance

Township employees should always be well-groomed and dressed in a manner suitable for the public service environment and in a way that favorably reflects the Township. Each employee is expected to dress appropriately for the job. The following factors are relevant to determining appropriate dress:

• nature of work

• safety, including necessary precautions when working with or near machinery

• nature of employee contact with the public and the normal expectations of outside parties toward employees

• practices of others in similar jobs

• consideration of the image the Employer wishes to project

Examples of unacceptable clothing include faded, ripped or torn clothing, garments with rude or offensive words or illustrations, dresses or skirts higher than 3” above the knee, shorts and casual outfits such as sweat suits.

Appropriate footwear should also be worn. In no circumstances are flip-flops permitted; any sandals must have a back strap or a wide strap across the top of the front that prevents the sandal from dislodging.

This policy incorporates by reference all references to uniform and dress contained in all collective negotiations agreements in force between the Employer and its employees. Failure to abide by the terms of such agreements shall be deemed improper conduct.

Additionally, some Departments may have more detailed and restrictive rules governing appearance, including wearing prescribed PPE and safety clothing. Employees are required to abide by applicable Department rules.

# ABSENTEEISM AND TARDINESS

Regular attendance at work, reporting on time, and completing the required hours of work are necessary for each employee so that the Employer may meet its commitments to its residents. Employee absences place an additional burden on the remaining work force and seriously affect the Employer's ability to service its residents. Management recognizes that circumstances beyond the employee's control may cause him or her to be absent from work for all or part of a day. The Employer, however, will not tolerate unexcused absence or tardiness.

All employees are expected to come to work regularly and be prepared to start work on time, and to promptly notify their immediate supervisor or other management designee by personal telephone conversation when they are unable to do so. Unless prevented by specific circumstances, the employee must provide notification in accordance with his or her Department’s policy but no less than one (1) hour prior to the beginning of work for his or her position. In twenty-four (24) hour shift operations, notice must be given a minimum of two (2) hours before the employee’s starting time, unless extenuating circumstances prevent such notification.

Attendance and punctuality will be considered, among other factors, in the employee's performance review. If an employee needs to leave work early, the employee must receive permission from his or her supervisor to leave prior to the regularly scheduled departure time. An employee who is absent from duty for five (5) or more consecutive working days without approval or notification or fails to return to work for five (5) or more consecutive working days following an approved leave of absence shall be deemed to have voluntarily resigned from their employment.

To minimize the negative impact on both employees and residents, the Employer will regularly review employee time records to identify chronic absenteeism and/or tardiness problems. Employees who exhibit attendance and/or tardiness problems will be subject to established progressive disciplinary procedures.

# Employee Dating

The Employer strongly believes that an environment where employees maintain clear boundaries between employee personal and business interactions is most effective for conducting business. Although this policy does not prevent the development of friendships or romantic relationships between coworkers, it does establish very clear boundaries as to how relationships will progress during working hours and within the working environment. Individuals in supervisory relationships or other influential roles are subject to more stringent requirements under this policy due to their status as having influence or control over subordinates’ working conditions along with their access to sensitive information and their ability to influence others.

Procedures.

1. During working time and in working areas, employees are expected to keep personal exchanges limited so that others are not distracted or offended by such exchanges and so that productivity is maintained.

2. During non-working time, such as lunches, breaks and before and after work periods, employees are not precluded from having appropriate personal conversations in non-work areas as long as their conversations and behaviors could in no way be perceived as offensive or uncomfortable to a reasonable person.

3. Employees are strictly prohibited from engaging in physical contact that would in any way be deemed inappropriate by a reasonable person while anywhere on Employer premises, whether during working hours, breaks and prior to starting or upon completion of the workday.

4. Employees who allow personal relationships with coworkers to affect the working environment will be subject to the appropriate provisions of the Employer disciplinary policy which may include counseling for minor problems. Failure to change behavior and maintain expected work responsibilities is viewed as a serious disciplinary matter.

5. Employee off-duty conduct is generally regarded as private, as long as such conduct does not create problems within the workplace. An exception to this principle, however, is romantic or sexual relationships between supervisors and subordinates.

6. Supervisors, managers, executives or anyone else in sensitive or influential positions must disclose the existence of any relationship with another coworker that has progressed beyond a platonic friendship. Disclosure may be made to the immediate supervisor or the Department Head. This disclosure will enable the Employer to determine whether any conflict of interest exists because of the relative positions of the individuals involved.

7. Where problems or potential risks are identified, the Employer will work with the parties involved to consider options for resolving the problem. The initial solution may be to make sure that the parties involved no longer work together on matters where one is able to influence the other or take action for the other. Matters such as hiring, firing, promotions, performance management, compensation decisions, financial transactions, etc. are examples of situations that may require reallocation of duties to avoid any actual or perceived reward or disadvantage.

8. In some cases, other measures may be necessary such as transfer to other positions or departments.

9. Refusal of reasonable alternative positions, if available, will be deemed a voluntary resignation after five (5) consecutive workdays of failing to report to the available position.

10. Continued failure to work with the Employer to resolve such a situation in a mutually agreeable fashion may ultimately be deemed insubordination and therefore serve as cause for termination of employment-. The organization’s disciplinary policy will be consulted to ensure consistency, however, before any such extreme measures are undertaken.

11. The provisions of this policy apply regardless of the sexual orientation of the parties involved.

12. Where doubts exist as to the specific meaning of the terms used above, employees should make judgments on the basis of the overall spirit and intent of this policy.

13. Any employee who feels they have been disadvantaged as a result of this policy, or who believes this policy is not being adhered to, should make their feelings known to the Human Resources Officer or other designated individual.

# ETHICS & CONFLICT OF INTERESTS

The following provisions shall govern the activities of all employees:

1. No employee shall, directly or indirectly, solicit or accept or receive, whether by himself/herself or through his/her spouse, civil union and/or domestic partner, or any member of his/her family, or through any partner or associate, any gift, favor, service, employment or offer of employment or any other thing of value which he/she knows, or has reason to believe, is offered to him/her with intent to influence him/her in the performance of his/her public duties and responsibilities, or was intended as a reward for any official action on his/her part.
2. No employee shall disclose confidential information acquired by him/her in the course of his/her official duties, or acquired by him/her while employed by the Township, or use such information to advance the financial or personal interests of himself/herself or any other person.
3. No employee shall represent, appear for, or negotiate on behalf of, whether by himself/herself or by or through any partnership, firm or corporation in which he/she has an interest, or receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before the Township Council or other municipal board, committee or other body. Nothing herein shall prohibit an employee, who is a member of the bar and licensed to practice law in the State of New Jersey, from appearing before any Court of competent jurisdiction recognized by the State of New Jersey. Nothing herein shall prohibit any person from representing himself or herself in negotiations or proceedings concerning his/her own interest in real property.
4. To the extent that he or she knows thereof, any employee who participates in the discussion or gives official opinion to the Township Council, or other municipal board, committee or other body, on any motion, resolution or ordinance before said Council, board, committee or other body, shall publicly disclose on the official record and file a statement with the secretary of said body, as to the nature and extent of any former or present, direct or indirect, financial or personal interest he/she may have in such official action.
5. No employee shall knowingly himself or herself, or by his/her partners, or through any corporation which he/she controls, or in which he/she owns or controls more than 10% of the stock, or by any other person for his/her use or benefit, or on his/her account, undertake or execute in whole or in part, any contract, agreement sale or purchase made, entered into, awarded to, or granted by the governing body, unless such contract, agreement, purchase or sale was made or let after public notice and competi­tive bidding, provided, however, that the provisions of this Section shall not apply to purchases, contracts, or agreements which, by law, are not required to be made, negotiated or awarded with public advertising, or bids if such purchases, contracts, or agreements shall have received a prior advisory opinion from the Township Solicitor.
6. No employee shall engage in, solicit, negotiate for or promise to accept private employment, or render services to private interests, when such employment or services may create a conflict of interest with, or impair, the proper discharge of his official duties. No employee shall use Township office facilities or supplies other than in the proper discharge of his/her official duties.
7. No person shall induce, or attempt to induce any employee to violate any provision of the standards of conduct for employees as set forth herein. Any person who willfully violates any provision of this Section shall be subject to prosecution under applicable State of New Jersey laws.

# Nepotism

The hiring, promoting, transferring, demoting or reassigning of relatives is prohibited if the employment of such an individual would result in the creation of a prohibited employment relationship.

A prohibited relationship is created when:

1. One relative would have the authority to supervise either directly or from one level above, appoint, remove, discipline, evaluate or otherwise affect the work or employment of another relative.

2. The relative would be responsible for auditing the work of the other.

3. Other circumstances exist which would place the relatives in a situation of actual or reasonably foreseeable conflict between the Employer’s interest and their own.

Employees who marry or become related by marriage may continue in their employment if the marriage does not result in the creation of a prohibited relationship. Where the marriage results in the creation of a prohibited relationship, the Employer will explore potential accommodations including the reassignment of one or both employees to available positions for which the employees are qualified. Relative includes spouse, parent, step-parent, child, step-child, sibling, step sibling, half-sibling, father-in-law, mother-in-law, sister-in-law, brother-in-law, grandparent, grandchild, aunt, uncle, niece, nephew, and first cousins.

This policy applies to all employees hired, promoted, transferred, demoted, or reassigned on or after the date of adoption and to all prohibited relationships created on or after the date of adoption.

# Political Activity

Employees have the same right as any other citizen to join political organizations and participate in political activities, as long as they maintain a clear separation between their official responsibilities and their political affiliations. In accordance with State law, employees are prohibited from engaging in political activities while performing their public duties and from using the Employer’s time, supplies or equipment in any political activity. Political activities include, but are not limited to, advocating the election or appointment of any candidate for office, verbally or otherwise, and soliciting funds for campaigns or campaign materials.

Additionally, State law precludes employees from directly or indirectly using their position to control or affect the political action of another person. In accordance with the Hatch Act and Federal regulations, an employee whose principal employment is with a program financed in whole or in part by Federal funds or loans shall not:

• be a candidate for public office in a partisan election. (This provision does not apply to the elected head of an executive department or an individual holding elective office, where that office is the sole employment connection to federally funded programs.)

• use his/her official authority to influence, to interfere with or affect election results or nominations for office.

• directly or indirectly coerce contributions from any employee to support a political party or candidate. See the Hatch Act, 5 U.S.C. § 1501 et seq.

Violations of either State or Federal laws are serious matters and such violations should not be taken lightly. Any employee engaging in such political activities during working hours will be subject to disciplinary action up to and including termination of employment. Employees who engage in political activities during their non-working hours must not represent themselves as spokespersons for the Employer and may not wear clothing or other garb with the Employer’s logo, emblem or name. Employees should report any violation of this policy to their supervisor.