

ORDINANCE 14-2023

AN ORDINANCE OF THE MAYOR AND COMMITTEE OF THE TOWNSHIP OF MULLICA, COUNTY OF ATLANTIC, STATE OF NEW JERSEY, AMENDING CHAPTER 34, PERSONNEL POLICIES, AND ADOPTING AMENDMENTS TO THE PERSONNEL POLICY AND PROCEDURES MANUAL AND JOB DESCRIPTIONS OF THE TOWNSHIP OF MULLICA, COUNTY OF ATLANTIC, STATE OF NEW JERSEY.

WHEREAS, the Township of Mullica has adopted a Personnel Manual to govern interactions with employees; and

WHEREAS, the Atlantic County Joint Insurance Fund and the Municipal Excess Liability Fund require the Personnel Manual to be reviewed every two years; and

WHEREAS, after said review by Township Officials and Labor Counsel, changes to the Personnel Manual are required.

THEREFORE, BE IT ORDAINED, by the Mayor and Committee of the Township of Mullica, County of Atlantic, Sate of New Jersey, as follows:

Section I: The underlying changes are the changes that are highlighted on the attached pages which are specifically incorporated into this Ordinance by this reference are hereby adopted and shall be placed and inserted in the Personnel Manual and the Employee Handbook of the Township of Mullica.

Further, any references to Kimberly Johnson, Personnel Coordinator, HRO shall be replaced with Ralph Condo, and references to Kimberly Johnson, Alternate DRE shall be removed.

BE IT FURTHER ORDAINED that all other terms and conditions as set forth in the Personnel Manual & Job Descriptions shall remain in full force and effect and any applicable forms shall be updated to comply with the changes adopted herein.

INTRODUCTION: October 24, 2023
PUBLICATION: October 25, 2023
ADOPTION: November 28, 2023
PUBLICATION: November 29, 2023
EFFECTIVE: November 29, 2023

Bruce Crowe
Mayor

CERTIFICATION

I, Krystel M. Arana, Municipal Clerk of the Township of Mullica, County of Atlantic, State of New Jersey, do hereby certify that the foregoing Ordinance 14-2023 was introduced by the Deputy Mayor and Committee of the Township of Mullica at a Regular Meeting held on Tuesday, October 24, 2023.

Krystel M. Arana
Municipal Clerk

CERTIFICATION

I, Krystel M. Arana, Municipal Clerk of the Township of Mullica, County of Atlantic, State of New Jersey, do hereby certify that the foregoing Ordinance 14-2023 was adopted by the Mayor and Committee of the Township of Mullica at a Regular Meeting held on Tuesday, November 28, 2023.

Krystel M. Arana
Municipal Clerk

Equal Employment Opportunity Policy

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

Americans With Disabilities

The Township complies with the New Jersey Law against Discrimination and the Americans with Disabilities Act. The Township will not discriminate against any qualified employee or job applicant with respect to any terms, privileges, or conditions of employment because of a person's physical or mental disability, pregnancy, pregnancy-related medical condition, breastfeeding or childbirth. The Township also will make reasonable accommodations wherever necessary for all employees or applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential duties and assignments connected with the job and provided that accommodations do not require significant difficulty or expense. The Township's nondiscrimination policy applies to all aspects of the Township-employee relationship, including recruitment, hiring, upgrading, training, promotion, transfer, discipline, layoff, recall, and termination.

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

Compensation

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

Overtime

Under the Fair Labor Standards Act, certain employees in managerial, supervisory, administrative, computer or professional positions are exempt from the provisions of the Act. There are also employees who may be exempt because their compensation exceeds \$100,~~743000~~ per year depending upon their job duties. The Chief Financial Officer shall notify all Exempt employees of their status under the Act. Exempt employees are not eligible to receive overtime compensation and are required to work the normal workweek and any additional hours needed to fulfill their responsibilities. Time off consideration for large amounts of additional hours may be provided with the Township Business Administrator's or Township Committee's prior approval and at the sole discretion of the Business Administrator or Township Committee.

Family and Medical Leave

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

Family Temporary Disability. During a period of unpaid leave to care for a family member with a serious health condition or a newborn or adopted child or child placed into foster care with the employee, the employee may be eligible for up to ~~six (6) weeks~~ (twelve (12) weeks, ~~effective July 2020~~) of Family Leave Insurance ("FLI") payments through the State in a twelve (12) month period. FLI is a monetary benefit paid by the State and not a separate leave entitlement and will thus run concurrently with FMLA and/or NJFLA leaves.

New Jersey Family Leave

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:

- (i) 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;
- (ii) 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
(iii) 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.

Leave taken ~~to care for reasons above-~~ nearly born or adopted child or a child placed into foster care with the employee may be ~~must be~~ consecutive or intermittent and must begin by the end of the twelve (12) month period after the birth or placement for adoption or foster care.

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

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

- As a single block of time.
- By reducing your normal weekly, [but not daily,] work schedule for no more than twenty-four (24) consecutive weeks in a twenty-four (24) month period.
- Intermittently ~~in increments lasting at least one week, but less than twelve (12) weeks in a consecutive twelve (12) month period,~~ when medically necessary.

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

Required Notice and Certifications. When requesting NJFLA leave, an employee must provide the Township thirty (30) days' advance written notice. For employees requesting leave on an intermittent basis, at least fifteen (15) days advance written notice must be provided. If advance written notice is not possible because of an emergency, the employee must provide the Township with reasonable oral notice and then follow up with written notice.

New Jersey Family Leave Insurance. During a period of unpaid leave to care for a family member with a serious health condition or a newborn or adopted child or child placed into foster care with the employee, the employee may be eligible for up to ~~six (6) weeks~~ (twelve (12) weeks, ~~effective July 2020~~) of Family Leave Insurance ("FLI") payments through the State in a twelve (12) month period. FLI is a monetary benefit paid by the State and not a separate leave entitlement and will thus run concurrently with FMLA and/or NJFLA leaves.

No smoking policy

The New Jersey Legislature has declared that in all governmental buildings the rights of non-smokers to breathe clean air supersedes the rights of smokers. In accordance with State law, the Township has adopted a smoke-free policy for all buildings. Township facilities shall be smoke-free and no employee or visitor will be permitted to smoke or vape anywhere in Township buildings. Smoking and vaping inside vehicles owned by the Township and near equipment that may be sensitive to smoke is also prohibited. This policy shall be strictly enforced and any employee found in violation will be subject to disciplinary action.

Chewing tobacco, snuff and any other tobacco products are also prohibited while on duty and on Township premises.

Alcohol and Drug-Free Workplace

As it relates to cannabis, an employee will be subject to adverse action if there is both a positive drug test, confirmed by a licensed laboratory, and a determination of reasonable suspicion based on documentation of physical signs or other evidence of impairment during the employee's work hours. When the New Jersey Cannabis Regulatory Commission issues standards for certification of a Workplace Impairment Recognition Expert ("WIRE"), an employee will be subject to adverse action if there is both a positive drug test and a physical evaluation by a WIRE.

Applicants for non-CDL positions will not be denied employment based solely on a positive pre-employment drug test for cannabis, except for law enforcement officers assigned to a federal task force, holding a federally regulated license requiring testing, or applying to an agency that is specifically required to test for cannabis by the terms of a federal contract or federal grant.

Any employee working in a safety-sensitive position as defined by Township Policy is required, as a safety rule, to pre-duty disclosure that they are taking or using ANY impairing effect prescription, including medical marijuana, over-the-counter medications, mind altering synthetic or designer drugs or other substance which may have an effect on performance of safety-sensitive duties. ~~This includes medical and recreational Marijuana, the use of which the Township, for safety reasons, will not be able to accommodate employees working in safety sensitive positions. However, for employees who are qualifying medical marijuana cardholders reporting to work in those states which have statutory anti-discrimination against the use of medical marijuana laws, qualifying employees, and applicants, may request a reasonable accommodation by contacting the DER and such request will be considered~~

1. With respect to alcohol, employees violate this Policy by engaging in the following conduct during work time or on Township premises or property:

a. Bringing and/or storing (including in a desk, locker, automobile, or other repository) alcohol or cannabis on Township premises or property, including Township owned or leased vehicles, or vehicles used for Township purposes.

b. Having possession of, being under the influence of, testing positive for or having in one's system, alcohol or cannabis. Using, consuming, transporting, distributing or attempting to distribute, manufacturing, selling, or dispensing alcohol or cannabis. As it relates to a positive drug test for cannabis, an employee violates this policy if there is both positive drug test and evidence-based documentation of physical signs or other evidence of impairment during the employee's work hours. ~~*Exceptions to the policy concerning alcohol consumption or possession may be made only upon the prior explicit approval of senior management for specifically identified circumstances.*~~

c. A conviction or plea of guilty relative to any criminal alcohol or cannabis offense occurring in the workplace. All employees must notify Township in writing of any criminal alcohol or cannabis conviction not later than five calendar days after such conviction. Alcohol or cannabis use off-the-job which adversely affects an employee's performance on the job, or which has the potential to jeopardise the health or safety of other employees, the public or Township's equipment or function, shall be cause for disciplinary action up to and including dismissal. Action will be taken against employees who are convicted for an off-the job alcohol or cannabis offense. In deciding what action will be taken, the incident will be evaluated in terms of the nature of the conviction, the employee's job assignment, the employee's record with the Township and other factors related to the impact of the employee's conviction on the Township.

d. Refusing to cooperate with the terms of this Policy which includes submitting to questioning, alcohol or drug testing, medical or physical tests or examinations, when requested or conducted by Township or its designee, is a violation of Township Policy and may result in disciplinary action, up to and including termination. A refusal to test includes conduct obstructing testing such as failure to sign necessary paperwork or failing to report to the collection site at the appointed time.

e. Failure of employee to notify his or her supervisor before reporting to work if he or she believes that he or she is under the influence of alcohol or cannabis.

Conflict of interest policy- ethical conduct policy

Employees including Township 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 Township. Violations of this policy will result in appropriate discipline including termination.

~~*The Township recognizes the right of employees to engage in outside activities that are private nature and unrelated to Township business. However, business dealings*~~

~~that appear to create a conflict between the employee and the Township's interests are unlawful under the New Jersey Local Government Ethics Act. Under the Act, certain employees and officials are required to annually file with the Municipal Clerk a state-mandated disclosure form. The Municipal Clerk will notify employees and Township officials subject to the filing requirements of the Act.~~

~~A potential or actual conflict of interest occurs whenever an employee including a Township official is in a position to influence a Township decision that may result in a personal gain for the employee or an immediate relative including a spouse or significant other, child, parent, 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 Township 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 Municipal Clerk to obtain clarification.~~

~~Employees are allowed to hold outside employment as long as it does not interfere with their Township responsibilities. Employees are prohibited from engaging in outside employment activities while on the job or using Township time, supplies or equipment in the outside employment activities. The Township Committee may request employees to restrict outside employment if the quality of Township work diminishes. Any employees who holds an interest in or is employed by, any business doing business with the Township must submit a written notice of these outside interests to the Personnel Coordinator.~~

~~Employees may not accept donations, gratuities, contributions or gifts that could be interpreted to affect their Township duties. Under no circumstances accept donations, gratuities, contributions or gifts from a vendor doing business with or seeking to do business with the Township or any person or firm seeking to influence Township decisions. Meals and other entertainment valued in excess of \$25 are also prohibited. Employees are required to report to the Personnel Coordinator any offer of a donation, gratuity, contribution or gift including meals and entertainment that is in violation of this policy.~~

Pursuant to the provisions of the Local Government Ethics Law:

1. No employee or member of his or her immediate family will 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.
2. No employee should use or attempt to use his or her official position to secure unwarranted privileges or advantages for him or herself or others.
3. No employee should act in his or her official capacity in any matter wherein he or she, a member of his or her immediate family, or business organization in which he or she has an interest, has a direct or indirect personal or financial interest that might

reasonably be expected to impair his or her objectivity or independence of judgment.

4. No employee should 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.
5. No employee, member of his or her immediate family, or business organization in which he or she has an interest, should solicit or accept any gift, favor, loan, 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 directly or indirectly in the discharge of his or her official duties.
6. No employee will use, or allow to be used, his or her public employment, or any information, not generally available to members of the public, which he or she receives or acquires in the course of and by reason of his or her employment, for the purpose of securing financial gain for himself or herself, any member of his or her immediate family, or any business organization with which he or she is associated.
- 4.7. No employee or business organization in which he or she has an interest will represent any person or party other than the Employer in connection with any cause, proceeding, application or other matter pending before any agency in the local government in which he or she serves. An employee or members of his or her immediate family may represent himself or herself in proceedings concerning the employee's own interests.

Resignation Policy

The Department Head or Chief Financial Officer will prepare an Employee Action form showing any pay or other money owed the employee. Unused Personal Days and Sick Days will be forfeited, ~~and Sick~~ and Vacation days will be prorated from the date of resignation.

DOMESTIC VIOLENCE POLICY

- ~~2. In cases where domestic violence involved a sexual touching or sexual assault between state employees, the HRO is also required to report the incident to their agency's EEO Officer or Title IX Officer, Kimberly Johnson.~~

Policy for Use of Township Vehicles (Non-Law Enforcement)

Employees who drive their own vehicle for Employer business must provide the Employer with a copy of their current Certificate of Insurance evidencing liability limits of \$250,000 per Person/\$500,000 per Accident and \$100,00 Property Damage Liability or \$500,000 Combined Single Limit.

Employment Procedure

Criminal Background Checks: Criminal background checks are required of all candidates, 18 years and older, whether paid or volunteer, ~~that may work directly or indirectly with children/youth/minors in accordance with the procedures outlined in the section of this policy entitled “Protection and the Safe Treatment of Minors”.~~