

08-01-2022: #9

BOROUGH COUNCIL RESOLUTION ADOPTING PERSONNEL POLICIES AND PROCEDURES HANDBOOK

WHEREAS, Borough of Dunellen (“Borough”) Administration in consultation with Labor Counsel has prepared a Policies and Procedures Handbook (“Handbook”) to serve as a governing document for personnel matters involving employees, volunteers, appointed officials, and independent contractors of the Borough; and

WHEREAS, Labor Counsel has reviewed the Handbook to be compliant with the law, adhere to best employment practices, and meet the requirements of the Employment Practices Liability Program of the New Jersey Municipal Excess Liability Joint Insurance Fund; and

WHEREAS, the Mayor and Council have reviewed the Handbook; and

NOW THEREFORE BE IT RESOLVED that the Mayor and Council hereby adopt the attached Handbook dated July 2022; and

BE IT FURTHER RESOLVED that the policies and procedures set forth in the Handbook shall be effective immediately upon adoption of this Resolution; and

BE IT FURTHER RESOLVED that copies of the Handbook will be distributed and made available to all current and future Borough employees, volunteers, appointed officials, and independent contractors; and

BE IT FURTHER RESOLVED that the Handbook is intended to provide guidelines covering public service and is not a contract; and

BE IT FURTHER RESOLVED that in the event there is a conflict between the Handbook and any collective negotiations agreement, personnel services contract, or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, the policies and procedures in the Handbook shall prevail; and

BE IT FURTHER RESOLVED that the provisions of the Handbook may be amended and supplemented from time to time without notice and at the sole discretion of the Borough.

Approved

.....

Mayor of the Borough of Dunellen

I *certify* the foregoing to be a true and correct abstract of a resolution regularly passed at a meeting of the Common Council of the Borough of Dunellen, held

.....
Clerk of the Borough of Dunellen

.....

and in that respect a true and correct copy of its minutes.

.....

Clerk of the Borough of Dunellen

I, William Robins, Clerk of the Borough of Dunellen, hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Borough Council at a duly convened meeting held on August 1, 2022.

William M. Robins, Municipal Clerk

BOROUGH OF DUNELLEN



PERSONNEL POLICIES & PROCEDURES HANDBOOK

The Borough of Dunellen is an Equal Opportunity Employer

Updated July 2022

INTRODUCTION

We welcome you as an employee of the Borough of Dunellen (“Borough”). The Borough of Dunellen was incorporated in 1887 and has a Borough form of Government. Mayor is elected every four years, and there are six at-large councilpersons. The Borough is one square mile, with a population per the 2020 census of approximately 7,200 residents.

This Policies and Procedures Handbook (“Handbook”) has been prepared to help you become familiar with all aspects of the Borough as well as personnel policies and procedures governing your employment with the Borough. As an employee of the Borough, you will, in many respects, represent the governing body. The elected officials are very proud of their municipality and you, as their representative, should strive to serve the citizens of the Borough with courtesy and professionalism at all times. Be knowledgeable and take pride in your part of the Borough Government.

Public service is an honorable and rewarding career that offers many benefits not often found in the private sector. As a Borough of Dunellen employee, you have certain rights, including but not limited to a right to a safe workplace free of discrimination, violence, harassment, and conflicts of interests. These and other rights are set forth in this Employee Handbook. Conversely, as a Borough of Dunellen employee, you have certain obligations, including the obligation to refrain from engaging in wrongdoing, including harassment, discrimination, and violence in the workplace. The Borough of Dunellen has a “no tolerance” policy towards workplace wrongdoing.

This Handbook, adopted by the Borough of Dunellen, discusses these issues and many other Borough personnel policies. **You are required to read this Handbook and become acquainted with its contents.** By its very nature, a Handbook cannot be comprehensive or address all possible situations. For this reason, if you have any questions concerning the Borough of Dunellen’s personnel policies, contact your supervisor, or if you prefer, the Borough Administrator.

The contents of this Handbook supersede any prior Manual or Handbook. **The provisions of this Handbook (including all guidelines, policies, practices, and benefits set forth herein) may be amended and supplemented from time to time without notice and at the sole discretion of the Borough.**

This Handbook does not confer any contractual right, either express or implied, to remain in the Borough’s employ. Nor does it guarantee any fixed terms and conditions of your employment. As such, **the contents of the Handbook do not constitute the terms of a contract of employment.**

Except as otherwise provided by a collective negotiations agreement or applicable law, all **employees of the Borough are employees at-will.** This means that any employee may voluntarily terminate his/her employment at any time, for any reason. It also means that the Borough may terminate any employee's employment at any time, with or without good cause.

No one is authorized to provide an employee with an employment contract or special arrangement concerning terms or conditions of employment unless the contract or arrangement is in writing and signed by the Mayor with approval of the Borough Council.

In the event there is a conflict between these rules and any collective negotiations agreement, personnel services contract, or Federal or State law (including the Attorney General's guidelines with respect to Police Department personnel matters), the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

All employees receiving this Handbook are required to sign an acknowledgement of receipt. A copy of this receipt will be maintained in your official personnel file.

This notice applies to all employees regardless of date of hire.

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GENERAL PERSONNEL POLICY

It is the policy of the Borough of Dunellen to treat employees, prospective employees and volunteers in a manner consistent with all applicable State and Federal employment laws and regulations. The personnel policies and procedures of the Borough of Dunellen shall apply to all employees, volunteers, (elected or appointed) officials and independent contractors. In the event there is a conflict between these rules and any collective negotiations agreement, personnel services contract, or Federal or State law (including the Attorney General's guidelines with respect to Police Department personnel matters), the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

All employees and officials shall be appointed and promoted by the Borough Council. No person shall be employed or promoted unless there exists a position created by an ordinance adopted by the Borough Council as well as the necessary budget appropriation and salary resolution.

The Borough Administrator and all managerial/supervisory personnel are authorized and responsible for personnel policies and procedures. The Borough of Dunellen has appointed the Borough Administrator/Municipal Clerk to implement personnel practices. The Borough Administrator shall also have access to the Borough Attorney appointed by the Borough Council for guidance in personnel matters.

As a general principle, and as set forth in the "Introduction," the Borough of Dunellen has a "no tolerance" policy towards workplace wrongdoing. The Borough of Dunellen officials, employees and independent contractors are to report anything perceived to be improper. The Borough of Dunellen believes strongly in an Open-Door Policy and encourages employees to talk with their supervisor, Department Head, Borough Administrator, or the Borough Council about any problems.

This Handbook contains many, but not necessarily all of the rules, regulations, and conditions of employment for the Borough of Dunellen personnel. The Handbook is intended to provide guidelines covering public service by Borough employees and is not a contract. The provisions of this Handbook may be amended and supplemented from time to time without notice and at the sole discretion of the Borough of Dunellen.

The Borough of Dunellen complies with all State and Federal regulations governing the Americans with Disability Act, State and Federal Wage Laws, the Public Employee Occupational Safety and Health Act, New Jersey Workers' Compensation Act, State Unemployment Laws, State and Federal Family Leave Acts, State and Federal Anti-Discrimination Laws, State and Federal Environmental Laws, and all other applicable State and Federal Laws.

CHAPTER ONE: GENERAL INFORMATION

The policies and procedures contained herein shall apply to all employees and volunteers of the Borough. Borough employees covered by a collective negotiations agreement should refer to both their agreement and this Handbook. In the event that provisions of this Handbook conflict with any provisions of a collective negotiations agreement, the provisions of the collective negotiations agreement will prevail.

As set forth in the "Introduction," all employees, including volunteers, will be required to sign an ACKNOWLEDGEMENT FORM upon receipt of the Handbook. By your signature, you are acknowledging that you have read the Disclaimer Statement and that you understand its meaning.

Disclaimer:

This Handbook is intended to inform employees and volunteers of the Borough of Dunellen's existing policies and procedures. ***It is not a contract of employment, nor is it a guarantee of any particular term of employment. Unless otherwise provided by statute, ordinance, individual contract, or collective negotiations agreement, employees of the Borough of Dunellen are "At Will Employees," which means they serve at the pleasure of the Borough.*** Both the Borough and its employees retain the right to terminate their employment relationship at any time.

No agreements contrary to the provisions of the Handbook may be made with individual employees or volunteers, except with the express and written consent of the Borough Council.

Policies and Procedures:

The establishment of policies for the Borough of Dunellen and the consistent application of these policies by standardized procedures will result in uniformity of operations throughout all departments, increased efficiency and morale, and the continuation of the Borough's commitment of service to the residents. The Handbook will guide both management and personnel as it relates to these policies and procedures. Revisions, additions, and deletions of the policies and procedures may be made at any time, and when approved by the Borough Council will be made available to all Borough employees and volunteers.

The Borough Administrator is responsible for the coordination and preparation of the policies and procedures. The Borough Council will approve and authorize the policies and procedures. Department Heads are responsible for implementing existing policies and procedures.

Communications:

The Borough Administrator or his/her designee shall keep Borough personnel advised and informed on a regular and timely basis on all matters relating to their employment with the Borough. To do so, the following methods will be used.

Personnel Policy Memorandum:

In order to advise and inform personnel on a regular and timely basis on matters related to changes in personnel policies and procedures, clarifications, regulatory compliance, and deletions or additions to this Handbook, the Borough Administrator or the designee will issue personnel policy memoranda. Personnel memoranda will also be utilized to relay information relating to the availability of positions and training opportunities and other related personnel matters.

Postings and Bulletin Boards:

All required legal notices and announcements will be prominently displayed in all Borough workplace facilities. The bulletin boards located in the Borough Municipal Building and other Borough facilities are intended for official notices regarding policies, procedures, meetings, and special events. Only personnel authorized by the Borough Administrator may post, remove, or alter any notice.

Grievances:

For the policies and procedures set forth in this Handbook, a grievance is any formal dispute concerning the interpretation, application and enforcement of any personnel policy or procedure of the Borough. Grievances from union employees will be handled pursuant to the terms of the applicable collective negotiations agreement. In the event of a settlement or ruling that results in a determination of monetary liability, such liability shall not exceed more than thirty (30) working days prior to the date the grievance was first presented in writing.

- **Step One:** Any employee or group of employees with a grievance shall verbally communicate the grievance to the supervisor or Department Head who will discuss the matter with the Borough Administrator. The supervisor or Department Head will communicate the decision to the employee within five (5) working days.
- **Step Two:** If the employee is not satisfied with the decision, the employee must submit a written grievance to the Borough Administrator detailing the facts and the relief requested. The decision in Step One will be deemed final if the employee fails to submit a written grievance within five (5) working days of the step one decision. After consulting with Human Resources and the Borough Labor Attorney as appropriate, the Borough Administrator will render a written decision to the employee within five (5) working days after

receipt of the written grievance. The Borough Administrator's decision shall be final.

All grievances from non-union employees must be presented within five (5) working days after the event giving rise to the grievance has occurred, or should have reasonably been known. Failure to report a grievance within such time shall be deemed as a waiver of the grievance. These limitations do not apply to employee complaints made under the Anti-Harassment Policy (including sexual harassment), Anti-Discrimination Policy or the Whistle Blower Policy.

CHAPTER TWO: EMPLOYMENT

Employment Definitions:

Employee: means an individual appointed by the Borough Council and paid a stipend, salary, or hourly rate, and whose position is authorized in the Borough's Operating Budget and paid through the Borough's payroll.

Full-Time Employee: An employee who has completed the probationary period, works 35 or more hours per week, and whose regular hours of duty are the regular and normal workweek for the job classification in their department.

Part-Time Employee: An employee who has completed the probationary period and works 24 hours or less per week. Part-time employees shall not be entitled to fringe benefits such as health benefits, vacation time, paid holidays, or personal days. Sick leave will accrue in accordance with the law.

Regular Part-Time Employee: An employee who has completed the probationary period and works 29 hours or less per week, but no fewer than 25 hours per week.

Regular part-time employees shall be entitled to holiday pay, as well as five (5) vacation days and five (5) sick days after the completion of one calendar year of employment. Such payments shall be prorated based on average daily hours worked during the preceding year. Sick leave will accrue during the first year in accordance with the law.

Probationary Period:

- A. Commencing with new employment, an employee must successfully complete a six-month introductory/trial period, which may be extended for up to an additional six (6) months at the discretion of the Borough Administrator.
- B. On satisfactory completion of this probationary period, an employee will be placed on the seniority list retroactive to the employee's first day of employment.

- C. Any employee who does not successfully complete the probationary period shall be terminated.

Temporary Employee: An employee who has been appointed to a temporary position which may be of a seasonal or emergency nature. Temporary employees shall not receive, with the exception of sick leave, any fringe benefits such as paid vacation, holiday, or personal day benefits and health benefits. Sick leave will accrue in accordance with the law.

Employment Procedures:

- **Recruitment:** The Borough Administrator, or his/her designee, in conjunction with the CFO, will coordinate the employment recruitment process for all vacancies to ensure compliance with contractual, legal, and equal opportunity recruitments. When a vacancy occurs, it is the responsibility of the Department Head to notify the Borough Administrator who will distribute notification of the vacancy to all departments. The Borough Administrator will undertake to recruit qualified applicants in accordance with applicable Federal and State law. Where positions are advertised, the media or other periodical utilized should have as wide a circulation as possible to encourage applications from candidates from diverse backgrounds and must prominently state that the Borough is an equal opportunity employer.
- **Application:** All candidates must fully complete an application form when requested. A resume will not be considered as a substitute for this form. The application is a confidential document and will not be available to anyone who is not directly involved in the hiring process.
- **Interview:** The Borough Administrator or Department Head will coordinate the interview process including the scheduling of applicants, development of interview questions and standards to measure candidate responses. All questions will be in accordance with the law. Reasonable accommodations must be made for disabled applicants, upon request.
- **Physical Examinations:** The Borough Administrator may require applicants, prior to employment, to successfully pass a physical examination consistent with the Americans with Disabilities Act to assure that the work required by the position will not cause injury to the employee or co-employees and that the person is fit to meet the requirements of the position. The Borough Administrator may require periodic physical examinations to determine the employee's continued ability to perform the duties of the position. All physical examinations must be performed by a physician chosen by the Borough at the expense of the Borough. All medical records of employees and prospective employees are confidential and are to be maintained separately from the employee's official personnel file.

- ***Criminal Background Checks:*** Criminal background checks are required of all candidates, 18 years old and older, including volunteers that may work directly or indirectly with children/youth/minors in accordance with the procedures outlined in the Section of this Handbook entitled “Background Checks and Procedures for Candidates, Employees and Volunteers”.
- ***Job Offers:*** The final decision will be made by the Borough Council and the Borough Administrator after all references and other information have been verified. Every effort shall be made to offer reasonable accommodations pursuant to the American with Disabilities Act. The employment offer must be made in a letter to the candidate outlining all terms and conditions of the offer. The letter will also establish a deadline for acceptance.
- ***Acceptance and Rejections:*** If the first offer is rejected, the Borough Council and Borough Administrator may decide whether to hire another candidate or re-open the position. Once a candidate accepts the employment offer, all other candidates will be notified in writing they were not accepted for the position.
- ***Record Retention:*** All applications, notes made during interviews and references checked, job offers, and other documents created during the hiring process must be returned to the Clerk. Documents related to the successful candidate will be placed in the employee’s official personnel file except medical records, including physical examinations, which must be maintained in a separate file. All records and documents related to other candidates must be retained for at least three years. Records and documents created during the hiring process must be retained in a locked cabinet.

Recruitment and Hiring:

The Borough Council shall approve, by Resolution, the creation of any new position. The Council shall also approve, by Resolution, the filling of any vacancy and the salary to be provided. All positions to be filled, unless filled from within, shall be advertised in at least one local newspaper of general circulation. The advertisement shall contain a statement to the effect that the Borough of Dunellen is an “Equal Employment Opportunity Employer.” Notice of vacancies shall be posted in appropriate locations so that Borough employees may apply for positions for which they feel qualified.

An application, available from the office of the Borough Administrator, shall be completed by each person applying for the position with the Borough. The application will be reviewed by the appropriate Department Head and the Borough Administrator.

Each new employee shall complete the necessary forms and applications for pensions and benefits.

Each new employee shall serve a probationary period of six (6) months, which may be extended for an additional six (6) months at the discretion of the Borough Administrator. The employee's performance shall be evaluated by the Department Head and a recommendation for the retention or dismissal of the probationary employee shall be forwarded to the Borough Administrator. All police officers shall serve a probationary period of one (1) year from the date of the initial appointment, as provided by law.

Following the probationary period, all employees will receive a formal evaluation once each year. The evaluation will be used to determine salary adjustments, as appropriate, and whether the appointment should be continued or terminated. In the event a termination action is decided upon, the employee will be given the reasons in writing, the right to reply and the right to appeal to someone other than the rating official.

A personnel history file for all Borough employees is maintained in the office of the Borough Administrator. All changes in the terms of employment, such as transfers, promotions, salary adjustment and terminations shall be entered on the record. Records are confidential and should be maintained and adequately safeguarded.

Processing and Orientation of New Employee Procedures:

All new employees will be scheduled to meet with the Borough Administrator and Department Head on the first day for a general orientation. Copies of all forms and acknowledgements must be returned to the Borough Administrator for inclusion in the employee's official personnel file. The orientation will include:

- A tour of the appropriate facilities to acquaint the new employee with overall operations as they relate to the specific position;
- The completion of all pertinent personnel, payroll, insurance and pension forms;
- A review of the Handbook and acknowledgement of receipt;
- The employee complaint policy letter and acknowledgement;
- A safety orientation and acknowledgement; and
- Arrangements for the new employee to complete required PEOSHA safety training.

Background Checks and Procedures for Candidates, Employees and Volunteers:

- **Background checks required:** Criminal background checks are required of all candidates over the age of 18, including volunteers working directly or indirectly with children/youth/minors. Criminal background checks will also be performed every three years for each employee or volunteer that works directly or indirectly with children/youth/minors.

- **Background check procedure:** The Borough Administrator will perform or initiate criminal background checks and be the recipient of reports from outside agencies or contractors. These reports shall include, but are not limited, to court records; police department and corrections agency records; registries or watch lists; state criminal record repositories; and the Interstate Identification Index maintained by the FBI. The Borough Administrator will discuss potentially disqualifying information received with the employee's or volunteer's department head, and a determination that the information is disqualifying shall be made based on whether the disqualification is job-related for the position and is consistent with business necessity. Written information received as a result of a "Request for Criminal History Record Information for A Noncriminal Justice Purpose" will be destroyed immediately after it has served its authorized purpose, as required by the State Police. Such information will be kept confidential and will not be published or disclosed in any manner inconsistent with the procedures listed herein. Such information will not be deemed a public record under P.L. 1963, c.73 (C:47:1A-1, et seq.) as amended and supplemented by P.L. 2001, c.404 (C:47:1A-5, et seq.).

- **Conditions Under Which an Employee Will Be Disqualified From Working With Children/Youth:** A candidate, volunteer, or employee may be disqualified from employment in a position that works with children/youth/minors if that person's criminal record history background check reveals a record of conviction of any of the following crimes and disorderly persons offenses as defined by New Jersey law or by analogous laws in other States:
 - Homicide (N.J.S.A. 2C:11)
 - Assault, reckless endangerment, threats, stalking (N.J.S.A. 2C:12)
 - Kidnapping (N.J.S.A. 2C:13)
 - Sexual Offenses (N.J.S.A. 2C:14)
 - Offenses Against the Family, Children and Incompetents (N.J.S.A. 2C:24)
 - Controlled Dangerous Substances (N.J.S.A. 2C:35 except for 2C:35-10(a)4)
 - Robbery (N.J.S.A. 2C:15)
 - Theft (N.J.S.A. 2C:20)

A disqualification from any position will be based only on a conviction for one or more of the above disqualifying crimes and offenses as a result of the employer's targeted screening process, by which the employer has taken into account the following factors:

(a) The nature and gravity of the offense or conduct, including the consideration of (i) the harm caused by the crime; (ii) the legal elements required to prove the crime; and (iii) the classification of the crime (i.e., felony or misdemeanor, etc.); (b) The time that has elapsed since the offense, conduct, and/or completion of the sentence; (c) The nature of the job held or sought, including the consideration of: (i) the job duties (not merely the job title); (ii) the level of supervision to be provided; (iii) the working environment (e.g., private home, outdoors, warehouse); (iv) interaction with others, especially with vulnerable individuals such as

children/youth/minors; and (v) the relationship of the criminal history to the job to be performed. An acquittal, a dismissal, successful completion of Pre-Trial Intervention (PTI), or an expungement of a criminal offense, including a disqualifying criminal offense, is not a disqualifying conviction. Further, an arrest record standing alone may not be used to disqualify a candidate, volunteer, or employee from an employment opportunity. However, the Borough may make a disqualification decision based on the conduct underlying the arrest if the conduct makes the individual unfit for the position in question, in which case the conduct, not the arrest, is relevant for employment purposes.

Probationary Period Procedures:

Except where State requirements direct otherwise, new employees (or present employees transferring to new positions) will be hired subject to a probationary period of not less than six months or more than twelve months, as determined by the Borough Administrator. During this probationary period, the new employee or transferee will be provided with training and guidance from the supervisor. At the end of the probationary period, the supervisor will conduct an employee evaluation (see Performance Evaluation Procedure). New employees may be discharged at any time during this period if the Borough Administrator concludes that the employee is not progressing or performing satisfactorily. Under appropriate circumstances, the Borough Administrator may extend the probationary employment period.

(Newly hired employees are not eligible for payment of paid time off except holidays and sick time, until the successful completion of their initial employment period).

Work Schedule:

The normal standard work period for full-time officials and employees is as follows:

Borough Offices:

9:00 a.m. – 4:30 p.m.

Employees work a flex schedule of 9:00 a.m. to 4:30 p.m., Monday through Friday, with a one-hour break for lunch.

Summer Hours (week leading up to Memorial Day until Labor Day): Monday through Thursday: 8:30 a.m. – 4:30 p.m. and Friday 8:30 a.m. to 1 p.m.

Department of Public Works:

6:00 a.m. - 2:30 p.m.
Monday through Friday
One half hour for lunch

Part-time employees shall work such hours as may be specified for their services by the Borough Council.

Equal Employment Opportunity & Anti-Discrimination Policy:

The Borough of Dunellen maintains a strong policy of equal employment opportunity and anti-discrimination for all employees and applicants for employment. We hire, train, promote and compensate employees on the basis of competence and potential for advancement without regard for sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, civil union status, atypical heredity, cellular or blood trait, genetic information, disability, pregnancy (including pregnancy related medical condition), childbirth, breastfeeding, liability for service in the United States armed forces, gender identity or expression, and/or any other characteristic protected by law.

Our equal employment opportunity and anti-discrimination policy applies to all aspects of employment with the Borough, including recruiting, hiring, training, transfer, promotion, job benefits, pay, dismissal, educational assistance, and social and recreational activities.

If any employee or prospective employee feels they have been treated unfairly, in violation of the policy, they have the right to address their concern with their supervisor, or if they prefer their Department Head, Borough Administrator or Borough Council. Any employee who is a witness to or believes that he or she has been a victim of discrimination or other violation of this policy should immediately report their concern in accordance with the Complaint Policy in this Handbook. All complaints and reports of discrimination will be promptly and thoroughly investigated and, as appropriate, corrective action will be taken. Retaliation for making such report and/or participating in any investigation of alleged violations of this policy is also expressly prohibited.

Violation of this policy will subject employees to disciplinary action, up to and including immediate discharge.

Affirmative Action:

The Borough supports compliance with all Federal and State laws and regulations governing Affirmative Action which prohibit discrimination in the delivery of government services, programs or activities, including employment practices and access and accommodation to municipal facilities. The Borough Administrator is designated as the Public Agency Compliance Officer as it relates to the monitoring and compliance of all public contracts pertaining to State and Federal Affirmative Action regulations. In addition, the Administrator has been designated as the appropriate official in implementing, coordinating, and monitoring compliance with Title I as it pertains to equal employment opportunity, and subtitle A of Title II in the administration of the Americans With Disabilities Act of 1990.

Reasonable Accommodations: Americans with Disabilities Act Policy/ New Jersey Pregnant Worker's Fairness Act:

In compliance with the Americans with Disabilities Act, the ADA Amendments Act and the New Jersey Law Against Discrimination as amended by the New Jersey Pregnant Worker's Fairness Act (LAD), the Borough does not discriminate based on disability, pregnancy, pregnancy related medical condition or childbirth. The Borough will endeavor to make every work environment handicap accessible, and all future construction and renovation of facilities will be in accordance with applicable barrier-free Federal and State regulations and the Americans with Disabilities Act Accessibility Guidelines, as well as the ADA Amendments Act.

It is the policy of the Borough to comply with all relevant and applicable provisions of the Americans with Disabilities Act, the ADA Amendments Act and LAD. We will not discriminate against any employee or job applicant with respect to any terms, conditions, or privileges of employment on the basis of a known or perceived disability, pregnancy, childbirth, breastfeeding, or pregnancy related medical condition. We will also make reasonable accommodations to known physical or mental limitations of all employees and applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided that the accommodation does not impose undue hardship on the Borough. If you require an accommodation of a disability, please direct your request to the Borough Administrator.

The Borough Administrator shall engage in an interactive dialogue with disabled/pregnant employees, prospective disabled/pregnant employees, or their respective physicians, to identify reasonable accommodations. In the case of an employee breastfeeding her infant child, the accommodation shall include reasonable break time each day and a suitable room or other location with privacy, other than a toilet stall, in close proximity to the work area for the employee to express breast milk for the child.

All decisions with regard to reasonable accommodations shall be made by the Borough Administrator and/or the Borough Council. Employees who are assigned to a new position as a reasonable accommodation will receive the salary for their new position. The Americans with Disabilities Act does not require the Borough to offer permanent "light duty," relocate essential job functions, or provide personal use items such as eyeglasses, hearing aids, wheelchairs, etc.

Employees should also offer assistance, to the extent possible, to any member of the public who requests or needs an accommodation when visiting the Borough of Dunellen facilities. Any questions concerning proper assistance should be directed to the Borough Administrator.

Any employee who is a witness to or believes that he or she has been denied reasonable accommodation or has otherwise observed or been a victim of a violation of this policy should immediately report their concern in accordance with the Complaint Policy in this

Handbook. All complaints and reports of violations of this policy will be promptly and thoroughly investigated and, as appropriate, corrective action will be taken. Retaliation for making such report and/or participating in any investigation of alleged violations of this policy is also expressly prohibited.

Contagious or Life-Threatening Illnesses Policy:

The Borough of Dunellen encourages employees with contagious diseases or life-threatening illnesses to continue their normal pursuits, including work, to the extent allowed by their condition. If an employee has learned that he or she has a contagious or life-threatening illness, the employee should take all steps to prevent further spread of the disease or illness. When appropriate, the employee's Department Head should be notified of any illnesses that may affect the health, safety, and welfare of any co-employee or member of the general public.

As is the case of other disabilities, the Borough shall make reasonable accommodations to known physical and mental limitations of all employees in accordance with legal requirements, provided that the individual is otherwise qualified to safely perform the essential functions of the job, as long as they are able to meet acceptable performance standards, and provided that the accommodation does not impose an unreasonable hardship on the Borough of Dunellen.

Employees with such conditions, who are able to meet appropriate standards 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, he or she is expected to be productive. If the individual cannot work, then he or she may be eligible for disability benefits.

The Borough of Dunellen will take reasonable precautions to protect such information from inappropriate disclosure, including the following:

- Medical information may be disclosed with the prior written informed consent of the person who is the subject of the information.
- Information may be disclosed without the prior written consent to qualified individuals for the purpose of conducting management audits, financial audits, and program evaluations, but these individuals shall not identify, either directly or indirectly, the person who is the subject of the record in a report or evaluation, or otherwise disclose the person's identity in any manner. Information shall not be released to these individuals unless it is vital to the audit or evaluation.
- Information may be disclosed to the Department of Health as required by State or Federal law.

Managers and other employees have a responsibility to maintain the confidentiality of employee medical information. Anyone inappropriately disclosing such information shall be subject to disciplinary action.

Safety Policy:

The Borough of Dunellen will provide a safe and healthy work environment and shall comply with the Public Employees Occupational Safety and Health Act (PEOSHA). The Borough of Dunellen 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. Failure to do so constitutes grounds for disciplinary action. Any occupational or public unsafe condition, practice, procedure or act must be immediately reported to the supervisor or Department Head. Any on-the-job accident or accident involving the Borough of Dunellen facilities, equipment or motor vehicles must also be immediately reported to the supervisor or Department Head.

Workplace Violence Policy:

The Borough will not tolerate and has adopted a Zero Tolerance Policy for threats or violence in the workplace. Violent acts or threats made by an employee or volunteer against another person or property are cause for immediate dismissal and will be fully prosecuted. This includes any violence or threats made on Borough property, at Borough events or under other circumstances that may negatively affect the Borough's ability to conduct business.

Prohibited conduct includes, but is not limited to:

- Causing physical injury to another person;
- Making threatening remarks;
- Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
- Intentionally damaging employer property or property of another employee;
- Possession of a weapon while on Borough property or while on Borough business except with the authority of the Police Chief; and
- Committing acts motivated by, or related to, sexual harassment or domestic violence.

Procedures for Dealing with Acts of Workplace Violence. If a violent act or altercation constitutes an emergency, call 9-1-1. In instances that are not emergency situations, contact your Department Head or the Borough Administrator. If possible, separate the

parties involved in the violent altercation. If the parties cannot be separated, or if it would be too dangerous for the employee to separate the parties, call 9-1-1 and contact your Department Head or the Borough Administrator. The Department Head will contact the Borough Administrator, who will take responsibility for coordinating a response to the incident.

In instances that involve criminal situations, the Borough Administrator will contact the Dunellen Police Department for assessment, and if necessary, a criminal investigation.

Employee Reporting Obligations and Procedure. Any potentially dangerous situation must be immediately reported. Each employee is obligated to report incidents or threats or acts of physical violence of which he or she is aware. The report should be made to the employee's Department Head or the Borough Administrator. Each Department Head shall promptly refer any such incident to the designated human resources official.

The Borough 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, arrest and prosecution.

Nothing in the policy alters any other reporting obligation established in the Borough'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 Borough Administrator.

General Anti-Harassment Policy:

It is the Borough's policy to prohibit harassment of an employee or any other person (including volunteer) by another employee, management representative, supplier, volunteer or business invitee on the basis of actual or perceived sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, civil union status, atypical heredity, cellular or blood trait, genetic information, disability, pregnancy, liability for service in the United States armed forces, and/or any other characteristic protected by law. The Borough prohibits harassment in the workplace, on Borough property, at any work site, or at any other location at which a Borough's sponsored activity takes place.

While it is not easy to define precisely what harassment is, it includes by way of example and not limitation, slurs, epithets, threats, derogatory comments, unwelcome jokes, teasing, and other similar verbal or physical conduct.

If an employee or volunteer is a witness to or believes to have experienced harassment, immediate notification of the supervisor, Borough Administrator, or other appropriate person should take place. For more information see the Employee Complaint Policy.

Harassment of any employee or volunteer, in connection with their work, by non-employees may also be a violation of this policy. Any employee or volunteer who experiences harassment by a non-employee, or who observes harassment of an employee or volunteer by a non-employee, should report such harassment to the supervisor. Appropriate action will be taken against any non-employee.

Notification of appropriate personnel of any harassment problem is essential to the success of this policy and the Borough generally. The Borough cannot resolve a harassment problem unless it knows about it. Therefore, it is the responsibility of all employees to bring those kinds of problems to the attention of the appropriate officials so that steps are taken to correct them.

Violation of this harassment policy will subject employees or volunteers to disciplinary action, up to and including immediate discharge.

Anti-Sexual Harassment Policy:

It is the Borough's policy to prohibit sexual harassment of an employee or any other person (including volunteer) by an employee, official, vendor, supplier, volunteer, or business invitee. The Borough prohibits sexual harassment in the workplace, on Borough property, at any work site, or at any other location at which the Borough's sponsored activity takes place. Sexual harassment of non-employees by our employees is also prohibited. Similarly, any form of electronic sexual harassment or sexual harassment via social media is prohibited. The purpose of this policy is not to regulate personal morality or to encroach upon one's personal life, but to demonstrate a strong commitment to maintaining a workplace free of sexual harassment.

Sexual harassment is defined as unwelcomed sexual advances, requests for sexual favors and other inappropriate verbal or physical conduct based on gender when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment including, but not limited to:

- *Gender Harassment:* Generalized gender-based remarks and behavior;
- *Seductive Behavior:* Inappropriate, unwanted, offensive physical or verbal sexual advances;
- *Sexual Bribery:* Solicitation of sexual activity or other sex-linked behavior by promise of reward;
- *Sexual Coercion:* Coercion of sexual activity by threat of punishment; and
- *Sexual Assault:* Gross sexual imposition such as touching, fondling, grabbing or assault.

All employees, female or male, shall be permitted to work in an environment free from all forms of unlawful discrimination and conduct which can be considered harassing, coercive or disruptive, including sexual harassment. Sexual harassment is a form of employee misconduct that undermines the integrity of the employment relationship. Sexual harassment debilitates morale and interferes with work productivity and will not be tolerated.

Employees and volunteers are encouraged, whether directly or through a third party, to notify the alleged harasser that the behavior in question is offensive and unwelcome. However, failure to do so does not preclude filing a complaint.

Any employee who is a witness to or believes that he or she has been a victim of sexual harassment or other violation of this policy should immediately report their concern in accordance with the Complaint Policy in this Handbook. All complaints and reports of harassment will be promptly and thoroughly investigated and, as appropriate, corrective action will be taken. Retaliation for making such report and/or participating in any investigation of alleged violations of this policy is also expressly prohibited.

In order to ensure the integrity of the work environment, managerial and/or supervisory personnel are required to ensure adherence to and compliance with this policy; and, upon being informed of possible sexual harassment, are required to take appropriate immediate action in response, including informing employees of their right to file a complaint with the Borough Administrator.

Notification by employees to appropriate personnel of any sexual harassment problem is essential to the success of this policy and the Borough generally. The Borough cannot resolve a sexual harassment problem unless it is reported. Therefore, it is the responsibility of all employees to bring those kinds of problems to the attention of management so that necessary steps are taken to correct them.

Violation of this sexual harassment policy will subject employees to disciplinary action, up to and including immediate discharge.

Employee Complaint Policy:

Employees, officials, volunteers, and/or independent contractors who observe actions they believe to constitute discrimination, harassment, sexual harassment, retaliation, or any other workplace wrongdoing should immediately report the matter to their supervisor, or, if they prefer, or do not think that the matter can be discussed with their supervisor, they should contact their Department Head or the Borough Administrator. Reporting of such incidents is encouraged both when an individual feels that he or she is subject to such incidents or observes such incidents in reference to other individuals.

Employees, officials, volunteers, and/or independent contractors should report incidents in writing using the Employee Complaint form, but may make a verbal complaint at their discretion. All reports of discrimination, harassment, sexual harassment, retaliation or other wrongdoing will be promptly investigated by a person who is not involved in the alleged wrongdoing. Any supervisor or Department Head who receives a report of and/or observes a reportable offense shall immediately notify the Borough Administrator.

The Borough will investigate the complaint to determine the merits of the allegations. The Borough will, to the maximum extent feasible, maintain the confidentiality of such complaints on a need-to-know basis. The Borough Administrator will designate an objective investigator to investigate the validity of any complaint. The investigator may be the Borough Administrator, or any third party deemed appropriate. The investigation will be completed in a reasonable time to resolve the issue and minimize the effects of such investigation on the parties involved. The investigation will at a minimum, and to the fullest extent possible, include an interview with the employee bringing the complaint and the employee(s) accused of wrongdoing.

The employee bringing the complaint and the employee(s) accused of wrongdoing will be notified of the outcome of the investigation at the conclusion of the investigation within a reasonable time from the date of the report of the incident.

If the investigation substantiates the complaint, appropriate corrective and/or disciplinary action will be swiftly pursued. Disciplinary action for employees found in violation of this policy may be progressive in nature, but not required to be, and include: oral reprimand; written reprimand; reassignment; suspension (with or without pay); demotion; termination; referral to the criminal justice system.

There will be no discrimination or retaliation against any individual who files a good faith harassment complaint, even if the investigation produces insufficient evidence to support the complaint, and even if the charges cannot be proven. However, disciplinary action up to and including discharge will be taken against individuals who knowingly make false or frivolous accusations, such as those made maliciously or recklessly.

If either the complainant or the alleged harasser is displeased with the outcome of the investigation, they may appeal to the Mayor and Borough Council for a final administrative determination before resorting to contractual and/or other legal remedies.

Questions about this complaint procedure should be directed to the Borough Administrator.

Employee Complaint Investigation Procedure:

Employees and volunteers have the right to formally or informally report any misconduct by a co-employee, volunteer, supervisor, elected official or visitor.

- **Reporting:** Employees should be asked to report complaints in writing utilizing the Employee Complaint Form, but are not compelled to do so;
- **Identification/Screening:** The supervisor, Department Head, the CFO, or Borough Attorney must report all written or verbal complaints to the Borough Administrator unless the complaint is against the Borough Administrator, in which case it is to be reported to the Borough Attorney, who shall notify the Mayor and Council. Upon receipt, the Borough Administrator (or Borough Labor Attorney) will determine if the complaint was made pursuant to the General Anti-Harassment Policy, Anti-Sexual Harassment Policy, Anti-Discrimination Policy, the Whistle Blower Policy, a grievance procedure or is another form of complaint. A file will be established including the written complaint, the investigation procedure followed and the response action plan. In a prompt fashion, while taking into consideration the availability and schedules of those involved, the Borough Administrator or an appointed investigator will interview the employee. If the employee is reluctant to sign a written complaint, the Borough Administrator, or investigator, will prepare written notes of the date, time and place of the complaint and the specific allegations. These notes will be read back to the employee who will be asked to affirm, preferably in writing, the accuracy of the information.
- **Investigation:** The Borough Administrator will seek the advice of the Borough Attorney when planning the investigation. The investigation should be conducted by the Borough Attorney, Police Department, or County Prosecutor if it involves potential criminal charges. The investigation should establish the frequency and nature of the alleged conduct and whether the complaint coincides with other employment events such as a poor performance evaluation. The investigation should also determine if other employees were subjected to similar misconduct. It is important to protect the rights of both the person making the complaint and the alleged wrongdoer.

- Response Plan – No Corrective Action Required:** The Borough Administrator will discuss the conclusions with the Borough Attorney and render a decision within fourteen (14) days after the investigation is complete, or within a reasonable time thereafter. If the validity of a complaint cannot be determined or the complaint is groundless, the complaining employee should be notified in writing. Care should be taken to avoid being too specific, confrontational or accusatory and to avoid any language that might be construed as defamatory. A general statement is usually more appropriate that the claim was thoroughly investigated, but could not be sufficiently documented or confirmed to justify taking formal action. The employee should be assured that future complaints will be investigated and that the Borough is committed to eliminating wrongful employment practices when they are found to exist. If the investigation reveals that the complainant intentionally and maliciously levied false charges against the alleged wrongdoer, the complainant must be notified of the seriousness of filing a false complaint, and the appropriate disciplinary penalty under the circumstances, up to and including termination.
- Response Plan – Corrective Action Required:** If the investigation reveals that the complaint is justified and substantiated, the Borough Administrator will formulate with the advice of the Borough Attorney a corrective action plan as well as possible disciplinary action. The complaining employee will be notified, in writing, that it appears that the complaint was justified, and an appropriate response plan has been formulated. The response plan should provide for appropriate remedial action to prevent a recurrence of the wrongful act or behavior. The complaining employee may, at the discretion of the Borough Administrator, be apprised of the specifics of the response plan and any personnel action taken as a result of the investigation.

Employee Discipline Policy:

An employee or volunteer may be subject to discipline, up to and including termination, for any of the following reasons:

- Falsification of public records, including attendance and other personnel records.
- Failure to report absence.
- Harassment of co-workers and/or volunteers and/or visitors.
- Theft or attempted theft of property belonging to the Borough, employees, volunteers or visitors.

- Failure to report to work the day or days prior to or following a vacation, holiday and/or leave, and/or any other unauthorized day of absence.
- Fighting on Borough property at any time.
- Being under the influence of intoxicants (e.g., liquor and marijuana) or illegal drugs (e.g., cocaine) on Borough property and at any time during work hours.
- Possession, sale, transfer or use of intoxicants or illegal drugs on Borough property and at any time during work hours.
- Insubordination.
- Soliciting on Borough premises during work time, unless expressly permitted by the Department Head or Administrator.
- Careless waste of materials or abuse of tools, equipment or supplies.
- Deliberate destruction or damage to Borough or suppliers' property.
- Sleeping on the job.
- Carrying weapons of any kind on the Borough of Dunellen premises and/or during work hours, unless carrying a weapon is a function of your job duties.
- Violation of established safety and fire regulations.
- Unscheduled absence, and chronic or excessive absence.
- Chronic tardiness.
- Unauthorized absence from work area, and/or roaming or loitering on the premises, during scheduled work hours.
- Defacing walls, bulletin boards or any other Borough or supplier property.
- Failure to perform duties, inefficiency or substandard performance.
- Unauthorized disclosure of confidential Borough information.
- Gambling on the Borough of Dunellen premises.
- Horseplay, disorderly conduct and use of abusive and/or obscene language on Borough premises.

- Deliberate delay or restriction of your work effort, and/or incitement of others to delay or restrict their work effort.
- Conviction of a crime or disorderly person's offense.
- Violating any Borough rules or policies.
- Conduct unbecoming a public employee.
- Violation of the Borough of Dunellen policies, procedures and regulations.
- Violation of Federal, State or Borough laws, rules, or regulations concerning drug and alcohol use and possession.
- Misuse of public property, including motor vehicles.
- Unauthorized use of computers, Internet, and email.
- Other sufficient cause.

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

In order to correct undesirable behavior, supervisors and managers may utilize the following corrective tools: verbal reprimand; Borough Administrator review; written reprimand; suspension; fines; and dismissal. At the discretion of the Borough, action may begin at any step, and/or certain steps may be repeated or by-passed, depending on the severity and nature of the infraction and the employee's work/disciplinary record.

Major disciplinary action includes termination, disciplinary demotion or suspension or fine exceeding five (5) working days. Minor discipline includes a formal, written reprimand or a suspension or fine of five (5) working days or less.

Unionized employees are provided with the right to challenge discipline in accordance with their respective collective negotiations agreements, as applicable. Non-unionized employees who object to the terms or conditions of the discipline are entitled to grieve the discipline pursuant to the grievance procedure set forth below.

Disciplinary Grievance Procedure

Whenever an employee has a grievance related to disciplinary action taken against him/her, the employee should first present it orally and in writing to the immediate supervisor. It is the responsibility of the supervisor to attempt to arrange a mutually

satisfactory settlement of the grievance within three (3) days after it was first presented, or during that time notify the employee of the inability to do so. When the employee is notified by the supervisor of the inability to arrange a mutually satisfactory solution to the grievance, the employee may present the grievance in writing to the Borough Administrator. The Administrator will attempt to find a mutually satisfactory solution to the grievance within five (5) days. Failing a solution, the complaint will be forwarded to the Mayor and Council. The Mayor and Council will attempt to find a mutually satisfactory solution within fifteen (15) days and provide the employee with the final decision.

A grievance must be submitted within five (5) working days after arising. Failure to report a grievance within such time period shall be deemed as a waiver of the grievance.

Disciplinary Action Procedure:

All employees are expected to meet the Borough's work performance standards. The intent of the Disciplinary Action Procedure is to formally document problems and provide the employee with a reasonable time to improve performance. The process should encourage development by providing employees with guidance in areas that need improvement such as poor work performance, attendance problems, personal conduct, general compliance with the Borough's policies and procedures and other disciplinary problems.

Should a supervisor believe that an employee is not conforming to the Borough's policies and rules or to specific instructions, or has acted improperly, the supervisor will first privately discuss the matter with the employee to obtain the employee's view. If the supervisor determines that the employee has acted improperly, the supervisor shall take one of the following actions depending upon the gravity of the conduct and the employee's past record:

- **Verbal Reprimand:** Depending on the circumstances, the supervisor may verbally notify the employee that the employee's actions have been improper and warn the employee against future occurrences. The supervisor will prepare a record of the verbal reprimand including the date, time and what was discussed with the employee. This record must be forwarded to the Human Resources Manager for the employee's official personnel file.
- **Administrator Review:** Should the supervisor consider the offense sufficiently serious to warrant consideration by the Borough Administrator, the employee will be so advised and a meeting arranged with the Borough Administrator at the earliest possible date. All facts should be detailed at this meeting and, if possible, a determination will be made at that time of disciplinary action, if any.

- **Written Reprimand:** When a supervisor determines that a written reprimand is appropriate, the situation must be discussed with the Borough Administrator. The reprimand should clearly identify the problem and outline a course of corrective action within a specific time frame. The employee should clearly understand both the corrective action and the consequence (i.e. termination) if the problem is not corrected or reoccurs. The employee should acknowledge receipt of the warning and may include additional comments. A copy of the written reprimand with the signed acknowledgement and comments must be included in the employee's official personnel file.
- **Suspension:** Whenever an employee is recommended for suspension, the Borough Administrator will make the decision and may seek the advice of the Borough Attorney if appropriate. Prior to imposition of discipline, the factual basis for the recommended decision should be communicated to the employee, who shall be presented with an opportunity to respond by providing information to the Borough Administrator as to why he should not be suspended.
- **Dismissal:** Whenever an employee is recommended for dismissal, the Borough Council will make the decision only after seeking the advice of the Borough Attorney. There must be a complete review of the employee's personnel file and all other facts to determine if there is sufficient cause for the dismissal. Prior to the imposition of discipline, the factual basis for the recommended decision should be communicated to the employee, who shall be presented with an opportunity to respond by providing information to the Borough Administrator as to why he should not be terminated.

Access to Personnel Files Policy:

Personnel files are confidential records that must be secured in a locked cabinet and will only be available to authorized managerial and supervisory personnel on a need-to-know basis. Records relating to any medical condition will be maintained in a separate file. Electronic personnel and medical records must be protected from unauthorized access.

Upon request, employees may inspect their own personnel files at a mutually agreeable time on the Borough of Dunellen premises in the presence of the Borough Clerk or a designated supervisor. The employee will be entitled to see any records used to determine his or her qualification for employment, promotion or wage increases and any records used for disciplinary purposes. **Employees may not remove any papers from the file.** Employees will be allowed to have a copy of any document they have signed relating to their obtaining employment. Employees may add to the file their versions of any disputed item.

Personnel files do not contain confidential employee medical information. Any such information that the Borough of Dunellen may obtain will be maintained in separate files and treated at all times as confidential information. Any such medical information may be disclosed under very limited circumstances in accordance with any applicable legal requirements.

The Borough of Dunellen endeavors to maintain the privacy of personnel records. There are limited circumstances in which the Borough of Dunellen will release information contained in personnel or medical records to persons outside the Borough. These circumstances include:

- In response to a valid subpoena, court order or order of an authorized administrative agency;
- To an authorized governmental agency as part of an investigation of the Borough of Dunellen's compliance with applicable law;
- To the Borough of Dunellen's agents and attorneys, when necessary;
- In a lawsuit, administrative proceeding, grievance or arbitration in which the employee and the Borough of Dunellen are parties;
- In a workers' compensation proceeding;
- To administer benefit plans;
- To an authorized health care provider;
- To first aid or safety personnel, when necessary; and
- To a potential future employer or other person requesting a verification of your employment as described in the following section titled, "Requests for Employment Verification and Reference Procedure."

Personnel Files Procedure:

The official personnel files shall be maintained by the Borough Administrator and employee medical information will be maintained in a separate file. Periodically, the Borough Clerk will review files to make sure they are up-to-date and will follow-up with the Department Heads as necessary.

The official file shall include at least the following:

- The original application signed by the employee;
- Notes from any pre-employment interview and reference check;
- The original letter detailing an offer of employment and any additional correspondence concerning the employee's hiring;
- A signed acknowledgement that the employee received a copy of the Employee Complaint Policy letter;

- A signed acknowledgement that the employee has received the Personnel Handbook;
- A signed acknowledgement that the employee received the safety orientation;
- Annual written performance evaluations including documentation that the evaluation was reviewed with the employee;
- Counseling Action Plans;
- Records relating to on-the-job accidents;
- Disciplinary actions including an acknowledgement that the employee was notified of the proposed disciplinary action and was given an opportunity to respond;
- Records relating to any other employment actions including promotions, demotions, transfers, resignations, leaves, etc.;
- Educational transcripts; and
- Any other pertinent information.

Changing Vital Information:

It is the employee’s responsibility to notify the Borough Administrator and the Chief Financial Officer, in writing, concerning changes in the status of any of the following items:

Name	Dependent Children
Address	Withholding Tax
Telephone Number	Health Benefits
Family Status	Pension
Marital Status	Insurance

Information and forms are available from the office of the Human Resources Manager.

Work Force Reduction Policy:

The Borough may institute layoff actions for economy, efficiency or other related reasons, but will first consider voluntary alternatives. Seniority, lateral or other re-employment rights for employees will be determined by the Borough Administrator or any applicable collective negotiations agreements.

Whistle Blower Policy:

As a matter of policy, the Borough abides by all Federal, State, and local laws, rules, and regulations applicable to it and has all its employees do the same. Every employee is responsible for assisting the Borough to implement this policy.

Employees have the right to report any activity, policy or practice that the employee reasonably believes is in violation of a law, rule or regulation promulgated pursuant to law without fear of retaliation or reprisal. See Employee Complaint Policy. All such reports will be taken seriously and promptly investigated.

In accordance with the New Jersey Conscientious Employee Protection Act ("CEPA"), the Borough shall not take any retaliatory action or tolerate any reprisal against an employee for any of the following:

- Disclosing or threatening to disclose to a supervisor, Department Head, the Borough Administrator, other official or to a public body, as defined in the Conscientious Employee Protection Act an activity, policy or practice that the employee reasonably believes is in violation of a law, a rule or regulation promulgated pursuant to law;
- Providing information to, or testifying before any public body conducting an investigation, hearing, an inquiry into any violation of law, or a rule or regulation promulgated pursuant to law; or
- Providing information involving deception of, or misrepresentation to, any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the Borough or any government entity; or
- Providing information regarding any perceived criminal or fraudulent activity, policy or practice of deception or misrepresentation which the employee reasonably believes may defraud any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the Borough or any governmental entity; or
- Objecting to, or refusing to participate in any activity, policy, or practice that the employee reasonably believes is a violation of a law, rule or regulation promulgated pursuant to law; is fraudulent or criminal; or is incompatible with a clear public policy mandate concerning the public health, safety, or welfare.

In accordance with the law, the employee must bring the retaliatory action to the attention of the Business Administrator in writing and give the Borough a reasonable opportunity to correct the activity, policy or practice. However, disclosure is not required where (1) the employee is reasonably certain that the violation is known to one or more officials; or

(2) where the employee reasonably fears physical harm as a result of the disclosure, provided the situation is emergent in nature. Employees are encouraged to make a report in writing using the Employee Complaint form, but may make a verbal report. See Employee Complaint Policy. Under the law, the employee must give the Borough a reasonable opportunity to correct the activity, policy or practice.

Employees' rights to be free from retaliation are being communicated herein, in a posted notice, and shall also be communicated to employees annually. A written acknowledgement that the employee has received, read and understood the annual notice will be included in the employee's personnel file. The annual notice shall be in English and Spanish and will contain the name of the person who is designated to receive written notification of policies or practices that might violate CEPA.

Anti-Nepotism Policy:

The Borough of Dunellen wishes to avoid any potential conflicts or appearances of impropriety with respect to the hiring of individuals who are family members or relatives of elected officials. On December 21, 2020, the Borough enacted this Anti-Nepotism policy, which precludes the future hiring by the Borough of anyone who is a family member or relative of an elected official of the Borough. The purpose of this policy is not to deprive any citizen of an equal chance for a municipal government job within the Borough, but rather to eliminate the potential for preferential treatment of the family members or relatives of locally elected officials. This policy will not apply to any full-time, part-time or seasonal employee who is already employed as of December 21, 2020, nor will this policy affect any promotional right in any such existing employee's normal career development. This policy shall not apply to any volunteer positions within the Borough unless otherwise expressly noted herein.

Definitions.

As used in this article, the following terms shall have the meanings indicated:

Family Member or Relative

Spouse, child, parent, sibling, grandparent, grandchild, father-in-law, mother-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepsibling, half-brother, half-sister, nephew, niece, first cousins, aunt, uncle, foster children, domestic partner or cohabitants.

Hiring and Supervision of Employees.

- A. Commencing December 21, 2020 (the effective date this policy), no person who is a family member or relative of any elected official of the Borough shall be considered for employment as an employee of the Borough. This applies to full-time, part-time and seasonal employment.

This shall not restrict nor prohibit the continued employment or promotions of individuals to a position or positions with the Borough who are already employed as of the effective date of this policy.

- B. No elected official can serve as Council liaison to any department within the Borough wherein any family member or relative of that elected official is employed and/or serves on a Board, Committee or Commission.
- C. Elected officials must abstain from any deliberations or decisions that may directly impact a family member or relative's appointment and/or employment with the Borough.
- D. Elected officials and employees of the Borough who are family members or relatives as defined herein must not engage in direct communications with each other at any time regarding Borough business.
- E. No employee of the Borough shall be in a position that provides supervision over a family member or relative. This precludes the acceptance of applications for full-time, part-time or seasonal employment from relatives for positions in the same department where supervision conflicts exist or through promotion, potential conflict could exist. This policy does not apply to present employees of the Borough of Dunellen.
- F. This policy will not apply to any full-time, part-time or seasonal employee who is already employed as of the date of the adoption of this policy, nor will it affect any promotional right in the employee's normal career development.

Promotion of Existing Employees.

No elected official of the Borough or supervisor may participate in the promotional process or any other personnel matter of any existing Borough employee who is a family member or relative of such elected official or supervisor. Any elected official must abstain from any deliberation or vote with respect to a matter directly affecting any Borough employee who is a relative or family member.

Appointments.

No family member or relative of an elected official of the Borough shall be appointed to the position of any Borough professional who receives compensation. Family members may be appointed as volunteers to Boards, Commissions and Committees though no elected official may serve as Council liaison to the same Board, Commission or Committee as an appointed family member volunteer.

Job Description Policy:

A job description including qualifications shall be maintained for each position. All job descriptions must be approved by the Borough Administrator. Copies are available upon request.

Employee Job Performance Evaluation Policy:

The Department Head or his/her designee will complete a written evaluation and appraisal form for every employee to measure progress and to encourage self-improvement at least once a year. The evaluation will also record additional duties performed, educational courses completed, as well as a plan to correct any weak points using the Counseling Action Plan Form. After completing the evaluation, the supervisor or Department Head will review the results with the employee and return the form with the signed acknowledgement to the Borough Administrator. Job performance, attendance, areas for improvement and any other concerns shall be discussed during the review. After review by the Borough Administrator, the form is to be kept for inclusion in the employee's official personnel file. As a part of the evaluation, employees have the right to request a conference with the Borough Administrator.

Performance Evaluation Procedure:

Periodic evaluations are critical to create a formal record of an employee's performance over time and establish a foundation for personnel actions such as promotion and termination. In addition to day-to-day feedback to the employee, a performance evaluation must be conducted for all employees at least annually. The completed appraisal becomes part of an employee's permanent record.

Performance discussions must also provide employees with guidance regarding their ability to meet job standards. Extraordinary skills or abilities should be recognized in addition to areas for improvement. Supervisors or Department Heads should review future training needs and career planning. The reviewer should also encourage the employee to make suggestions about how the department can improve. The reviewer should ask employees for feedback regarding the employee's skills as they relate to communication, team building, delegation, and sensitivity to needs of subordinates. Open communication is the key to improvement.

- **Setting the Stage:** The reviewer must create a productive climate for the discussion. In preparing the evaluation form, prior evaluations should be reviewed to identify trends. Employees must be notified in advance of the meeting and should be given a copy of the blank evaluation form. The

meeting should be private without interruptions in a comfortable environment.

- **Confirm Expectations:** The reviewer should start the discussion of each performance area by reviewing expectations. Ask the employee to confirm the employee's understanding of job requirements. Refer to the job description as appropriate.
- **Rating:** Continue the discussion by giving the employee's rating in each performance area. The supervisor should be prepared to refer to documentation. Employees should be evaluated based on set standards, not as they compare to other employees. It is rare that any person's rating in all areas is either high or low. The evaluation should consider performance during the entire period, not just the recent past. Care should be taken to avoid allowing one aspect of a person's performance to overshadow all other performance factors be it positive or negative. Ideally, each performance area should be evaluated individually based on specific behaviors exhibited.
- **Discussing Future Plans:** This is where the review should turn the discussion to the future performance and development of the employee. A Counseling Action Plan Form must be completed if any item is rated "Needs Improvement" or "Does Not Meet Minimum Standards." Specific performance goals must be established for the next review period along with plans for achieving those goals.
- **Closing the Discussion:** When all performance areas have been discussed, close the discussion by summarizing all of the ratings in an overall rating for the review period.

The Borough will use a performance review/evaluation system for all employees. It is crucial that all reviewers complete the evaluation forms with care and with complete candor. Although reviewers are encouraged to set forth areas of strength and utilize tact in presenting criticism, it is important that all performance issues of any significance be addressed thoroughly and in unambiguous terms in the evaluation form, and verbally with the employee.

- **Exceeds Expectations** means consistently exceeds established standards in most areas of responsibility. All requirements must be met and objectives achieved above the established standards.
- **Meets Job Requirements** means all job requirements were met and planned objectives accomplished within established standards. There were no critical areas where accomplishments were less than planned.

- **Needs Improvement** means performance in one or more critical areas do not meet expectations. Not all planned objectives were accomplished within the established standards and some responsibilities were not completely met.
- **Does Not Meet Minimum Standards** means performance is unacceptable and important objectives have not been accomplished. Needs immediate improvement.

After completing the evaluation, the employee will return the form with the signed acknowledgement to the Borough Administrator. After review by the Borough Administrator, the form will be forwarded to the Clerk for inclusion in the employee's official personnel file. As a part of the evaluation, employees have the right to request a conference with the Administrator.

Seniority:

Seniority is defined as the length of time an employee has been continuously employed by the Borough. Seniority shall apply in the computation and determination of eligibility for all benefits where length of service is a factor.

Unions/Bargaining Units:

Members of the Police Department should refer to the current Collective Negotiations Agreement between the Borough of Dunellen Police Bargaining Unit P.B.A. Local #146 and the Borough of Dunellen.

Unionized members of the Department of Public Works should refer to the current Collective Negotiations Agreement between the United Service Workers Local #255 and the Borough of Dunellen.

Open Public Meetings Act Procedure Concerning Personnel Matters:

Discussions by the governing body or any public body of the Borough concerning appointment, termination, terms and conditions of employment, performance evaluation, promotion or discipline of any current or prospective officer or employee shall be in closed session, with the right of the employee to be present, unless the individual requests in writing that the discussion be held in open session. Such request must be granted. Prior to the discussion by the governing body or any public body of the Borough concerning such matters, the Clerk shall notify the affected person(s) of the meeting date, time and place, the matters to be discussed and the person's right to request that the discussion occur in open session. In the event more than one person is affected by the discussion

and one of the affected persons does not request that the discussion be held in open session, then the discussion shall be held in closed session. If the individual(s) does not request that the discussion be held in open session, the governing body or other body of the Borough may at its sole discretion invite the affected individual(s) to attend the applicable portion of the closed session.

Additionally, whenever the governing body or any public body of the Borough intends to act on a matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of performance of, promotion, or disciplining of any specific prospective public officer or employee or current public officer or employees employed or appointed by the governing body or any public body of the Borough, then that governing body or that public body of the Borough must provide notice of said intended action to said prospective public officer or employee or current public officer or employees. Prior to the matter being acted on, the Clerk shall notify the affected person(s) of the meeting date, time and place, the matters to be discussed.

Employee Handbook:

The Handbook will be revised and re-distributed whenever there is a significant change in personnel policies/practices. Once approved, copies will be distributed, and employees will be required to sign an acknowledgement of receipt that will be placed in the official personnel file.

Request for Employment Verification and Reference Procedure:

Inquiries and written requests for references or employment verification must be referred to the Human Resources Manager. No employee may issue a reference letter without the permission of the Borough Administrator. Under no circumstances should any information be released over the phone.

In response to a request for information, the Human Resources Manager will only verify an employee's name, dates of employment, job title, department, and final salary. No other data or information will be furnished unless (1) the Borough is required to release the information by law or court order or (2) the employee or former employee authorizes the Borough in writing to furnish this information and releases the Borough from liability.

Continuing Education:

The Borough, in conjunction with the Borough Administrator, will arrange for employment practices seminars at least annually to train all managerial/supervisory personnel. The Borough will also offer non-mandatory training to all other employees with special emphasis on employee rights and protection under various Federal and State laws as

well as Borough employment practices. Records will be maintained in the official personnel files of all employees trained under this procedure.

Managerial and supervisory personnel will also update employees periodically by department meetings and memos that should address specific problems and concerns that may arise. Every effort will be made to encourage employee suggestions about ways to avoid employer-employee disputes and violations of employment rights.

Driver's License Policy:

Any employee whose work requires the operation of a Borough vehicle must hold a valid New Jersey State Driver's License. Any employee who does not hold a valid driver's license will not be allowed to operate a Borough vehicle until such time as a valid license is obtained.

Employees are required to file a copy of a valid driver's license with the Borough prior to the use of a Borough vehicle. All new employees who will be assigned work entailing the operation of a Borough vehicle will be required to submit to a Department of Motor Vehicles driving records check as a condition of employment. A report indicating a suspended or revoked license status may be cause to deny or terminate employment.

Periodic checks of employees' drivers' licenses through visual and formal Department of Motor Vehicles review checks shall be made by Department Heads or Division Supervisors. 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. Any employee who does not hold a valid driver's license will not be allowed to operate a Borough vehicle until such time as a valid license is obtained.

Any employee performing work which requires the operation of a Borough vehicle must notify the immediate supervisor within twenty-four (24) hours in those cases where a license is expired, suspended or revoked and/or who is unable to obtain an occupational permit from the State Department of Licensing. An employee that fails to report such an instance is subject to disciplinary action, including demotion or termination. An employee who fails to immediately report such revocation or suspension to their supervisor and continues to operate a Borough vehicle shall be subject to discipline, up to and including termination, and may be denied indemnification and/or defense by the Borough in any civil or criminal matter brought in any Court arising from the use of a Borough vehicle while said employee's driving privileges were suspended or revoked.

Any information obtained by the Borough in accordance with this section shall be used by the Borough only for carrying out its lawful functions and for other lawful purposes in accordance with the Driver's Privacy Protection Act.

Domestic Violence Policy:

PURPOSE

The purpose of this policy is 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 Manager (HRM) –An employee of the Borough with a human resources job title, or its equivalent, who is responsible for orienting, training, counseling, and appraising staff. Persons designated by the Borough 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 Borough's physical workplace. An employee is considered to be in the workplace while in or using the resources of the Borough. 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.

DESIGNATION OF HUMAN RESOURCES OFFICERS

The Borough hereby designates the following employees as the Primary HRM and Secondary HRM, to assist employees who are victims of domestic violence.

Primary HRM:

Debra Weaver, Human Resources Manager
732-968-3033, ext. 124
dweaver@dunellenborough.com

Secondary HRM:

William Robins, Borough Administrator
732-968-3033, ext. 114
wrobins@dunellenborough.com

The designated Primary and Secondary HRM 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 HRM. 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 HRMs 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 HRM. Employees who have information about or witness an act of domestic violence against an employee, are encouraged to report that information to the designated HRM, 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 HRM. Nothing in this policy shall preclude an employee from contacting 911 in emergency situations. Indeed, HRMs shall remind employees to contact 911 if they feel they are in immediate danger.

Each designated HRM shall:

- A. 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.
- B. Determine whether there is an imminent and emergent need to contact 911 and/or local law enforcement.
- C. 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 HRM or the employee can contact the appropriate Employee Assistance Program to assist with securing resources and confidential services.
- D. 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 Chapter 3 of this Handbook (“Domestic Violence Leave Policy”).

- E. If there is a report of sexual assault or abuse, the victim should be notified of the services offered by the Middlesex County Sexual Assault Response Team. Additional information can be obtained from the local police department or the Middlesex County Sheriff's Office.
- F. Maintain the confidentiality of the employee and all parties involved, to the extent practical and appropriate under the circumstances, pursuant to this policy.
- G. Upon the employee's consent, the employee may provide the HRM with copies of any TROs, FROs, and/or civil restraint agreements that pertain to restraints in the workplace 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 HRM 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 HRM 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 HRM 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 HRM 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 HRM to keep all documents and reports of domestic violence in a 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.

The New Jersey Security and Financial Empowerment 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 family member, 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 family member, 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.

See Domestic Violence Leave Policy in Chapter 3 of this Handbook for more information.

DOMESTIC VIOLENCE ACTION PLAN

The Borough 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:

- A. Designate an HRM with responsibilities pursuant to this policy.
- B. Recognize that an employee may need an accommodation as the employee may experience temporary difficulty fulfilling job responsibilities.

- C. 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 Borough.
- D. Advise the employee of information concerning the NJ SAFE Act; Family and Medical Leave Act (FMLA); or New Jersey Family Leave Act (FLA); or Americans with Disabilities Act (ADA); or other reasonable flexible leave options when an employee, or his or her family member, as defined in applicable statutes, is a victim of domestic violence.
- E. Commit to adherence to the provisions of the NJ SAFE Act, including that the Borough 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 HRM of the status or if the HRM has reason to believe an employee is a victim of domestic violence.
- F. 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 and/or the Borough Administrator in the event they believe the adverse action is a violation of their collective negotiations agreement, the Conscientious Employees Protection Act (CEPA) or the New Jersey Law Against Discrimination (LAD) and corresponding policies.
- G. The Borough, its designated HRMs, and employees should familiarize themselves with this policy.

RESOURCES

The HRMs will provide to any victim of domestic violence a list of available resources at the time of reporting. The list of available resources is also available online on www.nj.gov, in the form of an appendix to the “domestic violence policy for public employers.”

The Borough Administrator will be responsible for reviewing this policy at least annually to determine if it needs to be updated to reflect changes in the organization.

The Borough Administrator will be responsible for monitoring and updating this policy.

OTHER APPLICABLE REQUIREMENTS

In addition to this policy, the HRM and the Borough’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.

Any questions concerning the interpretation or implementation of this policy shall be addressed to the Borough Administrator.

State Residency Requirement:

Every employee shall have their principal place of residence in the State of New Jersey. New hires shall have one (1) 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 Borough.

If, however, an employee holds an office, employment, or position with the Borough as of Sept. 1, of 2011, but does not have his or her principal residence in this State on that effective date, they shall 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.

Demotion and Reductions in Force:

- A. A demotion may occur as a result of a reduction in force for economic reasons or abolishment of position. The salary of an employee, who is demoted, shall be adjusted to the lower level pay rate.
- B. Whenever there is a lack of work, funds or other reason requiring a reduction in the number of employees, the required reduction shall be made as the Mayor and Council may designate with due consideration to seniority. Employees who have successfully completed the probationary period shall be given a minimum of 45 days' written notice. This provision does not apply to appointments, except as otherwise stated or required, which shall automatically end on December 31.

CHAPTER 3: EMPLOYEE BENEFITS

Holidays, Paid and Unpaid Time Off Policies:

Paid Holiday Policy:

Full time employees are entitled to the following paid holidays:

- New Year's Day
- Martin Luther King's Birthday
- Lincoln's Birthday
- President's Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Election Day
- Veterans Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Day

A holiday falling on a Saturday will be observed on the preceding Friday, and a holiday falling on a Sunday will be observed on the following Monday. In the event that an official holiday is observed during an employee's vacation, the holiday will not be charged as a vacation day, and should an official holiday occur when an employee is on sick leave, the employee shall not have that day charged against sick leave.

Regular part-time employees shall be entitled, after the completion of one year, to holiday pay. Such payments shall be prorated based on average daily hours worked during the preceding year.

Vacation Leave Policy:

Unless otherwise stipulated in an employment agreement or collective negotiations agreement, vacation is an accrued benefit based on the following schedule:

Full time employees shall earn vacation as follows:

- (1) After completion of one year to five years: 10 days.

(2) After completion of five years to 10 years: 15 days.

(3) After completion of 10 years: one day for each year of service to a maximum of 30 days.

During an employee's six-month probationary period, no vacation time is earned or available. Upon completion of the probationary period, one vacation day will be earned for each month worked during the first year, up to a total of six days.

Regular part-time employees shall be entitled, after the completion of one year, to five (5) vacation days. Such payments shall be prorated based on average daily hours worked during the preceding year.

Employees must request their Department Head and/or Borough Administrator's approval at least one (1) week in advance of the first vacation day using the official "Request for Time-Off" form which is available in the Borough Administrator's Office. While approval of vacation leave will not be unreasonably withheld, the use of vacation leave shall be subject to staffing levels as solely determined by the supervisor, Department Head or Borough Administrator.

Completion of the specified years of service at any time during a calendar year shall entitle an employee to the full amount of vacation for that calendar year.

All vacations shall be taken by March 31st of the following year. Any vacation time not used at the end of this time is lost by the employee. However, in the event that the duties of the employee prevent the using of the full vacation entitlement, unused vacation leave may be carried forward up to the end of the following year, but only with the prior approval of the Borough Administrator.

Each year a vacation schedule shall be posted in each department and submitted to the Personnel Office by April 1. Employees with seniority shall be given preference as to vacation scheduling. Each department head shall submit the schedule to Borough Administrator.

If an employee shall retire, resign, or otherwise be separated from employment before the end of the calendar year, and after the specified number of days has been taken, the employee shall reimburse the Borough for any portion of the vacation already taken to which the employee was not entitled because he did not complete the full calendar year of service.

If an employee shall retire, resign, or otherwise be separated from employment before the end of the calendar year, and after the specified number of days, then the vacation allowance shall be prorated on the basis of the length of service during the calendar year.

Upon separation from employment in good standing, an employee will receive payment of accrued vacation on a prorated basis.

Personal Leave Policy:

Each full-time employee shall be entitled to five personal days each year. During an employee's six-month probationary period, no personal days are earned or available. Upon completion of the probationary period, one personal day will be earned for each month worked during the first year, up to a total of five days.

Said five days are not cumulative from year to year and are separate and apart and not to be considered as either sick or vacation leave. Said five personal days may be taken on one-half-day fractional basis, provided that department heads maintain accurate records of such leave. Any unused personal days are forfeited at the end of each calendar year.

Regular part-time employees shall be entitled, after the completion of one year, five sick days.

Part-time or temporary employees are not entitled to personal days.

The Borough requires three (3) days' notice for any foreseeable use of personal leave. Anticipated personal leave must be pre-approved by the employee's Department Head or the Borough Administrator. Employees must utilize the official "Request for Time-Off" form which is available in the Borough Administrator's Office. If the use of leave is unforeseeable (i.e. an emergency arises), the employee must notify the Department Head as soon as practicable, but not later than 30 minutes before the start of the shift, of their need to use a personal day. Upon reporting to work, the employee will document the emergency and submit the report to their Department Head and Borough Administrator.

Leave of Absence Policy:

Employees may be granted a personal leave of absence for up to six (6) months at the discretion of the Borough Council if the leave does not cause undue operational disruption. The leave must include the use of any accrued vacation, personal and sick leave time, as appropriate, regardless of the length of leave requested. The portion of the leave that runs beyond the exhaustion of vacation, personal and sick leave will be without pay or longevity credit. In exceptional circumstances, the Borough Council may extend a leave of absence for an additional six (6) months, if such extension is considered in the best interests of the Borough.

Personal leaves are not granted for the purpose of meeting or accepting employment with another employer, or for extended vacation time. Employees on an unpaid personal leave of absence for more than two (2) weeks in any month will not receive holiday pay, and will not accrue personal leave, sick leave or vacation time for that month. Health benefits may also be impacted. Refer to the Borough Health Benefits Policy. A personal leave is granted with the understanding that the employee intends to return to work for the

Borough. If the employee fails to return within five (5) business days after the expiration of the leave, the employee shall be considered to have resigned.

For absences due to off-the-job illness or injury, prompt written notice shall be provided to the proper authority, which notice must include a doctor's certificate stating the nature of the disability, the date until which the employee will be able to work and the expected date of return to work. The employee shall be permitted to use credited vacation, personal, and sick time prior to the commencement of the disability leave. A doctor's certificate of continued disability must be submitted for each month that the employee requests that leave be extended.

Any request for leave of absence with or without pay shall be submitted in writing to the department head who will refer it with his/her recommendations. Maximum leave granted shall be one year.

Sick Leave Policy:

Employees may use sick leave for the following permitted reasons:

1. Diagnosis, care, or treatment of, or recovery from, an employee's mental or physical illness/condition, including preventive care;
2. Aid or care for a family member during the diagnosis, care, treatment of, or recovery from the family member's mental or physical illness/condition, including preventive care;
3. As necessitated by the employee's or family member's status as a victim of domestic or sexual violence (including counseling, relocation, legal proceedings, etc.);
4. Time during which the employee is unable to work because of:
 - a. a closure of the employee's workplace, or the school or place of care of a child of the employee by order of a public official or because of a state of emergency declared by the Governor, due to an epidemic or other public health emergency;
 - b. the declaration of a state of emergency by the Governor, or the issuance by a health care provider or the Commissioner of Health or other public health authority of a determination that the presence in the community of the employee, or a member of the employee's family in need of care by the employee, would jeopardize the health of others; or
 - c. During a state of emergency declared by the Governor, or upon the recommendation, direction, or order of a healthcare provider or the

Commissioner of Health or other authorized public official, the employee undergoes isolation or quarantine, or cares for a family member in quarantine, as a result of suspected exposure to a communicable disease and a finding by the provider or authority that the presence in the community of the employee or family member would jeopardize the health of others;

5. Attendance at a school-related conference, meeting or other event requested or required by a school representative or meeting regarding care provided to the child in connection with the child's health conditions or disability.

“Family member” means a child, grandchild, sibling, spouse, domestic partner, civil union partner, parent, or grandparent of an employee, or a spouse, domestic partner, or civil union partner of a parent or grandparent of the employee, or a sibling of a spouse, domestic partner, or civil union partner of the employee, or any other individual related by blood to the employee or whose close association with the employee is the equivalent of a family relationship.

Employees can request use of sick leave after completing a waiting period of 120 calendar days from date of hire. The employee may subsequently use earned sick leave as soon as it is accrued.

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

The Borough requires seven (7) days' notice for any foreseeable use of leave. If the use of leave is unforeseeable, employees shall provide their department head or supervisor at least one (1) hour's notice of the taking of any sick leave, unless extenuating circumstances prevent such notice. Such notice may be provided to the Personnel Office if the department head or supervisor is not available.

Employees absent on sick leave for three (3) or more consecutive working days may be required to submit reasonable documentation that the leave is being taken for one of the purposes permitted above, which in the case of illness includes doctor's verification of illness or injury. If an employee is attending to a family member's illness, a doctor's verification of that individual is required. Reasonable documentation is defined in N.J.S.A. §34:11D-3(b).

Employees absent on sick leave in excess of (3) consecutive working days may be required to submit a notice of release from a physician. Prior to the return to work, the Borough may require an employee to be examined by a physician designated by the Borough to verify fitness to return to normal duties. An employee will not be permitted to return to work until the verification is received.

An employee shall not work at another job while on sick leave from the Borough.

There shall be no compensation nor compensatory time off for unused sick leave. Unused sick time is forfeited upon separation from employment, including retirement.

An employee who abuses sick leave will be subject to disciplinary action, up to and including termination of employment.

Full-Time Employees:

During an employee's first year of employment, sick leave shall accumulate at the rate of one (1) day per month of employment, up to 7 working days per calendar year. Thereafter, each full-time employee will be credited 7 working days of sick leave per calendar year. Unused sick days do not accrue from year to year.

All Other Employees (Regular Part-Time, Part-Time, Seasonal, Etc.):

All other employees, including regular part-time, part-time and seasonal employees, will accrue one (1) hour of sick leave for every thirty (30) hours worked, up to a maximum of forty (40) total hours. Thereafter, each employee will be credited 40 hours of sick leave per calendar year. Unused sick time does not accrue from year to year.

Bereavement Leave Policy:

Full-time employees are entitled to a maximum of five (5) consecutive calendar days leave of absence for each death of an employee's immediate family member. Time off shall be given from the day of death up to and including the day after the funeral.

"Immediate family member" includes spouse, civil union or domestic partner, child, foster child, parent, legal guardian, stepchild, sibling, grandparents, daughter-in-law, son-in-law, father-in-law, mother-in-law, grandchildren, niece, nephew, uncle, aunt, first-cousin, or any person related by blood or marriage residing in an employee's household.

Employees are paid for all working days during the Bereavement Leave.

The Borough may require that the employee produce reasonable proof of death and relationship.

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 official 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 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.

Jury Duty Policy:

Employees shall be given time off when summoned for service as Grand or Petit jurors, and shall receive pay equal to normal wages for that period. Jury fees received must be relinquished to the Borough.

Family and Medical Leave Policy:

The Family and Medical Leave Act (“FMLA”) entitles eligible employees to take up to twelve (12) weeks of job-protected leave in a twelve (12) month period for specified family and medical reasons or up to twenty-six (26) weeks of job-protected leave in a twelve (12) month period to care for a covered service member with a serious injury or illness if the eligible employee is the service member’s spouse, son, daughter, parent, or next of kin (“military caregiver leave”).

1. *FMLA Employee Eligibility*

To be eligible for FMLA benefits, an employee must:

- a. have worked for the Borough for a total of twelve (12) months; and
- b. have worked at least 1,250 hours (including overtime) over the previous twelve (12) months (subject to special rules applicable to returning reservists pursuant to the Uniformed Services Employment and Reemployment Rights Act).

The Borough Administrator will determine if the employee meets the eligibility requirements.

2. *FMLA Leave Entitlement*

An eligible employee may take up to a total of twelve (12) work-weeks of FMLA leave during a twelve (12) month period for one or more of the following reasons:

- Incapacity due to pregnancy, prenatal medical care, or child birth;
- To care for the employee’s child after birth, or placement with the employee of a child for adoption or foster care;

- To care for an immediate family member (spouse, child, or parent) with a serious health condition;
- To take medical leave when the employee is unable to work because of a serious health condition;
- For any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty ("qualifying exigency leave").¹

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 Borough, 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. 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.

The Borough will calculate the twelve (12) month FMLA "leave year" using the "rolling forward" method. By this method, the twelve (12) month period is measured forward from the date FMLA leave is first taken.

When an employee takes leave for a reason covered by the New Jersey Family Leave Act ("FLA") and the FMLA, the leave shall be simultaneously counted against an employee's entitlement under both statutes to the extent permitted by law.

3. *FMLA Intermittent and Reduced Schedule Leave*

Under some circumstances, employees may take FMLA leave intermittently, which means taking leave in blocks of time or by reducing their normal weekly or daily work schedule.

- FMLA leave may be taken intermittently whenever 1) medically necessary to care for a seriously ill family member or covered service member, 2) for a qualifying exigency relative to deployment of a spouse, son, daughter, or parent, or 3) because the employee is seriously ill and unable to work.
- If FMLA leave is for the birth and care or placement for adoption or foster care, use of intermittent or reduced schedule leave is subject to Borough approval.

4. *FMLA Pay While on Leave*

¹ "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.

For more information concerning qualifying exigency leave, please see the Borough Administrator.

FMLA leave will be unpaid unless the employee has available applicable earned paid leave (such as sick, personal or vacation leave). In the event the employee has such available earned paid leave, the employee must first use any such earned pay, all of which will be counted as FMLA leave. Once such applicable paid time off is exhausted, the remainder of the FMLA leave will be unpaid.

The Borough is responsible for designating an employee's use of paid leave as FMLA leave, based upon information from the employee.

5. FMLA Serious Health Conditions

A "**serious health condition**" is an illness, injury, impairment, or physical or mental condition that involves either:

1. any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay in a hospital, hospice, or residential medical care facility), and any period of incapacity or subsequent treatment in connection with such inpatient care; **or**
2. Continuing treatment by a health care provider which includes any period of incapacity (i.e., inability to work, attend school, or perform other regular daily activities) due to:
 - a. A health condition (including treatment therefore, or recovery there from) lasting more than three (3) consecutive days, and any subsequent treatment or period of incapacity relating to the same condition, that **also** includes:
 - i. treatment two (2) or more times by or under the supervision of a health care provider; **or**
 - ii. one (1) treatment by a health care provider with a continuing regimen of treatment; **or**
 - b. Pregnancy or prenatal care. A visit to the health care provider is not necessary for each absence; **or**
 - c. A chronic serious health condition which continues over an extended period of time, requires periodic visits to a health care provider, and may involve occasional episodes of incapacity (e.g., asthma, diabetes). A visit to a health care provider is not necessary for each absence; **or**
 - d. A permanent or long-term condition for which treatment may not be effective (e.g., Alzheimer's, a severe stroke, terminal cancer). Only supervision by a health care provider is required, rather than active treatment; **or**

- e. Any absences to receive multiple treatments for restorative surgery or for a condition which would likely result in a period of incapacity of more than three (3) days if not treated (e.g., chemotherapy or radiation treatments for cancer).

“Health Care Provider” for purposes of the FMLA means:

- Doctors of medicine or osteopathy authorized to practice medicine or surgery by the State in which the doctors practice; or
- Podiatrists, dentists, clinical psychologists, optometrists and chiropractors (limited to manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice, and performing within the scope of their practice under State law; or
- Nurse practitioners, nurse-midwives, clinical social workers, and physician assistants authorized to practice, and performing within the scope of their practice, as defined under State law; or
- Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts; or
- Any health care provider recognized by the Borough or the Borough’s group health plan benefits Manager.

6. *Military Caregiver Leave*

Eligible employees who are either the spouse, child, parent or next of kin (i.e., nearest blood relative of the individual) of a Covered Servicemember 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 Servicemember.

“Covered Servicemember” means a member of the Armed Forces, including a member of the National Guard or Reserves, or a recent veteran who has been honorably discharged within the five (5) years preceding the family member’s initial request for leave, who has a serious injury or illness and 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.

For a current servicemember, a serious injury or illness is one that was incurred by a servicemember in the line of duty on active duty that may render the servicemember medically unfit to perform the duties of his or her office, grade, rank, or rating. A serious injury or illness also includes injuries or illnesses that existed before the servicemember’s active duty and that were aggravated by service in the line of duty on active duty.

If both spouses work for the Borough, they may only take 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.

7. *FMLA Maintenance of Health Benefits*

During FMLA leave, the employee's health insurance coverage will be maintained under the same terms and conditions as if the employee had continued to work. Employees shall be required to pay their share of health insurance premiums while on leave, where consistent with applicable collective negotiations agreements, State law, and/or health insurance plans in effect at the time of the leave. Employees who are required to contribute part of the cost of health insurance must make arrangements with the Borough for timely payment of premiums.

In some instances, the Borough may recover premiums it paid to maintain health coverage for an employee who fails to return to work from FMLA leave.

8. *FMLA Job Restoration*

Generally, upon return from FMLA leave, the employee will be restored to his/her original job, or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment. If the Borough should experience a reduction in force or layoff, an employee who would have been affected by such a reduction in force or layoff had he/she not been on FMLA leave is not entitled to be returned to work following exhaustion or completion of FMLA leave,; however, the employee retains all rights under any applicable lay off or recall system.

9. *FMLA Maintenance of Benefit Status*

An employee's use of FMLA leave will not result in the loss of any employment benefit that the employee earned or was entitled to before using FMLA leave and FMLA leave will not be considered in discipline related to tardiness and/or attendance.

10. *FMLA Key Employees*

Under specified and limited circumstances where restoration to employment will cause substantial and grievous economic injury to its operations, the Borough may refuse to reinstate certain highly-paid "key" employees after using FMLA leave during which health coverage was maintained. In order to do so, the Borough will:

- Notify the employee of his/her status as a "key" employee in response to the employee's notice of intent to take FMLA leave;
- Notify the employee as soon as the Borough decides that it will deny job restoration and explain the reasons for this decision;
- Offer the employee a reasonable opportunity to return to work from FMLA leave after giving this notice; and
- Make a final determination as to whether reinstatement will be denied at the end of the leave period if the employee then requests restoration and notify the employee in writing of that decision.

A “key” employee is a salaried “eligible” employee who is among the highest paid ten percent (10%) of employees.

11. FMLA Notice and Certification Procedure

Employees seeking to use FMLA leave are required to provide thirty (30) days advance notice of the need to take FMLA leave when the need is foreseeable and such notice is practicable.

Employees must provide sufficient information for the Borough to determine if the leave may qualify for FMLA protection, as well as the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the Borough if the requested leave is for a reason for which FMLA was previously taken or certified.

The Borough may also require employees to provide:

- Medical certification supporting the need for leave due to a serious health condition affecting the employee or an immediate family member; or
- Certification of Qualifying Exigency; or
- Periodic reports during FMLA leave regarding the employee’s status and intent to return to work; and
- Medical certification of fitness for return to duty.

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

The Borough will notify employees requesting leave whether they are eligible for FMLA leave, and if they are not, the reasons for their ineligibility. If the employee is eligible, the notice will specify any additional information required. Where leave is being designated as FMLA leave, the employee will be so notified in writing.

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

12. FMLA Retaliation Prohibition

There shall be no interference with an employee’s FMLA rights or retaliation against any employee for exercising his/her rights under the FMLA. Any such concerns should be immediately reported to the Borough Administrator.

13. FMLA Return to Work

An employee returning from leave taken because of his/her own serious health condition must provide certification from his/her health care provider that he/she is able to return to work with or without restrictions. The certification should be provided to the Borough within ten (10) days to the leave expiring if possible or prior to the employee returning to work.

An employee who does not return to work upon expiration of FMLA leave may be discharged. An employee who fails to return from the approved FMLA leave will be required to refund all employer benefit contributions paid during the unpaid portion of the leave, unless the failure to return results from continuation, recurrence, or onset of a serious health condition, or something beyond the employee's control.

14. FMLA Questions

Any questions regarding this policy or FMLA leave should be directed to the Borough Administrator.

THE NEW JERSEY FAMILY LEAVE ACT

(N.J.S.A. 34:11 B-1, *et seq.*)

The New Jersey Family Leave Act ("NJFLA" or "FLA") entitles eligible employees to take up to twelve (12) weeks of job-protected leave in a twenty-four (24) month period for specified reasons. The law contains provisions on employer coverage; employee eligibility for the law's benefits; entitlement to leave; notice and certification of the need for FLA leave; and protection for employees who request or take FLA leave.

1. NJFLA Employee Eligibility

To be eligible for FLA benefits, an employee must:

- a. Have worked for the Borough for a total of twelve (12) months; and
- b. Have worked at least 1,000 hours (including overtime) over the previous twelve (12) months.

The Borough Administrator will determine if the employee meets the eligibility requirements.

2. NJFLA Leave Entitlement

An eligible employee may take up to a total of twelve (12) work-weeks of FLA leave during a twenty-four (24) month period for one or more of the following reasons:

- Birth and care of the employee’s newborn child (leave must commence within 12 months of the date of birth);
- The placement of a child with an employee for adoption or foster care (leave must commence within 12 months of placement);
- The serious health condition of a family member requiring the employee’s participation in care;
- To care for:
 - a child whose school or childcare facility is closed by order of a public official due to an epidemic or public emergency;
 - a family member that is subject to a mandatory quarantine order as a result of an illness caused by an epidemic where the family member’s exposure would jeopardize the health of others; or
 - a family member who is in voluntary self-quarantine recommended by a health care provider or public authority as a result of suspected exposure to a communicable disease.
- In the event of a state of emergency declared by the Governor, or when indicated to be needed by the Commissioner of Health or other public health authority, an epidemic of a communicable disease, a known or suspected exposure to the communicable disease, or efforts to prevent spread of a communicable disease, which: (a) requires in-home care or treatment of a child due to the closure of the school or place of care of the child of the employee, by order of a public official due to the epidemic or other public health emergency; (b) prompts the issuance by a public health authority of a determination, including by mandatory quarantine, requiring or imposing responsive or prophylactic measures as a result of illness caused by an epidemic of a communicable disease or known or suspected exposure to the communicable disease because the presence in the community of a family member in need of care by the employee, would jeopardize the health of others; or (c) results in the recommendation of a health care provider or public health authority, that a family member in need of care by the employee voluntarily undergo self-quarantine as a result of suspected exposure to a communicable disease because the presence in the community of that family member in need of care by the employee, would jeopardize the health of others.

The Borough will apply the “rolling forward” method to calculate an employee’s entitlement to FLA leave. By this method, the twenty-four (24) month FLA “leave period” is measured forward from the date FLA leave is first taken.

When an employee takes leave for a reason covered by the Federal Family and Medical Leave Act (“FMLA”), the leave shall be simultaneously counted against an employee’s entitlement under both statutes to the extent applicable and permitted by law. However, if an employee takes FMLA because of his or her own disability, including a disability related to pregnancy or childbirth, and a family member becomes seriously ill or a child is born or adopted while he or she is still on FMLA disability leave, the intervening birth, adoption, placement for foster care, or serious family illness does not convert the FMLA leave to FLA leave. For as long as the employee continues to be eligible for FMLA leave based upon his or her own disability, the leave does not simultaneously count against the employee’s FLA entitlement. After the employee is released by his or her healthcare provider, any remaining FMLA leave will run concurrently with the employee’s FLA leave entitlement.

FLA leave taken on account of the serious illness of a family member may, in certain cases, be taken in the form of a reduced leave schedule, or when medically necessary, on an intermittent basis, rather than all at once. Intermittent leave may also be taken upon the birth, adoption or foster care placement of a child.

The employee shall not be entitled to a reduced leave schedule for a period exceeding twenty-four (24) consecutive weeks. The employee shall make a reasonable effort to schedule reduced leave so as not to disrupt unduly the operations of the Borough and the employee shall provide the Borough with prior notice of the care, medical treatment, or continuing supervision by a health care provider necessary due to a serious health condition of a family member, in a manner which is reasonable and practicable. Leave taken on a reduced leave schedule shall not result in a reduction of the total amount of leave which the employee is entitled.

Employees may elect to use applicable accrued paid leave (such as sick or vacation) to cover some or all of their FLA leave. If the employee does not so elect, the FLA leave will be unpaid.

The Borough is responsible for designating if an employee’s use of paid leave counts as FLA leave, based upon information from the employee.

3. *NJFLA Maintenance of Health Benefits*

During FLA leave, the employee’s health insurance coverage will be maintained under the same terms and conditions as if the employee had continued to work. Employees shall be required to pay their share of health insurance premiums while on leave, where consistent with applicable collective negotiations agreements, State law, and/or health insurance plans in effect at the time of the leave. Employees who are required to contribute part of the cost of health insurance must make arrangements with the Borough for timely payment of premiums.

4. *NJFLA Job Restoration*

Generally, upon return from FLA leave, the employee will be restored to his/her original job or to an equivalent job with like seniority, status, employment benefits, pay and conditions of employment.

If the Borough should experience a reduction in force or layoffs, an employee who would have been affected by such a reduction in force or layoff had he/she not been on FLA leave is not entitled to be returned to work following exhaustion or completion of FLA leave; however, the employee retains all rights under any applicable layoff or recall system.

An employee who does not return to work upon expiration of FLA leave may be discharged. An employee who fails to return from the approved FLA leave will be required to refund all employer benefit contributions paid during the unpaid portion of the leave, unless the failure to return results from continuation, recurrence, or onset of a family member's serious health condition, or something beyond the employee's control.

5. *NJFLA Notice and Certification*

When FLA leave is sought due to the birth or placement of a child for adoption or foster care, the employee must provide at least thirty (30) days' notice of the intention to take FLA leave when reasonably practicable. When FLA leave is sought due to a family member's serious illness, the employee must provide at least fifteen (15) days' notice of the intention to take FLA leave, except where emergent circumstances warrant shorter notice. Employees seeking to use FLA leave when the need is unforeseeable must provide the Borough with notice as soon as practicable.

An employee requesting FLA leave in order to care for the employee's seriously ill spouse, civil union partner, child, or parent may be required to provide a certification issued by a health care provider supporting the need for the requested FLA leave. The Borough reserves the right to require second or third medical opinions and periodic re-certifications.

The employee must provide periodic reports during his/her leave regarding the employee's status and intent to return to work as deemed appropriate by the Borough. If an employee fails to provide the required documentation, the Borough may delay the start of the employee's FLA leave, withdraw any designation of FLA leave or deny the leave, in which case the employee's absences will be treated in accordance with the Borough's standard leave of absence and attendance policies and the employee may be subject to discipline up to and including termination.

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

6. *NJFLA Retaliation Prohibition*

There shall be no interference with an employee's FLA rights or retaliation against any employee for exercising his/her rights under the FLA. Any such concerns should be immediately reported to the Borough Administrator.

7. NJFLA Definitions

1. Health Care Provider: for purposes of the FLA means any person licensed under Federal, State, or local law, or the laws of a foreign nation, to provide health care services; or any other person who has been authorized to provide health care by a licensed health care provider.
2. Family member: for purposes of the FLA means a sibling, grandparent, grandchild, child, spouse, domestic partner, civil union partner, parent, or parent-in-law of a covered individual, or any other individual related by blood to the employee, and any other individual that the employee shows to have a close association with the employee which is the equivalent of a family relationship.
3. Serious Health Condition: for purposes of the FLA means an illness, injury, impairment, or physical or mental condition which requires:
 - inpatient care in a hospital, hospice, or residential medical care facility; or
 - continuing medical treatment; or
 - continuing supervision by a health care provider.

8. NJFLA Questions

Any questions regarding this policy or FLA leave should be directed to the Borough Administrator.

NEW JERSEY FAMILY LEAVE INSURANCE BENEFITS

Under the Family Leave Insurance ("FLI") provision of the New Jersey Temporary Disability Benefits Law, eligible employees may collect up to twelve (12) weeks of cash benefits from the State of New Jersey to compensate for wage loss when taking leave to bond with a newborn or newly adopted child or to provide care for a seriously ill family member. FLI benefits may also be taken by a covered individual while taking time off from work, pursuant to the NJSAFE Act, to assist a family member who is a victim of domestic or sexual violence.

FLI is a monetary benefit paid by the State and not a separate leave entitlement, and thus FLI benefits run concurrently with NJFLA and/or FMLA.

The State of New Jersey makes all determinations as to FLI benefits eligibility without any regard to whether the claimant is on NJFLA or FMLA covered leave during the period for which he or she is applying for FLI benefits.

Employees can obtain additional information and/or an application for FLI benefits from the Borough Administrator or by visiting the Department of Labor and Workforce Development's web site at www.nj.gov/labor, by calling the Division of Temporary Disability Insurance's Customer Service Section at (609) 292-7060, or by writing to the Division of Temporary Disability Insurance, PO Box 387, Trenton, NJ 08625-0387.

Domestic Violence Leave Policy:

The New Jersey Security and Financial Empowerment Act ("NJSAFE") entitles eligible employees to take up to twenty (20) days of job-protected leave in a twelve (12) month period to address circumstances resulting from an incident of domestic violence or a sexually violent offense.

1. NJSAFE Employee Eligibility

To be eligible for NJSAFE benefits, an employee must:

- Have worked for the Borough for a total of twelve (12) months; and
- Have worked at least 1,000 hours (including overtime) over the previous twelve (12) months.

The Borough Administrator will determine if the employee meets the eligibility requirements.

2. NJSAFE Leave Entitlement

NJSAFE leave may be taken by an employee who is a victim of an incident of domestic violence or a sexually violent offense or by an employee whose family member is a victim of domestic violence or a sexually violent offense.

For purposes of NJSAFE, a family member includes a child, spouse, civil union or domestic partner, parent, parent-in-law, sibling, grandparent, grandchild, any other individual related by blood, or any other individual that the employee shows to have a close association with the employee which is equivalent of a family relationship.

Leave may be taken, as needed, for the purpose of engaging in any of the following activities related to each incident of domestic violence or a sexually violent offense:

- 1) seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence to the employee or the employee's family member;
- 2) obtaining services from a victim services organization for the employee or the employee's family member;

- 3) obtaining psychological or other counseling for the employee or the employee's family member;
- 4) participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety of the employee or the employee's family member from future domestic or sexual violence or to ensure economic security;
- 5) seeking legal assistance or remedies to ensure the health and safety of the employee or the employee's family member, including preparing for, or participating in, any civil or criminal legal proceeding related to or derived from domestic or sexual violence;
- 6) attending, participating in, or preparing for a criminal or civil court proceeding relating to an incident of domestic or sexual violence of which the employee or the employee's family member was a victim.

An employee is not entitled to more than twenty (20) days of combined NJSAFE leave in any twelve (12) month period.

When an employee takes leave for a reason covered by NJSAFE, the leave shall be simultaneously counted against an employee's entitlement under the FMLA and/or the FLA to the extent applicable and permitted by law.

3. *NJSAFE Intermittent Leave*

NJSAFE leave may be taken intermittently in increments of no less than one (1) day.

4. *NJSAFE Leave Pay Status*

NJSAFE leave will be unpaid unless the employee has available applicable earned paid leave (such as sick, personal, or vacation days), which he/she may use at his/her discretion.

The Borough is responsible for designating an employee's use of paid leave as NJSAFE leave, based upon information from the employee.

5. *NJSAFE Maintenance of Health Benefits*

During NJSAFE leave, the employee's health insurance coverage will be maintained under the same terms and conditions as if the employee had continued to work. Employees may be required to pay their share of health insurance premiums while on leave, where consistent with applicable collective negotiations agreements and/or health insurance plans in effect at the time of the leave. Employees who are required to contribute part of the cost of health insurance must make arrangements with the Borough for timely payment of premiums.

6. NJSAFE Job Restoration

Generally, upon return from NJSAFE leave, the employee will be restored to his/her original job or to an equivalent job with like seniority, status, employment benefits, pay and conditions of employment.

7. NJSAFE Notice and Certification

Prior to taking NJSAFE leave, an employee must, if the need for leave is foreseeable, provide the Borough with written notice of the need for leave. Notice must be provided as far in advance as is reasonable and practical under the circumstances.

Pursuant to NJSAFE, the Borough may require that an eligible employee provide supporting documentation concerning the domestic violence or sexually violent offense which is the basis for the leave. The Borough will maintain any information or documentation obtained regarding an employee's NJSAFE leave in the strictest confidence, unless disclosure is voluntarily authorized in writing by an employee or is required by State or Federal law, rule, or regulation. Sufficient forms of supporting documentation include the following:

- 1) a domestic violence restraining order or other documentation of equitable relief issued by a court of competent jurisdiction;
- 2) a letter or other written documentation from the county or municipal prosecutor documenting the domestic violence or sexually violent offense;
- 3) documentation of the conviction of a person for the domestic violence or sexually violent offense;
- 4) medical documentation of the domestic violence or sexually violent offense;
- 5) certification from a certified Domestic Violence Specialist or the director of a designated domestic violence agency or Rape Crisis Center, that the employee or employee's child, parent, spouse, domestic partner, or civil union partner is a victim of domestic violence or a sexually violent offense; or
- 6) other documentation or certification of the domestic violence or sexually violent offense provided by a social worker, member of the clergy, shelter worker, or other professional who has assisted the employee or employee's child, parent, spouse, domestic partner, or civil union partner in dealing with the domestic violence or sexually violent offenses.

All information provided in connection with NJSAFE leave shall be retained in the strictest confidentiality, unless the disclosure is voluntarily authorized in writing by the employee or is required by State or Federal law, rule or regulation.

8. NJSAFE No Retaliation

There shall be no retaliation against, harassment, or discrimination with respect to the compensation, terms, conditions, or privileges of employment of any employee for exercising his/her rights under the NJSAFE and/or for requesting or taking leave. Any such concerns should be immediately reported to the Borough Administrator.

9. NJSAFE Questions

Any questions regarding this policy or NJSAFE leave should be directed to the Borough Administrator.

Volunteer and First Aid Duty:

Time off from work to respond to an emergency call with pay will be granted for all municipal employees who are members of the following:

1. Volunteer fire company serving the municipality
2. Volunteer first aid squad serving the municipality

Military Leave Policy:

When a full-time employee, (either permanent or temporary) who is a member of the reserve component of any United States armed forces, or the National Guard of any state including the Naval Militia and Air National Guard, is required to engage in field training or is called for active duty, the employee will be granted a military leave of absence for the duration of the service. The first thirty (30) workdays of leave in any calendar year shall be with full pay except that a member of the New Jersey National Guard shall receive full pay for the first ninety (90) days of leave in any calendar year. Thereafter, the leave shall be without pay, but without loss of time. Active duty shall not include inactive duty training such as weekend drills.

The paid leave will not be counted against any available time off including, but not limited to vacation, sick or personal time. An employee on military leave, however, may elect to utilize accrued vacation or personal leave to continue his or her salary after paid leave is exhausted. A full-time temporary employee who has served less than one (1) year shall not be entitled to paid leave but shall be granted non-paid military leave without loss of time.

In all cases involving military leave, the employee must, as soon as possible, provide his or her Department Head and/or Borough Administrator with military orders verifying the

call to military duty prior to beginning the military leave. Failure to do so may result in delay or denial of salary for the period of leave.

Employees on military service leave will also continue to receive paid health insurance coverage during the period of the paid. After this period has expired, employees may continue coverage for themselves or their dependents under the Borough's group plan by taking advantage of the COBRA provision.

Members of the State administered retirement systems (PERS and PFRS) will continue accruing service and salary credit in the system during the period of paid leave. An employee is allowed, but not required, to make up his or her missed pension contributions upon return from unpaid military leave. If the employee makes the pension contributions that would have been normally required and within the time frames specified by law, the military service will count for purposes of participation, vesting and accrual of benefits, as though the employee had not left. If he/she does not make up his/her contributions, he/she will not receive the accrued benefit attributable to his/her contribution.

Generally, an employee out on military leave will be eligible for reinstatement provided: (1) the employee has five (5) years or less of cumulative service in the military during his or her employment relationship with that employer; (2) the employer had advance notice of the employee's service; (3) the employee timely returns to work or applies for reinstatement; and (4) the employee has not been separated from service with a disqualifying discharge or under other than honorable conditions.

Pursuant to the Uniformed Services Employment and Reemployment Rights Act, any employee released from active duty under honorable circumstances shall return to work without loss of privileges or seniority within the following time limits: for service less than thirty-one (31) calendar days, the employee must return to work on the beginning of the first regularly scheduled workday or eight (8) hours after the end of military duty, with reasonable allowances for commuting; for service of thirty-one (31) to one hundred eighty (180) calendar days, the employee must submit an application for reinstatement within fourteen (14) calendar days after completing military duty; for service greater than one hundred and eighty (180) calendar days, the employee must submit an application for reinstatement within ninety (90) calendar days after completing military duty.

Any questions regarding this Policy, including rights, benefits and obligations relating to military leave, should be directed to the Borough Administrator.

Pension Plan:

Eligible employees are required to participate in the Public Employees Retirement System (PERS), the Police and Firemen's Retirement System (PFRS) or the Defined Contribution Retirement Program (DCRP). Both the employee's contribution to the plan, which is deducted from the salary paid to such employee, and the Borough's contribution to the

plan are remitted to the State as prescribed by law. Eligibility criteria are pursuant to Chapter 89, P.L. 2008.

Health Benefits:

The Borough of Dunellen provides benefits through the New Jersey State Health Benefits Plan (“SHBP”). The SHBP offers two basic types of health plans: NJ Direct and HMOs. Details of the plans are available in the Finance Department. The SHBP offers an “open enrollment” period once each year at which time you may change from one type of plan to another.

Health Benefits coverage begins following two (2) months of full-time employment. Your eligible dependents are your spouse and your unmarried children under the age of 26 (coverage normally ends on December 31 of the year the child turns 26) who live with you in a regular parent-child relationship.

Dental Benefits for the employee and eligible dependents are provided through Delta Dental Plan of New Jersey. Dental coverage begins following two (2) months of full-time employment.

Retiree Health Benefits Policy:

The Borough will provide, at its cost, medical insurance coverage, excluding premiums for Medicare Part B, to any eligible employee (including his/her dependents) who has retired from a State or locally administered pension system. Retirees will be responsible for all co-pays and deductibles associated with their Plan. Eligible employees who retire on or after January 1, 2023, shall contribute to the cost of their Borough-provided retiree health benefits at the rates established by the Year 4 contribution chart in P.L. 2011, Ch. 78.

For purposes of this policy, “eligible employee” shall mean:

- 1) An employee who has retired on a Disability Pension and has served as an employee of the Borough for no fewer than 20 years at the time of Disability Retirement; or
- 2) An employee who has retired from a State or locally administered retirement system with 25 years or more of service credit in that system, and who has served as an employee of the Borough of Dunellen for no fewer than 25 years at the time of retirement from the State or locally administered retirement system.

Any retiree who was not eligible to receive medical insurance coverage during his or her employment will also be ineligible to receive such benefits during retirement.

This policy shall not supersede the terms of any binding collective negotiations agreement, which shall remain in force during the life of the agreement.

Workers' Compensation:

Employees of the Borough of Dunellen are eligible for Workers' Compensation benefits for job-related injuries. The administration of Workers' Compensation benefits is in accordance with State Law and the policies and procedures of the Central Jersey Municipal Joint Insurance Fund (JIF) of which the Borough of Dunellen is a participating member.

Central Jersey JIF and the Municipal Excess Liability Joint Insurance Fund (MEL), the excess insurer, sponsors training sessions, seminars, safety awareness programs and safety expos. The Borough also maintains loss control and safety awareness programs as a first defense in minimizing accidents and injuries. Employees in certain departments routinely receive up-to-date training and other services in order to enhance safety on the job.

Accidental Injuries are those injuries arising out of, and in the course of a Borough employee's employment resulting solely from an accident incurred during and in direct relation with the performance of duties that the employee is directed to perform by an appropriate supervisor and/or Department Head.

Workers' Compensation services are provided by QualLynx. If you are injured on the job, you must advise your supervisor and/or Department Head as soon as possible. Your supervisor will report the incident to QualLynx who will direct you to a physician or facility for priority care. If the injury requires urgent or emergency treatment, the supervisor may immediately direct you to a network hospital or urgent care facility and then report the injury to QualLynx.

Unless explicitly provided for in a collective negotiations agreement, the Borough will only pay, either directly or through its Workers' Compensation insurer, those benefits that are specifically provided for under the Workers' Compensation Act and will not supplement these benefits with additional benefits pursuant to N.J.S.A. 11A:6-8.

When a regular full-time employee is injured or disabled resulting from or arising out of his/her employment, the Mayor and Council may grant a leave of absence with pay not exceeding one year, provided that the physician appointed by the Mayor and Council shall certify as to such injury or disability. When a leave of absence has been granted, the employee shall not be charged with any sick time leave to the time lost due to such particular injury or disability. The Borough shall pay the employee his/her regular salary, and the employee shall remit to the Borough any worker's compensation award for salary compensation.

Transitional Duty Policy:

The Borough of Dunellen does not have transitional or “light” duty.

Longevity Policy:

To reward employees for their commitment to public service with the Borough of Dunellen:

A. Longevity for employees hired prior to July 1, 2002, shall be as follows:

- (1) After the completion of five years of service: 2%.
- (2) After the completion of 10 years of service: 4%.
- (3) After the completion of 15 years of service: 6%.
- (4) After the completion of 20 years of service: 8%.
- (5) After the completion of 25 years of service: 10%.

B. Longevity for employees hired after July 1, 2002, shall be as follows:

- (1) After the completion of eight years of service: 2%
- (2) After the completion of 12 years of service: 4%.
- (3) After the completion of 16 years of service: 6%.
- (4) After the completion of 20 years of service: 8%

CHAPTER 4: WAGES & PAYROLL DEDUCTIONS

Salary and Wages:

Paychecks are distributed twenty-six (26) times a year to salaried and hourly employees.

All full-time, part-time and seasonal employees who receive compensation from the Borough of Dunellen are mandated to have direct deposit of their compensation.

Municipal employees may request, in writing, an exemption from the direct deposit mandate to the Borough Treasurer or Administrator. Such requests will be presented to the Borough Council within forty (40) days. The Borough Council may grant such an exemption by resolution and only for good cause.

Payroll Deductions:

Your pay is subject to mandatory payroll deductions as follows:

- a. Federal and State Income Tax – Federal Tax is withheld based on the employee’s withholding instructions (W-4 form)
- b. Social Security (FICA) – A percentage rate of the employee’s gross salary up to a maximum amount regulated by the Federal Government is withheld and submitted to the Internal Revenue Service for credit into the employee’s account.
- c. Unemployment Insurance – A deduction is made for payment into the State Unemployment Insurance Fund.
- d. State Family Leave Insurance
- e. Public Employees Retirement System (PERS) or Police and Firemen’s Retirement System (PFRS) – A deduction is determined and is certified by the State at the time of enrollment.
- f. PERS/PFRS – Contributory Insurance

Other deductions may include, but are not limited to:

- a. Deferred Compensation Plan
- b. Pension Loan Payments
- c. Wage Garnishment
- d. Union Dues
- e. Savings Plan

CHAPTER 5: WORK RULES AND STANDARDS

Appearance and Dress Code Policy:

Dress, grooming and personal hygiene must be appropriate for the position. Uniforms are required for certain jobs and are to be worn in accordance with applicable departmental standards. All other employees are required to dress in a manner that is normally acceptable in similar business establishments and consistent with applicable safety standards. Employees shall not wear suggestive attire, jeans, athletic clothing, shorts, sandals, T-shirts, novelty buttons, baseball hats and similar items of casual attire that do not present a businesslike appearance. Hair, sideburns, moustaches, and beards must be clean, combed and neatly trimmed. Shaggy, unkempt hair is not permissible regardless of length. Tattoos and body piercings, other than earrings, may not be visible. With the advance approval of the Borough Administrator, the Borough will make reasonable religious accommodations that do not violate safety standards. Employees violating this policy shall be required to take corrective action or will be sent home without pay.

All the Borough of Dunellen employees are considered professionals in their fields of endeavor and are expected, as public servants, to conduct themselves in a courteous and businesslike fashion when dealing with Borough residents, members of the public body or other employees. Employees are expected to dress appropriately for the work they perform.

Attendance & Punctuality:

Reporting to work on time is an important factor for the proper operation of all departments. Employees are expected to be at their respective workstations on time. Any tardiness over five (5) minutes in reporting and/or returning from lunch will be noted by the Department Head. Chronic or recurring tardiness may result in the issuance of a warning notice or other disciplinary action up to and including dismissal.

Accurate and complete daily attendance records shall be maintained by each department head, and each department head shall file a daily absentee or termination report with the Personnel Office on a biweekly basis. Such records shall indicate the hours each employee has worked on a daily basis. Sick, vacation, personal or any other absences shall also be indicated on the attendance records.

Lunch Hours & Breaks:

Lunch periods and breaks vary depending on Department. See Work Schedule Section in Chapter 2 for more information.

Use of Municipal Property:

Employees are responsible for taking care of any equipment assigned to them and for seeing that supplies are properly utilized.

Employees of the Borough shall not remove, or in any way assist in the removal of Borough owned supplies, materials, goods or equipment from any municipal facility unless such removal has been authorized for public service by a Department Head or Supervisor.

Employees are prohibited from using equipment, supplies, postage or other materials of the Borough for personal use. Unauthorized use or removal of Borough equipment and supplies shall be cause for removal and possible criminal prosecution.

Use of Borough Owned Motor Vehicles:

- A. Borough-owned vehicles shall be used only on official Borough business and all passengers must be engaged in Borough business. Employees driving a Borough vehicle are not entitled to any special privileges, and each employee will be held responsible for any traffic citations received while driving a Borough vehicle. An employee who is also employed by another governmental entity may use a Borough vehicle for that employment only if the employment is pursuant to an interlocal agreement between the Borough and the other jurisdiction.
- B. Use of a Borough vehicle by an employee must be approved by the employee's supervisor prior to its use. The employee must log the following information when using the vehicle:
 - (1) Time in and out with the vehicle;
 - (2) The mileage before and after its use; and
 - (3) The destination.
- C. In the event a Borough vehicle needs to be driven home by an employee, the employee must obtain the advance approval of the Borough Administrator, except a department head may grant a temporary approval to facilitate the employee's responses to after-hours emergency calls. When an employee drives a Borough vehicle to his or her home, it must be used only for official Borough business and for commuting to work/home. There are no other permissible uses for the Borough vehicle. Employees authorized to use such vehicles for commuting to or from work shall have a fringe benefit value added to the gross income reported on the employee's W-2 unless exempt by law.
- D. Employees shall be reimbursed for the use of the employee's personal vehicle for Borough business, provided:
 - (1) Use of the personal vehicle is considered necessary and is authorized in advance by the employee's supervisor.
 - (2) A Borough vehicle was not reasonably available when the personal vehicle was used.
 - (3) The employee made a request to use his or her personal vehicle in writing and an adequate record showing the date the vehicle was used, the miles driven and the nature of the trip for the Borough is maintained and submitted to the Borough Administrator.
 - (4) Reimbursement to employees for use of personal vehicles while on Borough business shall be at the IRS's standard mileage rate.
 - (5) Private automobile mileage reimbursement for Borough business is allowed from the point of origin to the point of destination (but not for commuting between home and work). When Borough business trips originate or terminate at the

employee's home because of convenience to the employee, mileage reimbursement to the employee must be the lesser of:

- (a) An amount based on the distance between home and destination; or
- (b) An amount based on the distance between office and destination.

Use of Personally Owned Motor Vehicles:

For insurance and liability reasons, the use of personally owned motor vehicles for the performance of Borough business is prohibited except where necessary and no Borough vehicle is available for use, in which case permission must first be obtained from the supervisor. The Central Jersey Joint Insurance Fund does not provide collision, third party or excess limits coverage.

Use of Telephones & Telephone Techniques:

Employees are expected to be kind and courteous at all times when answering the telephone. In particular, telephones should be answered on the first or second ring. Talking with a smile in your voice can convey the sincerity and understanding that means so much to a caller.

When taking a message, the appropriate form should be completed in full with the correct spelling of the caller's name, the date, time of call, return telephone number and any other pertinent information.

Telephones are not to be left unattended at any time, especially during lunch hours. The use of the telephone for personal business, in terms of either incoming or outgoing telephone calls should be limited to those situations of an emergent nature.

Code of Ethics:

Officers and employees of the Borough of Dunellen shall comply with the following provisions:

A.

No officer or employee of the Borough of Dunellen or member of his or her immediate family shall have an interest in a business organization or engage in any business, transaction, or professional activity which is in substantial conflict with the proper discharge of his or her duties in the public interest.

B.

No officer or employee shall use or attempt to use his or her official position to secure unwarranted privileges or advantages for himself, herself or others.

C.

No officer or employee shall act in his or her official capacity in any matters where he or she, a member of his or her immediate family, or any business organization in which he or she has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his or her objectivity, independence or judgment.

D.

No officer or employee shall undertake any employment or service whether compensated or not, which might reasonably be expected to prejudice his or her independence of judgment in the exercise of his or her official duties.

E.

No officer or employee, member of his or her immediate family or any business organization in which he or she has an interest shall solicit or accept any gift, favor, political contribution, service, promise of future employment or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise or other thing of value was given or offered for the purpose of influencing him or her.

F.

No officer or employee shall use or allow to be used his or her public office or employment, or any information not generally available to the members of the public which he or she received or acquires in the course of and by reason of his or her office or employment, for the purpose of securing financial gain for himself, herself or any member of his or her immediate family, or any business organization with which he or she is associated.

G.

No officer or employee or any business organization in which he or she has an interest shall represent any person or party other than the Borough in connection with any cause, proceeding, application or other matter pending before any agency of the Borough of Dunellen. This provision shall not be deemed to prohibit an employee from representing another employee where the representation is within the context of official labor union or similar representational responsibilities.

H.

No officer shall be deemed in conflict with these provisions if, by reason of his or her participation in the enactment of any ordinance, resolution or other matter required to be voted upon or which is subject to executive approval or veto, no material or monetary gain

accrues to him or her as a member of any business, profession, occupation or group, to any greater extent than any gain could reasonably be expected to accrue to any other member of such business, profession, occupation or group.

I.

No elected officer shall be prohibited from making an inquiry for information on behalf of a constituent, if no fee, reward or other thing of value is promised to, given to or accepted by the officer or a member of his or her immediate family whether directly or indirectly, in return therefor.

J.

Nothing shall prohibit any officer or employee of the Borough of Dunellen or members of his or her immediate family from representing himself, herself or themselves in negotiations or proceedings concerning his, her or their own interests.

K.

No officer or employee elected or appointed in the Borough shall, without receiving formal written authorization from the appropriate person or body, disclose any confidential information concerning any other officer or employee or any other person or any property or governmental affairs of the Borough.

L.

No officer or employee shall approve or disapprove or in any way recommend the payment of any bill, voucher or indebtedness owed or allegedly owed by the Borough in which he or she has a direct or indirect personal, pecuniary or private interest.

M.

No officer or employee elected or appointed in the Borough shall request, use or permit the use of any public property, vehicle, equipment, labor or service for the personal convenience or the private advantage of himself, herself or any other person. This prohibition shall not be deemed to prohibit an official or employee from requesting, using or permitting the use of such public property, vehicle, equipment, material, labor or service which it is the general practice to make available to the public at large or which are provided as a matter of stated public policy for the use of officials and employees in the conduct of official business.

Definitions for Purposes of the Code of Ethics

Agency: Any agency, board, governing body, including the chief executive officer, office, commission or other instrumentality within the Borough of Dunellen and any independent

local authority created by or appointed under the authority of the Borough of Dunellen which performs functions other than of a purely advisory nature.

Business Organization: Any corporation, partnership, firm, enterprise, franchise, association, trust, sole proprietorship, union or other legal entity.

Employee: Any person, whether compensated or not, whether part-time or full-time, employed by or serving on an agency who is not a local government officer.

Interest: The ownership or control of more than 10% of the profits, assets or stock of a business organization, but shall not include the control of assets in a nonunion profit entity or labor union.

Member of Immediate Family: The spouse or dependent child of an officer or employee residing in the same household.

Officer: Any person whether compensated or not, whether part-time or full-time, who is one of the following: Member of the governing body; Mayor; All department heads; Municipal Clerk; Borough Attorney; Borough Engineer; Borough Auditor; Borough Planner; Municipal Judge; Borough Prosecutor; Planning Board member; Planning Board Attorney; Planning Board acting as the Board of Adjustment member; Planning Board acting as the Board of Adjustment Attorney; Local Assistance Board member; Director of Public Assistance; Recreation Commission member; Fire Chief; Library Board of Trustees member; Director or Manager, Borough Public Library; County Health Officer; Parking Authority member; Parking Authority Attorney; Construction Subcode Official; Building Subcode Official; Plumbing Subcode Official; Tax Collector; Police Chief; and any other person who is a managerial executive or confidential employee, as defined in Section 3 of the New Jersey Employer-Employee Relations Act, N.J.S.A. 34:13A-3, of the Borough of Dunellen or of an agency created under the authority of or appointed by the Borough of Dunellen.

Preparation & Handling of Borough Records:

Accurate, reliable records of many kinds are essential to meet the legal and financial obligations, and to manage the affairs of the Borough. Reports, vouchers, bills, payroll and service records and all other necessary data must be factual and accurate.

Any person who intentionally makes a false accounting entry on a Borough record or report, or intentionally destroys or alters any records will be subject to disciplinary action including possible dismissal or criminal prosecution where warranted.

Responsibility for Handling Borough Funds:

Employees who have access to Borough funds should know and follow procedures for handling and protecting money and checks.

If your job requires spending Borough funds or incurring personal expenses that will be reimbursed by the Borough, it is your personal responsibility to see that the Borough gets value received for money expended. Certification as to the correctness of vouchers and bills should be made with reasonable knowledge that the expenditures and amounts are proper.

Protection and Use of Borough Property & Facilities:

Each employee has a personal responsibility for Borough property as follows:

- a) Borough property may be used only for the conduct of Borough business and shall not be used by anyone for other purposes without specific supervisory authorization.
- b) Each employee must take all necessary steps to prevent the theft, loss, damage to, or misuse of Borough property. For example: seeing that buildings and storage areas are locked before leaving, that parked vehicles are locked, that tools, supplies and equipment are properly used, stored and safeguarded.
- c) No employee may use, take, sell or give away Borough property, regardless of its condition, without specific authorization by the Borough Council.

Lost, stolen or damaged property, equipment or supplies are to be reported to your supervisor immediately.

Failure to fulfill these responsibilities provides grounds for disciplinary action, including dismissal.

Conflicts of Interest:

- A. Employees, including Borough officials, must conduct business according to the highest ethical standards of public service. Employees are expected to devote their

best efforts to the interests of the Borough. Violations of this policy will result in appropriate discipline up to and potentially including termination.

- B. The Borough recognizes the right of employees to engage in outside activities that are private in nature and unrelated to Borough business. However, business dealings that appear to create a conflict between the employee and the Borough's interests are unlawful under the New Jersey Local Government Ethics Act, N.J.S.A. 40A:9-22.1 et seq. Under the Act, certain employees and officials are required to annually file with the Borough Clerk a state-mandated disclosure form. The Borough Clerk will notify employees and Borough officials subject to the filing requirements of the Act.
- C. A potential or actual conflict of interest occurs whenever an employee, including a Borough official, is in a position to influence a Borough decision that may result in a personal gain for the employee or an immediate relative, including a spouse or significant other, domestic partner, child, parent, stepparent, stepchild, sibling, grandparents, daughter-in-law, son-in-law, grandchildren, niece, nephew, uncle, aunt, or any person related by blood or marriage residing in an employee's household. Employees are required to disclose possible conflicts so that the Borough may assess and prevent potential conflicts. If there are any questions whether an action or proposed course of conduct would create a conflict of interest, immediately contact the Borough Administrator to obtain clarification.
- D. Specifically, no Borough employee may ask or direct another employee to provide personal services during working hours, nor may an employee provide such services. No Borough employee may accept or permit anyone in the employee's immediate family to accept any gratuity, gift, item or service of monetary value from a vendor, prospective vendor or party to a contract with the Borough or any of its boards or agencies. No Borough employee shall accept any gift, gratuity, item or service of monetary value from a resident or business person in the Borough in consideration for the performance of his or her municipal duties or because of his or her status as a municipal official or employee. A Borough employee shall not accept any discounted merchandise, services, or other item of value from a resident or business person in the Borough in consideration for the performance of his or her municipal duties because of his or her status as a municipal official or employee. Employees are required to report to the Borough Administrator any offer of a donation, gratuity, contribution or gift, including meals and entertainment that is in violation of this policy.
- E. Employees are allowed to hold outside employment as long as it does not interfere with their Borough responsibilities. Employees are prohibited from engaging in outside employment activities while on the job or using Borough time, supplies or equipment in the outside employment activities. The Borough Administrator may request employees to restrict outside employment if the quality of Borough work diminishes. Any employee who holds an interest in, or is employed by, any business doing business with the Borough must submit a written notice of these outside interests to the Borough Administrator.
- F. An employee who believes that any provision of this policy has been violated should report the alleged violation to his or her supervisor or other Borough managerial employee. Violations of this policy will result in appropriate discipline, including termination.

Compliance with the Law:

The Borough of Dunellen complies with all State and Federal Wage and Hour Laws, the Americans with Disabilities Act of 1990, the Civil Rights Act of 1964, the Public Employee Occupational Safety and Health Act, the New Jersey Workers' Compensation Act, State Unemployment laws, the New Jersey Family Leave Act, the Federal Family Medical Leave Act, the New Jersey Local Public Contracts Law, State and Federal anti-discrimination laws, State and Federal environmental laws and all other applicable State and Federal laws.

If an employee of the Borough believes that an action of the Borough violates State or Federal law, the employee has an obligation to bring the alleged violation to the attention of their Department Head or the Borough Administrator. See Complaint Policy for more information.

Personal Integrity:

Personal integrity means keeping absences to a minimum, coming to work on time, and giving the job your very best effort.

If any employee reports an absence due to sickness, he/she must be too ill to work. Accruing sick leave is a benefit to be used only for legitimate reasons. It is not to be considered an earned right for optional days off with pay for personal convenience.

Borough citizen's rights and property must be respected at all times.

All employees are expected to abide by, and where appropriate, enforce all Borough ordinances.

Political Activity in the Workplace Policy:

Employees are prohibited from engaging in political activities while performing their public duties and from using municipal time, supplies, property, facilities or equipment in any political activity.

Employees shall not directly or indirectly use or seek to use the authority or influence of their position to control or modify the political action of another person.

Employees have exactly 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/activities. Nothing in this section shall be construed to prevent Borough employees from becoming or continuing to be members of any political party, club, or organization; attending political meetings off

Borough property during non-working hours; expressing views on political matters outside of working hours and off Borough property; circulating petitions on public questions; and/or voting with complete freedom in any election.

Employees who engage in political activities during their non-working hours must not represent themselves as spokespersons for the Borough.

Snow/Inclement Weather:

It is necessary that Borough Hall remain open during regular business hours and municipal employees be on duty to help provide necessary services generated by crisis weather conditions or other weather-related situations. In the event of a snow or ice storm, all personnel should make every effort to report to work. An employee who does not report to work will be considered absent and will be charged with a vacation day.

Should a state of emergency be declared, or in the absence of a declared emergency local weather conditions render it hazardous for employees to safely come to work, the Borough Administrator will notify the Mayor (or Council President in his absence) of the situation and the need to close Borough Hall. The Borough Administrator will notify all Department Heads to contact all non-essential personnel to remain at home.

No Smoking Policy:

In accordance with N.J.S.A. 26:3D-56 smoking in the Municipal Building and all other Borough owned facilities is prohibited.

Resignation Policy:

An employee who intends to resign must notify the Department Head in writing at least two (2) weeks in advance. After giving notice of resignation, employees are expected to assist their supervisor and co-employees by providing information concerning their current projects and help in the training of a replacement. If two (2) weeks' notice is not provided, the resignation may be designated as not in good standing.

Employee Dating Policy:

The Borough recognizes the right of employees to engage in social relationships with each other, including relationships of a romantic or intimate nature. However, the Borough also recognizes that such relationships can be a problem in the workplace. They may result in favoritism, discrimination, unfair treatment, friction among coworkers, or the perception that they generate such problems.

To try to achieve a balance between employee rights and workplace needs, the Borough has adopted the following policy on the subject of supervisor/subordinate dating. If such a relationship exists or develops, both parties involved shall report the fact to a) their immediate supervisor or b) the Borough Administrator.

For the purposes of this policy, a supervisor/subordinate status means a situation where one employee, irrespective of job title or civil-service classification, makes or has the authority to make decisions or to take action concerning another employee's compensation, promotion, demotion, discipline, daily tasks, or any other terms, conditions or privileges of employment with the municipality.

If the employees involved in the relationship are in a supervisor/subordinate status, management may take any action which it deems appropriate, up to and including transferring one of the parties so that there is no longer a supervisor/subordinate relationship between them.

In addition, management reserves the right to address any workplace issues that may result from that relationship in the manner it deems appropriate.

Any employee who violates this policy will be subject to disciplinary action, up to and including discharge. The Borough regards a violation of this policy as particularly serious because such workplace relationships can cause favoritism, discrimination, unfair treatment or other interference with municipal operations. Nothing in this policy alters an employee's at will status.

Overtime Compensation Policy:

Under the Federal 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 \$100,000 per year depending upon their job duties. The Borough Administrator 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 Borough Administrator's prior approval and at the sole discretion of the Borough Council.

All other employees are classified as non-exempt and are subject to the provisions of the Act. Depending on work needs, non-exempt employees may be required to work overtime. Non-exempt employees are not permitted to work overtime unless the overtime is budgeted and approved by the Department Head and the Borough Administrator. Overtime opportunities shall be limited to full-time employees. Non-exempt employees working overtime without prior approval will be subject to disciplinary action.

Non-exempt employees will receive overtime compensation according to their respective collective negotiations agreements. Employees not covered by such agreements are to be compensated according to policy herein.

Non-exempt employees will receive overtime compensation for hours worked in excess of forty (40) in a weekly period at the rate of one and one-half times (1.5x) the regular rate of pay. For purposes of overtime compensation, hours worked are computed to the nearest one-half hour per day. Previously scheduled vacation time, as well as paid holidays, sick time and personal time are not considered time worked for purposes of determining overtime compensation.

Timesheets:

All employees are required to accurately record their work time on the designated time record, sign it and return it to his/her supervisor. Employees are required to report their sick time, vacation time and holiday time on the designated time record.

The supervisor shall review the record for accuracy and approve it and submit it to the designated payroll representative.

Health Insurance Policy:

The following is an example of a typical policy. Members should review closely their actual plan.

Employees and their immediate family members, including civil union partner, are provided health insurance coverage administered by the State Health Benefits Plan. (The Borough reserves the right to change provider networks, claims agents, and insurance mechanisms (fully insured versus health insurance fund, e.g.). The complete benefit plan is on file in the CFO's office and a Summary Plan Description will be provided to all employees. Benefit levels for non-unionized employees are subject to change at the discretion of the Borough.

Health insurance coverage for employees on an unpaid leave of absence or who cease Borough employment will terminate at the end of the month in which the leave begins or employment is terminated, except where the employee is on an unpaid leave of absence pursuant to the Family and Medical Leave Act and/or the New Jersey Family Leave Act, in which case health coverage will continue during the protected leave. Upon termination of coverage, employees may extend health insurance coverage for themselves or their dependents by taking advantage of the COBRA provision. All newly hired employees and their spouses shall receive a notice of COBRA rights upon being hired. For more information, consult the Chief Financial Officer.

Retirement Policy:

Under State law, all employees must enroll in the New Jersey Public Retirement System or the Police and Fire Fighters Retirement System as applicable. The employee's contribution to the Plan will be deducted from the employee's pay. An employee who has completed the required number of years and who has reached the required age under the Plan may retire by notifying the Department Head in writing. The State retirement plans request six months advance notice to process the application. After giving notice of retirement, employees are expected to assist their supervisor and co-employees by providing information concerning their current projects and help in the training of a replacement. The Department Head will prepare an Employee Action form showing any pay or other money owed the employee. The CFO will conduct a confidential exit interview to discuss benefits including COBRA options, appropriate retirement issues and pay due. A COBRA notification letter will be sent to the employee's home address. The exit interview will also include an open discussion with the employee. On the last day of work, and prior to receiving the final paycheck, the employee must return all keys and equipment, as applicable. At this time, the employee will sign the termination memo designating all money owed and this memo will be retained in the official personnel file.

Conference, Course and Seminar Policy:

Requests to attend a conference or seminar must be approved by the Department Head and the Borough Administrator. Requests, including Travel Requests when applicable, shall be made sufficiently in advance to take advantage of discounts for early registration, and must be submitted to the Department Head at least thirty (30) days before the event. Requests must be in writing including the conference schedule, registration information and estimated costs. The Department Head is responsible to detail all training requests during the budget formulation process. Approval of any conference or seminar request is conditioned upon the availability of funds.

CHAPTER 6: INFORMATION TECHNOLOGY POLICY

Communication Media Policy:

The Borough's Communication Media are the property of the Borough and, as such, are to be used for legitimate business purposes only. For purposes of this Communication Media Policy, "Communication Media" includes all electronic media forms provided by the Borough, such as cell phones, smart phones, computers, electronic tablets, access to the internet, voicemail, email, and fax. Employees are restricted from accessing or using the company's Communication Media for personal purposes during company time on company equipment without prior authorization from the Administration to do so.

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

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

All email, voicemail and Internet messages (including any technology-based messaging) are official documents subject to the provisions of the Open Public Records Act (NJSA 47:1A-1). Employees of the Borough are required to use the assigned municipal email account for ALL Borough business and correspondence. The use of private email accounts for ANY Borough business or during business hours is strictly prohibited. Employees are hereby advised that if they conduct work-related business on their personal emails, cell phones, or other personal Communication Media, it is also subject to the provisions of the Open Public Records Act. However, nothing in this ~~social media~~ Communication Media policy prevents employees from using his/her own personal Communication Media during the employee's non-working hours to engage or participate in protected concerted activities pursuant to the National Labor Relations Act. Protected concerted activities include when an employee addresses group concerns with the employer; forms, joins or helps a labor organization; initiates, induces or prepares for group action; or speaks on behalf of or represents other employees. Nevertheless, employees are encouraged to resolve workplace grievances internally by discussing issues with their supervisor and/or the Administration, and are asked to refrain from posting comments or materials on Communication Media that can be viewed as malicious, obscene, threatening, intimidating, or that could create a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law if the employee chooses to address their grievances using Communication Media.

Employees can only use the Borough's Communication Media for legitimate business purposes. Employees may not use the Borough's Communication Media in any way that is defamatory, obscene, or harassing or in violation of any Borough rules or policy.

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

All employees, who have been granted access to electronically-stored data, must use a logon ID assigned by the Borough. Certain data, or applications that process data, may require additional security measures as determined by the Borough. Employees must not share their passwords; and each employee is responsible for all activity that occurs in connection with their passwords.

Information security is necessary to protect the Borough's information (data and software) from accidental or intentional unauthorized disclosure, modification, or loss. Information security is managed under guidelines dealing with identification, authentication, authorization, production environment, and ability to audit. All employees should be familiar with such security measures adopted by the Borough.

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

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

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

Social Media and its uses in government and daily life are expanding each year; however, information posted on a website is available to the public; therefore, employees must adhere to the following guidelines for their participation in social media. Only those Employees directly authorized by the Administration may engage in social media activity during work time through the use of the Borough's Communication Media, as it directly relates to their work and it is in compliance with this policy.

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

No Borough of Dunellen employee shall post internal working documents to social media sites. This includes, but is not limited to, screenshots of computer stations, pictures of monitors and/or actual documents themselves without the prior approval of the Borough Administrator. In addition, employees are prohibited from releasing or disclosing any photographs, pictures, digital images of any crime scenes, traffic crashes, arrestees, detainees, people or job-related incident or occurrence taken with the Borough's Communication Media to any person, entity, business or media or Internet outlet whether on or off duty without the express written permission of the Borough Administrator. Except in "emergency situations," Employees are prohibited from taking digital images or photographs with media equipment not owned by the Borough. For purposes of this section, an "emergency situation" involves a sudden and unforeseen combination of circumstances or the resulting state that calls for immediate action, assistance or relief, and may include accidents, crimes and flights from accidents or crimes and the employee does not have access to the Borough's Communication Media. If such a situation occurs, the employee agrees that any images belong to the Borough and agrees to release the image to the Borough and ensure its permanent deletion from media device upon direction from the Borough.

No media advertisement, electronic bulletin board posting, or any other communication accessible via the Internet about the Borough or on behalf of the Borough, whether through the use of the Borough's Communication Media or not, may be issued unless it has first been approved by the Borough Administrator. Specifically, employees are forbidden from using the Borough's Communication Media to impersonate the employer; to make statements on behalf of the employer without authorization; and/or to make statements that can be construed as establishing what the employer's official position or policy is on any particular issue. In addition, employees are prohibited from placing or posting on the Internet through the employer's Communication Media or the employee's own personal media, either during working or non-working hours, any employer-related confidential, sensitive or other employer information of a proprietary nature, including but not limited to employer records or documents, trade secrets, internal reports, tips based

on inside information that may be considered insider trading, screenshots of computer stations, pictures of monitors and/or actual documents of the employer, any photographs, pictures, digital images of any crime scenes, traffic crashes, arrestees, detainees, people or job-related incidents or occurrences. Under no circumstances may information of a confidential, sensitive or otherwise proprietary nature be placed or posted on the Internet or otherwise disclosed to anyone outside the Borough. Such unauthorized communications may result in disciplinary action.

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

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

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

If employees choose to identify themselves as a Borough employee on their personal social media accounts and even those that do not should be aware that he or she may be viewed as acting on behalf of the Borough, and as such no employee shall knowingly represent themselves as a spokesperson of the Borough, post any comment, text, photo, audio, video or other multimedia file that negatively reflects upon the Borough or expresses views that are detrimental to the Borough's mission or undermine the public trust or is insulting or offensive to other individuals or to the public in regard to religion, sex, race or national origin. Borough of Dunellen employees are encouraged to exercise extreme caution posting photographs of themselves in uniform or in situations where they can be readily identified as Borough employees.

Employees must keep in mind that, if they post information on a social media site that is in violation of Borough policy and/or federal, state or local laws, the disclaimer will not shield them from disciplinary action.

To the extent that employees use social media outside their employment while engaging in protected concerted activities as defined above, employees will not be subject to discipline or retaliation for expressing views, opinions, and/or facts surrounding the Borough's employment policies. For all other communications by employees on personal social media sites in which matters related to the Borough are discussed, employees must

add a disclaimer on the front page stating that the posting does not express the views of the Borough, and that the employees are expressing their own personal views. For example: “The views expressed on this website/web log are mine alone and do not necessarily reflect the views of my employer.” The disclaimer must be placed in a prominent position and repeated for each posting that is expressing an opinion related to the Borough or the Borough’s business, with the exception of postings and social media communications by employees engaging in protected concerted activities. Employees are advised that if they post information on social media that is in violation of either the terms and conditions of the within communication media policy, or in violation of federal, state, or local laws, the disclaimer will not shield them from disciplinary action. However, no retaliation or discipline will result if and when employees are engaging in protected concerted activity, and/or choose to report inappropriate social media activities to the Borough Administrator.

Nothing in these policies is designed to interfere with, restrain, or prevent social media communications by employees engaging in protected concerted activities regarding wages, hours, or other terms and conditions of employment pursuant to the Employer-Employee Relations Act. All Borough employees have the right to engage in or refrain from such activities.

Use of Internet Policy:

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

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

Employees who are using the Internet may not:

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

As stated in the Communication Media Policy above, the Borough reserves the right to monitor the employee's Internet usage. In addition, the Borough has the right to restrict access to specific types of prohibited content through the use of a content filtering system.

Video Surveillance Policy:

The Borough may install video surveillance camera systems within public buildings and throughout public areas within the Borough, primarily as visual deterrents of criminal behavior and for the protection of employees and municipal assets. In implementing these video camera systems, the Borough will ensure compliance with Federal, State and local laws governing such usage.

The Borough's video surveillance camera systems are a significant tool to which the employees of the Borough of Dunellen will avail themselves in order to complete the goals and objectives of the Borough. Employees are only permitted to use the video surveillance camera systems for a legitimate purpose and with proper authorization. The Borough's designee will be responsible for authorization of users. The improper use of these systems can result in discipline up to and including termination.

No employee is permitted to view, continually watch, search, copy or otherwise use one of the Borough's video surveillance camera systems or tamper with access, archive, alter, add to, or make copies of any data that has been recorded and stored within any of these systems without (1) a specific legitimate purpose and (2) permission as the designee of the Borough.

The Borough shall designate a person to be responsible for the maintenance and administration of the video surveillance camera system. Such designee will be responsible for maintaining a user access log detailing the date and name of individuals who view/access a stored recording.

Any employee who becomes aware of any unauthorized disclosure of a video record in contravention of this policy and/or a potential privacy breach has the responsibility to ensure that the Police Department is immediately informed of such breach.

CHAPTER 7: Drug and Alcohol Policy

The Borough recognizes that the possession or use of unlawful drugs and the abuse of alcohol pose a threat to the health and safety of all employees. Any employee who is observed by a supervisor or department head to be intoxicated or under the influence of alcohol or drugs (including marijuana) during working hours or is under reasonable suspicion of same shall be immediately tested and is subject to discipline up to and including termination. The supervisor or Department Head will immediately report any reasonable suspicions to the Borough Administrator.

An employee will be required to submit to alcohol, drug or controlled substance testing when the employee's work performance causes a reasonable suspicion that the employee is impaired due to current intoxication, drug or controlled substance use or in cases where employment has been conditioned upon remaining alcohol, drug, or controlled dangerous substance free following treatment. Refusal to submit to testing when requested may result in immediate disciplinary action, including termination. Supervisors or Department Heads that observe behavior constituting reasonable suspicion are required to send the employee for alcohol, drug, or controlled substance testing and do not have the option of sending the employee home as an alternative.

The manufacturing, distribution, dispensation, possession, and use of alcohol, marijuana, or unlawful drugs in the workplace or during work hours by employees is strictly prohibited.

Employees must notify their supervisor within three (3) days of conviction for a drug or alcohol related violation, whether or not the violation occurred in the workplace.

Employees who are required to maintain a Commercial Driver's License (CDL) are subject to random drug testing as required by Federal law.

Employees using prescription drugs, including medical marijuana, that may affect job performance or safety must notify their Department Head, Borough Administrator, or other designee who is required to maintain the confidentiality of any information regarding an employee's medical condition in accordance with the Health Insurance Portability and Protection Act. Borough personnel who hold a Commercial Driver's License (CDL) are subject to the provisions of the Commercial Driver's Licenses Drug and Alcohol Testing Policy. (A program to assist employees who may have a drug/alcohol problem is provided through the Borough's Employee Assistance Program.)

No prescription drug should be used by any person other than the individual to whom it is prescribed. Such substances or non-prescription (over-the-counter) drugs should be used only as prescribed or indicated. Employees are prohibited from consuming prescription drugs that are not prescribed in their name on Borough property or while performing Borough business. Soliciting or distributing prescription drugs for or to other employees is also strictly prohibited.

The Borough will not discipline an employee solely based on his/her status as a registered medical marijuana patient or a recreational marijuana user. However, all other aspects of New Jersey State law shall apply regarding prohibited activities of persons with or without a valid medical marijuana card, including the prohibition against using or being under the influence of marijuana in the workplace or during work hours.

Any questions regarding this Borough's drug and alcohol policy should be directed to the Borough Administrator. The Borough's Drug and Alcohol Testing Policy is available upon request at the office of the Borough Administrator.

CHAPTER 8: PROTECTION AND SAFE TREATMENT OF MINORS

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.

Child abuse can have long-term effects on victims. A lack of trust and difficulty with healthy relationships is common, as is a core feeling of worthlessness and low self-esteem. There may even be long-term trouble with regulating emotions that can lead to destructive behaviors.

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.

Unfortunately, statistics reflect that abuse is all too common in any form.

- In New Jersey, abuse reports involving 80,000 children are filed each year. 50,000 of those children receive prevention and post-response services.
- 75% of the cases involve neglect, 18% of the cases involve physical abuse, and psychological abuse accounts for 7% of the cases.
- 55% of the perpetrators are female, while males account for 45%.
- Sadly, child abuse is a vicious cycle, in that 30% of abused children will later abuse their own children.

The statistics and characteristics pertaining to sexual abuse are sobering and equally as disheartening:

- ✓ “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. The scope of the problem is massive: by the age of 18, 1 in 4 girls and 1 in 6 boys have experienced sexual abuse. From those figures, 88% of those molestations are attributed to individuals with pedophilia. Pedophilia is a psychotic disorder in which an adult or adolescent demonstrates a primary sexual attraction to prepubescent children. It is important, however, not to confuse pedophilia with actual child molestation, as many pedophiles never act on their attractions.
- ✓ Child sexual abusers are not always easy to spot. Though 7 out of every 8 molesters are male, they match the general population in ethnicity, religion, education, and marital status. So there is no stereotype, especially since abusers go to great lengths to blend in. However, only 10% of them abuse children that they don’t know, and 68% look no further than their own families for victims.
- ✓ 40% of abusers first begin molesting children before they themselves reach the age of 15, and the vast majority before the age of 20.
- ✓ Adolescent abusers generally begin their acts of abuse on younger siblings.
- ✓ Most sexual abuse occurs within the family. However, molesters can gain access to children outside of their own families through employment or volunteer work with an organization that works primarily with children. This allows them both time alone with potential victims and the ability to build trust and credibility. In fact, child abusers are often known and respected in their communities for dedication to children.
- ✓ In terms of a victim profile, it is important to remember that, although there are characteristics that make some children more vulnerable, every child is in danger. Passive, lonely or troubled children, especially those who live with step-parents or single parents may be targeted. Children between the ages of 7 and 13 years old are most at risk, and children from low socioeconomic backgrounds or rural areas are more likely to be victimized.

- ✓ Molesters have behavioral patterns that can be identified as “grooming” their victims. Sexual abuse is rarely violent. The molester’s goal is to solicit compliance by beginning to win the victim’s trust. There might be pet names, gifts to foster exclusivity and encouragement to “keep 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 trustworthy. Inevitably, the favoritism is not enough to keep the victim silent anymore, 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, victims often begin to show signs such as 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. They may begin to display cuts and scratches or other self-inflicted injuries. However, some children are naïve and unaware of the gravity of the abusive nature of their experience. Research shows that children often delay reporting sexual abuse. They should not be disbelieved just because they waited a long time to seek help.

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.
 - The Department of Corrections operates adult prisons and youth correctional centers to deal with perpetrators, while individual counties operate youth detention centers and special purpose schools.
- At the local level:
 - Educational professionals have the most contact with children, meaning they are often the first to detect issues.
 - Housing Authority employees may also frequently come into contact with children.
 - 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. 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.

The Borough is committed to the safety of all individuals in its community; however, the Borough has particular concern for those who are potentially vulnerable, including minor children. The Borough 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. Statistics show that 93% of victims under the age of 18 know the abuser. Further, a perpetrator does not have to be an adult to harm a child but are typically in a caregiver role. They can have any relationship to the child including a playmate, family member, a teacher, a coach, or instructor.

The Borough is fully committed to protecting the health, safety and welfare of minors who interact with officials, employees, and volunteers of the Borough to the maximum extent possible. This Policy establishes the guidelines for officials, employees, and volunteers who set policy for the Borough or may work with or interact with individuals under 18 years of age, and those who supervise employees, and volunteers who may work with or interact with individuals under 18 years of age, with the goal of promoting the safety and wellbeing of minors.

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

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 Adult's 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 Borough, including the Business Administrator, 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 Borough to report all possible cases of abuse.

Employees, Staff, or Counselors – persons working for the Borough on a full-time or part-time basis, and compensated by the Borough.

Facilities - Facilities owned by, under the control of, or rented or leased to the Borough.

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. Refer to

NJMEL JIF - New Jersey Municipal Excess Liability Fund Joint Insurance fund.

Officials – Elected officials of the Borough, appointed Board members, and Mayor.

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 Borough.

Volunteers - Individuals volunteering their time to provide services to the Borough who are not on the payroll and receive no compensation.

Policy

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

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. Written documentation of the background check shall be maintained by the Borough in perpetuity.
2. Background checks that disclose any negative or questionable results must be reviewed and approved by the Borough ***prior to*** the individual being hired and/or working with minors. **Provisional hiring is not permitted.**
3. All prospective employees and volunteers must complete the training adopted by the Borough ***prior to*** starting employment or volunteer service. In addition to completing the training course adopted by the Borough, 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" under (N.J.A.C. 5:52) and provides partial civil immunity protection to volunteer coaches under the "Little League Law" (2A:62A-6 et. seq.)
4. The Borough shall annually re-check and document the Megan's Law directory for New Jersey to make certain that current employees are not listed.
5. Once employed, authorized Adults who are employed are required to notify the Borough Administrator of an arrest (charged with a misdemeanor or felony) or conviction for an offense within 72 hours of knowledge of the arrest or conviction.

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 Borough. Most importantly, recent changes in the law in New Jersey extended the statute of limitations for child abuse and neglect cases substantially, thus placing local officials and employees at a far greater risk. 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 Borough.

➤ Officials of the Borough are required to:

1. Complete the initial training course adopted by the Borough, 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 Borough adhere to all policies and procedures as adopted.
2. 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. If the policy is not being adhered to, it is the legal obligation of the officials of the Borough to implement whatever changes are necessary as soon as possible to make certain the policy is followed.
3. Conduct random and unannounced visits to program sites to observe the setup of the programs and conduct of the employees and volunteers of the Borough

Program Procedures

All Borough programs operated by, sponsored by, or affiliated with the Borough 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.

Specific Program Procedures

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

- a. 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 Borough shall provide information to parents or legal guardians detailing the manner in which the participant can be contacted during the program.
- b. Make certain that all program participants provide a Medical Treatment Authorization form to the Borough.
- c. Implement and adopt a **"Code of Conduct"** for volunteer and paid staff members which, at a minimum, will include the following:

<i>Code of Conduct</i>

- 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 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 Borough shall set forth rules and procedures governing when and under what circumstances participants may leave the Borough 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 Borough 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 Borough to be shared on any social media platform without the expressed written consent of a parent or legal guardian.
- The Borough 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 make 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 to enter restrooms in pairs or in groups, unless it is absolutely necessary.

Procedures for Law Enforcement Officers

Law enforcement officers of the Borough 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 Borough 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 do not have a prisoner compartment/partition. Officers

transporting a minor for whatever reason shall document starting and stopping mileage through radio contact.

2. Directives issued by the NJ State Attorney General pertaining to interaction with minors shall be incorporated into the policy.
3. 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):
 - a. Officers will, at all times, respect the rights of students and use positive techniques of guidance including positive reinforcement and encouragement.
 - b. Officers will portray a positive role model for youth by maintaining an attitude of respect, loyalty, patience, courtesy, tact, and maturity.
 - c. 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.
 - d. Officers shall make certain that they are neat, clean, and appropriately attired.
 - e. Officers will refrain from intimate displays of affection toward others in the presence of children, parents and staff. Officers shall not buy gifts for students at any time.
 - f. All officers are required to complete the initial training course offered by the NJMEL JIF, and any refresher courses as well.

Training Requirements

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

Officials

Complete the initial training course adopted by the Borough, 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 Borough adhere to all policies and procedures as adopted.

Department Heads

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. Your legal responsibility for implementing and monitoring procedures and employees
5. Reporting cases of abuse

Volunteers and Employees of the Borough

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. Your legal responsibility for implementing and monitoring procedures and employees
5. Reporting cases of abuse

Law Enforcement Officers

Content of course shall include:

1. Current Status of NJ Law and Directives from the Attorney General for Law Enforcement personnel
2. Your responsibilities
3. Officers in Schools
4. Reporting Abuse

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 Borough 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 a 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 Borough

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 Borough.

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.

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

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.

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 Borough encourages all officials, employees, and volunteers in programs operated by the Borough or affiliated programs or activities to report suspected cases of abuse with the following in mind.

- i. 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.
- ii. 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.
- iii. 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.

Acknowledgement of Receipt of Employee Handbook

I acknowledge that I have received a copy of The Borough of Dunellen's Personnel Policies and Procedures Handbook. I agree to read it thoroughly. I agree that if there is any policy or provision in the Handbook that I do not understand, I will seek clarification from my Supervisor, Department Head, Borough Administrator or the Human Resources Manager.

I understand that the Borough is an "at will" employer and consistent with applicable Federal and State law, unless I am covered by a contract, collective negotiations agreement or other statutory protection that states otherwise, employment with the Borough is not for a fixed term or definite period and may be terminated at the will of either party, with or without cause, and without prior notice. No supervisor or other representative of the Borough has the authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the above.

In addition, I understand that this Handbook states the Borough's personnel policies in effect on the date of publication. I understand that nothing contained in the Handbook may be construed as creating a promise of future benefits or a binding contract with the Borough for benefits or for any other purpose. I also understand that these policies are continually evaluated and may be amended, modified or terminated at any time.

Please sign and date this receipt and return it to the Borough Administrator.

Date: _____

Signature: _____

Print Name: _____

Department: _____