

**PERSONNEL POLICIES
AND
PROCEDURES HANDBOOK**



TOWNSHIP OF BERKELEY

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I. GENERAL INFORMATION

Introduction

The Township of Berkeley is committed to providing a high level of service to its patrons while maintaining a high level of morale among Township of Berkeley Employees. The Handbook includes policies and procedures, which govern and affect all personnel in the Township of Berkeley. Consistent application of policies and procedures will result in uniform operations.

Toward this goal, the Township of Berkeley has developed, in assistance with the New Jersey Department of Personnel, this personnel policies and procedures Handbook.

As a member of the Township of Berkeley's team, it is important that you understand and support these personnel policies and procedures if we are to achieve our goal. With your assistance and through your professionalism, we will attain the consistent and equitable policies and procedures necessary for effective operations, increased efficiency, improved employee morale, and better service to all patrons.

Purpose of Handbook

The policies and procedures contained in this Handbook are intended to be consistent with New Jersey Department of Personnel rules and regulations or other legal agreement.

This policies and procedures Handbook is not to be construed as a contract or other legal promise.

The Township of Berkeley reserves the right to rescind or revise any and all policies that are not set by any valid bargaining agreement, the New Jersey Statutes, or the New Jersey Administrative Code.

Review and Update of Handbook

The written policies and procedures in this Handbook will be revised whenever changes in personnel policy or operations necessitate such action.

Approved revisions will be distributed to all current personnel policy and procedures Handbook holders, who are responsible for ensuring his/her Handbook is up-to-date at all times.

Users of this Handbook who encounter difficulty in administering or interpreting any policy or procedure in the Handbook other than any matter governed by Title 4A of the New Jersey Administrative Code should first submit to the Business Administrator, in writing, the nature of the difficulty, a proposed solution or revision. If necessary, a request to meet with the Business Administrator or Personnel Officer may be requested.

Each Handbook user may:

1. Refer any questions or problems with the contents of the Handbook other than matters governed by Title 4A of the New Jersey Administrative Code

to the Business Administrator via the form provided for this purpose (see Exhibit A).

2. Keep the Handbook assigned to him/her up-to-date at all times by immediately filing any revisions to the contents.

The Business Administrator may:

1. Review all Interpretation of Policy and Procedure forms submitted by Handbook users, and may discuss solutions or possible revisions with the appropriate party. If necessary, revise the policy and/or procedure in question.
2. Review the policies and procedures Handbook on an on-going basis for additions, deletions, or revisions to its contents.
3. Present and revision(s), additions, or deletions to the Governing Body for approval.
4. Distribution approved revisions.

Management Rights

The Township of Berkeley hereby retains and reserves unto itself, without limitation, all powers, rights, authority, duties and responsibilities conferred upon and vested in it by the laws and Constitutions of the State of New Jersey and of the United States including, but not limited to the following rights:

1. To manage and control the affairs of the Township of Berkeley and its properties and facilities, the operation of its departments and the work activities and scheduling of its employees;
2. To hire all employees and, subject to the provisions of New Jersey Department Personnel regulations, determine their qualifications, standards of performance and conditions for continued employment or assignment, promotion and transfer;
3. To take disciplinary action for good cause according to law;
4. To establish rules, regulations, policies and procedures to effect the orderly and efficient administration of the Township of Berkeley personnel management system;
5. The failure of the Township of Berkeley to exercise any of the foregoing rights, or any other management rights, shall not be construed as a waiver of these rights;
6. To lay off for good cause according to law.

Code of Ethics

All Employees need to be aware of the importance of conducting themselves in an ethical manner. As such, employees shall not take part in or attempt to influence in any way any activity in which their own best interests may conflict with the best interests of the Township of Berkeley,

The following list of activities, while not all-inclusive is offered as examples of those activities which may compromise an employee's ability to act in an ethical manner.

- Accepting substantial gifts or excessive entertainment from an outside organization.
- Borrowing money from individuals or firms, except recognized lending institutions, with which the Township of Berkeley does business.
- Conducting Township of Berkeley business with a firm in which the employee or an immediate family member has a substantial interest.
- Engaging in practices or procedures which violate any laws or regulations to which the Township of Berkeley is Subject.
- Holding a substantial interest in a firm or managing a firm with which the Township of Berkeley regularly conducts business.
- Misusing, or revealing to unauthorized parties, any confidential information.
- Participating in civic or professional organizational activities in such a way that confidential information is disclosed.
- Simultaneous employment with a firm which is a Township of Berkeley supplier.
- Speculating or dealing in materials, equipment, supplies or services purchased by the Township of Berkeley.

All employees are responsible for implementing this policy by reporting circumstances which appear to violate legal, regulatory or ethical requirements.

The Township of Berkeley is responsible for preventing and correcting any violations.

Employees who believe a conflict of interest or other violation has occurred will report the incident to their immediate supervisor, if practical.

If it is not practical for an employee to report the alleged violation to his/her immediate supervisor, or if an employee is not satisfied with the supervisor's response, the employee will file a written report with the Business Administrator.

If an employee first discloses suspected wrongdoings to anyone outside of established reporting procedures, the employee may be subject to disciplinary action.

The Administrator or his/her designee, upon receipt of any report of suspected violations, will initiate an investigation.

All records, including employee identity, shall be kept confidential, except as necessary during an investigation. The accused shall have a fair opportunity to respond to allegations. No retaliation may be taken against an employee who in good faith reports suspected violations even if a subsequent investigation reveals no wrongdoing.

Employees or officials who are found to be in violation of any provisions of the Township of Berkeley may be subject to censure, fine, suspension or termination in addition to other penalties as specified by State or local laws.

Employee Protection Against Reprisals or Political Coercion

An appointing authority shall not take or threaten to take any reprisal action against an employee in the career or unclassified service in retaliation for an employee's lawful disclosure of information on the violation of any law or rule, governmental mismanagement or abuse of authority.

An appointing authority shall not take or threaten to take any action against an employee in the career service based on the employee's permissible political activities or affiliations.

PROCEDURE

An employee may appeal a reprisal or political coercion action to the Merit System Board within 20 days of the action or the date on which the employee should reasonably have known of its occurrence.

Anti-Discrimination Policy

The Township of Berkeley is committed to the principal of equal employment opportunity pursuant to Title VI of the 1964 Civil Rights Act as amended by the Equal Opportunity Act of 1972. Under no circumstances will the Township discriminate on the basis of sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, disability, or sexual orientation. Decisions regarding the hiring, promotion, transfer, demotion or termination are based solely on the qualifications and performance of the employee or prospective employee. If an 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 or the Township Administrator.

Americans with Disability Policy

In compliance with the Americans with Disabilities Act and New Jersey Law Against Discrimination, the Township of Berkeley does not discriminate based on disability. The Township of Berkeley 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.

The Business Administrator shall initiate an interactive dialogue with disabled employees and prospective employees to identify reasonable accommodations that do not create a hardship. Accommodations include modifications to facilities, equipment and work procedures, auxiliary aides, services and permanent reassignment to vacant positions. Employees who are reassigned to be a different position shall receive the salary of their new position. Accommodations

shall not be unduly expensive, extensive and disruptive or fundamentally alter the nature of the operation. The Act does not require the Township of Berkeley to offer permanent "light duty", relocate essential functions or provide personal use items such as eyeglasses, hearing aides, wheelchairs, etc. To be eligible for accommodations, individuals must (1) be able to perform the essential function of the position, (2) not create a real safety hazard to themselves, co-employees or the public, and (3) be otherwise qualified for the position in that they possess the prerequisites including education, experience, training, skills, licenses or certificates and other job-related requirements. All decisions with respect to accommodations shall be made by the Township of Berkeley as appropriate.

Workplace Violence Policy

The Township of Berkeley will not tolerate workplace violence. Violent acts or threats made by an employee against another person or property are cause for immediate dismissal and will be fully prosecuted. This includes any violence or threats made on township property, at township events or under other circumstances that may negatively affect the Township's ability to conduct business.

Prohibited conduct includes:

- 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 of another employee;
- Possession of a weapon while on Township property or while on Township business except with the authority of the Police Chief; and
- Committing acts motivated by, or related to sexual harassment or domestic violence.

Any potentially dangerous situations must be immediately reported. The Township will actively intervene in any potentially hostile or violent situation.

General Anti-Harassment Policy

The Township will not tolerate harassment in the work place including harassment motivated by sex, race, creed, color, religion, national origin, ancestry, age, nationality, marital or political status, disability or sexual orientation. Township officials, appointees, managers, supervisors, employees, volunteers and outside contractors alike must comply with this policy and take appropriate measures to insure that such conduct does not occur. Violations of this policy will result in disciplinary action up to and including discharge or, in the event of nonemployees are found to be at fault, other appropriate action. Employees who feel that they have been subject to harassment must report the harass-

ment to their supervisor, or if they prefer the Department Head or the Business Administrator.

Sexual Harassment

Sexual harassment has been defined by Federal and State regulations as a form of sex discrimination. It can consist of unwelcome sexual advances or other physical and verbal conduct of a sexual nature by supervisors or others.

The Township of Berkeley strongly disapproves of and does not tolerate sexual harassment of any kind. It is the responsibility of each supervisor to create an atmosphere free from sexual harassment and to communicate the Township's policy on this subject to all subordinates, to promptly investigate complaints and to take corrective action as necessary. It is the responsibility of each employee to respect the rights of co-workers. All employees must avoid offensive or inappropriate behavior at work and are responsible for assuring the work place is free from sexual harassment at all times.

In furtherance of this policy, the Township of Berkeley expressly prohibits any form of sexual harassment. Improper interference through sexual harassment of any kind with the ability of employees to perform his/her expected job duties will not be tolerated.

Sexual harassment exists when:

- a. Supervisors make submission to such conduct either as explicit or implicit term or condition of employment (including hiring, good performance appraisals, promotion, merit increases or retention).
- b. Submission to or rejection of such conduct is used by supervisors as a basis for employment decisions.
- c. Conduct by other employees unreasonably interferes with an employee's work performance, or creates an intimidating work environment.
- d. Conduct by non-employees unreasonably interferes with an employee's work performance, or creates an intimidating work environment.

Sexual harassment may include forms other than demand for favors, such as:

Verbal: Sexual innuendos, suggestive comments, jokes of sexual nature, sexual propositions, threats.

Non-verbal: Sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling, obscene gestures.

Physical: Unwanted physical contact, including touching, pinching, brushing the body, coerced sexual intercourse, assault.

Complaints of sexual harassment will be promptly and carefully investigated, and all employees are assured they will be free from any and all reprisal or retaliation from filing such complaints. Any employee who has a complaint of sexual harassment at work by anyone, including supervisors, co-workers or visitors, should immediately bring the problem to the attention of the Business Administrator.

If the complaint involves supervisor personnel in the employee's line of command, or if it involves the Business Administrator, the complaint should be brought to the Governing Body.

As part of its investigation, the investigating person will conduct interviews with all relevant persons, including the complainant, the accused and other potential witnesses. Employees are assured the privacy of the complainant and the person accused of sexual harassment will be kept strictly confidential. The Business Administrator, or the Governing Body where applicable, will review the findings of the investigation with the complainant at the conclusion of the investigation. If the investigation reveals the complaint appears to be valid, immediate and appropriate corrective action by the Business Administrator and/or the Governing Body, up to and including seeking a discharge will be taken to stop the sexual harassment and prevent its recurrence. If the validity of the complaint cannot be determined, immediate and appropriate action will be taken to assure all parties are reacquainted with the sexual harassment policy as to prevent sexual harassment in the future.

1. Employees who witness alleged sexual harassment by others shall report the conduct to their supervisor immediately. Failure to report the witnessing of alleged sexual harassment shall result in appropriate disciplinary action.
2. Employees sexually harassed by non-employees are required to report the incidents to their immediate supervisor. The supervisor shall conduct an investigation and advise those non-employees of the non-harassment policy. The supervisor shall provide a written report of the incident and investigation immediately to the Business Administrator. The Business Administrator will recommend appropriate action to the Governing Body.
3. The Township of Berkeley also recognizes false accusations of sexual harassment can have serious effect on the innocent. Therefore, false accusations shall result in the same severe disciplinary action applicable to one found guilty of sexual harassment.

Equal Employment Opportunity

There shall be equal employment opportunity for all persons in, or applicants for the career and unclassified services, regardless of race, creed, color, national origin, sex, affectional or sexual orientation, age, marital status, religion or disability, except where a particular qualification is specifically permitted and is essential to successful job performance.

Equal employment opportunity includes, but is not limited to, recruitment, selection, hiring, training, promotion, transfer, work environment, layoff, return from layoff, compensation and fringe benefits. Equal employment opportunity further includes policies, procedures and programs for recruitment, employment,

training, promotion and retention of minorities, women and disabled persons. Equal employment opportunity but not affirmative action is required with respect to persons identified solely by their affectional or sexual orientation.

Disabled persons shall include any person who has a physical or mental impairment which substantially limits one or more major life activities; has a record of such an impairment; or is regarded as having such an impairment.

Whistle Blower Policy

Employees have the right to complain of anything they perceive to be improper. The right shall be communicated to all employees in a letter outlining the specific employee complaint procedure. A written acknowledgment that the employee received this letter will be included in the employee's official personnel file. This right will also be communicated in the Employee Handbook. All complaints will be taken seriously and promptly investigated.

The Township 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, Business Administrator or other official or to a public body, as defined in the Employment Protection Act (N.J.S.A. 34:19) 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 of regulation promulgated pursuant to law; 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 statute, the employee must bring the violation to the attention of the Township. However, disclosure is not required where (1) the employee is reasonably certain that the violation is known to one or more officials; (2) where the employee reasonably fears physical harm; or (3) the situation is an emergency in nature. Employees are encouraged to complain in writing using the Employee Complaint Form, but may make a verbal complaint at their discretion. Under the law, the employee must give the Township a reasonable opportunity to correct the activity, policy or practice. The administration of whistle bower complaints is not subject to the limitations in the Grievance Policy. In accordance with the statute, a copy of this policy will be posted in all facilities.

Employee Complaint Policy

Employees who wish to complain of harassment or any other work place wrongdoing are requested to immediately report the matter to their supervisor, or if they prefer to their Department Head or Business Administrator. Employees are encouraged to complain in writing using the Employee Complaint form, but

may make a verbal complaint at their discretion. No retaliatory measures shall be taken against any employee who complains of workplace wrong doing. The Township will, to the maximum extent feasible, maintain the confidentiality of such complaints on a need-to-know basis. However, investigation of such complaints may require disclosure to the accused party and other witnesses in order to gather pertinent facts.

Direct Threat of Illness

It is the policy of the Township of Berkeley to create a workplace free from contagious and life threatening illnesses that is in compliance with the spirit and intent of the Americans with Disabilities Act.

Anyone who possesses a contagious and/or life threatening illness which creates a significant risk of substantial harm to the health and safety of that individual or others, the Township may reject, or discharge that individual unless a reasonable accommodation that would not create an undue hardship avert the harm.

Whether an individual possesses a significant risk of substantial harm shall be determined by reasonable medical judgment based upon the most current medical knowledge.

Work Force Reduction Policy

Pursuant to N.J.A.C. 4A:8-1.1 the Township 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 in Career Services titles will be determined by the New Jersey Department of Personnel).

Leave of Absence Policy

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

Personal leaves are not granted for the purpose of seeking or accepting employment with another employer, or for extended vacation time. Employees on personal leave of absence for more than two 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 Township Health Benefits Policy. A personal leave is granted with the understanding that the employee intends to return to work for the Township. If the employee fails to return within five business days after the expiration of the leave, the employee shall be considered to have resigned.

Family and Medical Leave Act Policy

Employees who have been employed for at least twelve continuous months and have worked at least 1,000 base hours, excluding overtime, in the preceding

twelve months period, are eligible for family leave with no loss of position or pay rate. However, employees on such leave will not continue to accrue vacation days, sick days, personal days or longevity. Employees taking family or medical leave under this section continue to be eligible for health insurance coverage under the Township's policy.

Upon written notice, eligible employees are entitled to family or medical leave for up to twelve weeks to care for a newly born or adopted child or seriously ill immediate family member or for the employee's own serious health condition that makes the employee unable to perform the functions of the employee's position. Eligible employees who take leave under this policy must use all accrued available vacation and personal days during the leave. The use of accrued time will not extend the leave period. After exhausting accrued time, the employee will no longer be paid for the remainder of the leave.

The period of leave must be supported by a physician's certificate. An extension past twelve weeks can be requested, but medical verification of the need must be submitted prior to the expiration of the leave. The Township reserves the right to deny any request for extended leave. Additional information concerning the Family Leave Policy and eligibility requirements are available from the Personnel Officer.

Military Leave Policy

Any full-time employee who is a member of the National Guard, Naval Militia, Air National Guard, or reserve component of any United States armed forces who is required to engage in field training will be granted a military leave or absence with pay for the training period as authorized by law. The paid leave will not be counted against any available vacation.

When an employee, after one year's service with the Township is called to active duty or inducted into the United States military, the employee shall automatically be granted an indefinite leave of absence for the duration of military service. To be reinstated by the Township without loss of privileges or seniority, the employee must report for duty with the Township within sixty days following release from active duty under honorable circumstances.

During the period of active military duty, the employee shall be paid the difference between military pay and the employee's regular salary for a period not to exceed one hundred and eighty days. Employees on active service will also continue to receive paid health insurance coverage during the one hundred and eighty day period plus an additional thirty days. After this period has expired, employees may continue coverage for themselves or their dependents under the Township'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 one hundred and eighty day period.

II. RECRUITMENT AND APPOINTMENT

POLICY

Recruitment

All recruiting activities will be conducted in accordance with all relevant State and Federal laws and regulations, including those associated with the Equal

Employment Opportunity Act (EEO) and the Americans with Disabilities Act (ADA). Recruitment for positions subject to the Civil Service Act (Title 11A) will be carried out in accordance with the provisions of Title 11A of the New Jersey Statutes and Title 4A (Department of Personnel) of the New Jersey Administrative Code.

III. CHANGES IN EMPLOYMENT AND SEPARATION FROM SERVICE

POLICY

Resignation

The Township of Berkeley recognizes two types of resignations.

Resignation in Good Standing

Any permanent employee in the career service may resign in good standing by submitting to the Business Administrator at least 14 days' written or verbal notice, unless the Business Administrator consents to a shorter notice.

The resignation shall be considered accepted by the Business Administrator upon receipt of the notice of resignation.

A request to rescind the resignation prior to its effective date may be consented to by the Business Administrator.

Where it is alleged that the resignation was the result of duress or coercion, an appeal may be made to the Merit System Board.

Resignation Not in Good Standing

If an employee resigns without complying with the required notice, he or she shall be held as having resigned not in good standing.

Any employee who is absent from duty for five or more consecutive business days without the approval of his or her superior shall be considered to have abandoned his or her position and shall be recorded as a resignation not in good standing. Approval of the absence shall not be unreasonably denied.

An employee who has not returned to duty for five or more consecutive business days following an approved leave of absence shall be considered to have abandoned his or her position and shall be recorded as a resignation not in good standing. A request for extension of leave shall not be unreasonably denied.

Where an employee has resigned not in good standing under the above, the employee shall be provided with notice and an opportunity for a departmental hearing, and Final Notice and a right to appeal to the Merit System Board. An employee shall be in unpaid status pending the departmental decision. Should an employee seek to return to employment pending the departmental decision, a review shall be conducted prior to continuation of the unpaid status.

The Business Administrator or the Township of Berkeley Governing Body may modify the resignation not in good standing to an appropriate penalty or to a

resignation in good standing. Where the resignation is reversed, the employee shall be entitled to remedial action.

Resignation in Good Standing

PROCEDURE

1. Employees are considered to have resigned in good standing after giving 14 days' notice, either written or verbal, to the Business Administrator. If less than 14 days' notice is given, the resignation will not be in good standing unless the Business Administrator or the Township of Berkeley Governing Body agree to accept shorter notice.

If an employee resigns verbally, the Business Administrator shall request the employee to submit a written resignation or if possible have the resignation confirmed by witnesses.

2. Upon an employee's intention to resign is made known, written notification of the resignation must be submitted to the Business Administrator by the next working day. At such time, the resignation shall be considered as accepted.
3. The Business Administrator or the Township of Berkeley Governing Body may permit employees to rescind their resignations prior to the effective date.
4. The Business Administrator will bring a notice of resignation to the Township of Berkeley Governing Body to act upon as a resolution at the next meeting.
5. When a resignation is alleged to be the result of duress or coercion, an appeal may be made to the Merit System Board.

Resignation Not in Good Standing

1. Employees are considered to have abandoned their positions and thus resigned not in good standing when:
 - they are absent from duty for 5 or more consecutive working days without approval.
 - they have not returned to duty for 5 or more consecutive business days following an approved leave of absence.

Exit Interview

On an employee's last working day, the Business Administrator shall conduct an exit interview.

PROCEDURE

1. The Business Administrator shall:
 - advise the employee of his/her rights to continue, convert, terminate or, if

applicable, vest any benefits.

- collect all keys, beepers, tools, personnel Handbook, if applicable, or any other Township of Berkeley property. If such property has been collected by the Township of Berkeley designee or supervisor, a written receipt must be provided to the Township of Berkeley Director.
- obtain a forwarding address or other pertinent information and determine disposition of final paycheck.
- discuss the reason for his/her resignation.
- offer comments on his/her experiences in working for the Township of Berkeley.
- make suggestions on improving conditions for present or future employees.

IV. GENERAL RULES AND REGULATIONS

POLICY

Attendance

Absence and tardiness increase the burden on employee workloads to maintain satisfactory levels of Township of Berkeley services.

To minimize the negative impact on both employees and patrons of the Township of Berkeley, employee time records will be reviewed regularly to identify chronic absenteeism and/or tardiness procedures.

Changing Vital Information

Each employee is responsible for notifying the Business Administrator of any changes in the following list of vital information:

- Name
- Address
- Telephone number
- Dependent children
- W-4 form deductions
- Changes in health care program status
- Changes in beneficiaries in life insurance or pension program
- Family/marital status

Conduct of Employees

Employees are expected to conduct themselves in a manner which exhibits a respect for the rights and property of the Township of Berkeley, fellow employees and patrons. While many of these behaviors are addressed under specific policies, the following list, while not all inclusive, further identifies examples of inappropriate behavior:

- Failure to maintain workplace and area cleanliness and orderliness.
- Failure to treat all patrons, visitors, and fellow employees in courteous

manner.

- Behavior or conduct which is offensive, undesirable or subject to disciplinary action.
- Possession of firearms or other weapons on Township of Berkeley property or while on official business.
- Insubordination or the refusal by an employee to follow management's instructions concerning job-related matters.
- Gambling on Township of Berkeley property.
- Falsifying or altering Township of Berkeley records or reports, such as applications for employment, medical reports, production reports, time records, expense accounts, absentee reports or shipping and receiving records.
- Smoking in the Township of Berkeley building is prohibited, except in authorized areas.
- Horseplay, pranks, or practical jokes.
- Sleeping on the job.
- Improper attire or inappropriate personal appearance as defined by Department Policy.
- Engaging in any form of sexual harassment or discrimination.
- Violation of Township of Berkeley policies on solicitation or distribution.
- Soliciting or accepting gratuities from patrons.
- Excessive, unnecessary or unauthorized use of Township of Berkeley supplies, particularly for personnel purposes.
- Fighting or using obscene, abusive or threatening language or gestures.
- Theft of property from co-workers, patrons, or the agency.
- Failure to maintain the confidentiality of Township of Berkeley information.
- Disregarding safety or security regulations.

Confidentiality of Personnel Records

Individual personnel records, except:

- an individual's name, title, salary, compensation, dates of government service and reason for separation;
- information on specific educational or medical qualifications required for employment;

- final orders of the Commissioner or Governing Body; and
- other records which are required by law to be made, maintained or kept on file, are not public records and shall not be released other than to the subject employee, an authorized representative of the employee, or governmental representatives in connection with their official duties.

Medical documentation is confidential and must be maintained in a separate file.

PROCEDURE

1. An employee may see his/her own personnel files by scheduling an appointment in advance with the Business Administrator.
2. Employees shall only view their personnel files in the presence of the Business Administrator and are not permitted to remove documents from the file folders or to take the file folders from the office of the Business Administrator.
3. Employees may have copies of any documents in their personnel folders.
4. Employees whose duties require access to personnel documents or information must maintain the confidentiality of such. Violators of this confidentiality may be subject to disciplinary action.

Job Description Policy

A job description including qualifications shall be maintained for each position (pursuant to New Jersey Department of Personnel guidelines if the position is subject to Civil Service). All job descriptions must be approved by the Business Administrator. The Personnel Officer will make copies available upon request.

Credit Information

References, salary, and related information will be furnished to authorized persons or lending institutions upon written request to the Business Administrator if authorized by the employee.

In response to telephone requests, the Business Administrator will only confirm employment.

Drug and Alcohol Abuse

It is the policy of the Township of Berkeley to create a drug-free workplace in keeping with the spirit and intent of the Drug-Free Workplace Act of 1988.

The use, sale, dispensing, possession or manufacture of illegal drugs and narcotics or alcoholic beverages on the premises is prohibited. The prohibition also covers all legal and prescription drugs which impair an employee's ability to perform his/her job safely or properly.

Employees who must use prescribed drugs or narcotics during work should report this fact to the Business Administrator along with acceptable medical documentation. A determination will then be made as to whether the employee should be able to perform his/her job safely and properly.

Any employee under the influence of drugs or alcohol which impairs judgment,

performance or behavior while on the premises or while on official business will be subject to discipline, including termination.

Any employee who feels he/she has a problem with drugs or alcohol is encouraged to seek outside professional counseling before the problem affects judgment, performance or behavior.

Medical documentation is confidential and shall be maintained in a separate file.

PROCEDURE

1. Supervisors are responsible for taking appropriate action any time an employee's behavior or performance raises any question about the employee's ability or physical condition to do his/her job safely and properly.

Employees exhibiting behavior problems should be handled, like any other disciplinary problem, as discreetly as possible. Leaping to conclusions or making a public display of sending an employee to a clinic could expose the employer to claims of defamation, intentional infliction or emotional distress, invasion of privacy, or other legal action.

2. The supervisor will give the employee a chance to explain, selecting a private location out of the hearing of the other employees. The supervisor will confine questions and statements to specific performance and behavior, and not ask about drug or alcohol use. The supervisor may ask the employee if he/she is taking any medication which might affect behavior.

If necessary, the supervisor should arrange for transportation home for the employee.

3. At any time in the above proceedings the supervisor may suggest that the employee talk with the Business Administrator.
4. The supervisor should set an appropriate schedule and performance standards for improving the employee's behavior and inform the employee that he or she can be discharged if the performance does not improve. The supervisor should then make a record of the discussion.
5. Employees must understand that the rules against drug, narcotic or alcohol usage will be enforced. Documentation of poor performance and of disciplinary action can be a positive influence in helping the Business Administrator convince an employee to seek help and in responding to recalcitrant employees who resist treatment.

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 anywhere in Township buildings. Employees are permitted to smoke only outside Township buildings and such locations as not to

allow the re-entry of smoke into building entrances. This policy shall be strictly enforced and any employee found in violation will be subject to disciplinary action.

Emergency Service Volunteers

Employees who are volunteer members of the Township of Berkeley fire department and/or the ambulance squad may be released from work to respond to emergency calls during working hours if they register their intent to serve in such a capacity in advance with the Business Administrator.

For informational purposes, employees who respond to these emergency calls should, upon return to work, notify their supervisor of the type of emergency and the length of their absence.

Leaving on Township of Berkeley Business

All personnel, except the Business Administrator, who have supervisory approval to leave the building during regular work hours for appointments must sign out with the appropriate supervisor or the Business Administrator.

PROCEDURE

1. No employee of the Township of Berkeley may leave the Township of Berkeley for any reason without prior authorization or approval.
2. Employees are expected to return to the Township of Berkeley when Township of Berkeley business is completed, unless they have received prior authorization or approval.

Lunch and Coffee Breaks

Employees are entitled to one half hour lunch break, unless otherwise authorized by their supervisor, and two 15-minute coffee breaks- one in the morning and one in the afternoon.

The supervisor, who will stagger such breaks to assure coverage of office telephones, will schedule all breaks.

Lunch breaks will be scheduled between the hours of (11:30 am and 2:00 pm). Afternoon breaks may not be scheduled during the last 15 minutes of the workday.

Outside Employment

Employees are permitted to seek jobs outside of Township of Berkeley employment if:

- they maintain the Township of Berkeley as their primary employer.
- such employment does not impede the performance of their duties or conflict with their position with the Township of Berkeley.

Performance Evaluation

The Township of Berkeley recognizes the importance of conducting periodic evaluations of employee performance to assist in the growth and development of all employees.

Such evaluations shall identify employee strengths as well as weaknesses, and will become the basis for creating a personal improvement or development program for the employee.

Employees shall be evaluated formally, in writing, at least once an anniversary year, with periodic interim evaluations (as management deems necessary) or (at least once during the anniversary year).

PROCEDURE

1. Each year every supervisor and/or Business Administrator will prepare an interim and a final evaluation for each of his/her employees utilizing the Employee Evaluation Form.

The interim evaluation should be done at the mid-point of the anniversary year; the final at the end of the anniversary year.

2. The Business Administrator is accountable for ensuring all evaluations are done in accordance with the prescribed procedures and time frames.
3. The supervisor who prepares the evaluation form will discuss its contents with the employee.
4. The supervisor and/or the Business Administrator and the employee may discuss a plan for future career development.
5. If necessary, the evaluation process will include the development of a practical plan for improving employee performance which will identify areas which can be corrected with additional training or professional counseling. The supervisor and/or the Business Administrator and the employee will discuss the points of this plan and its implementation.

Political Activity

No employee in the career service shall directly or indirectly use or seek to use his or her position to control or affect the political action of another person or engage in political activity during working hours.

No employee in the career or unclassified services whose principle employment is in connection with a program financed in whole or in part by Federal funds or loans, shall engage in any of the following prohibited activities under the Hatch Act (5 U.S.C 1501 et seq.):

- Be a candidate for public office in a partisan election. This provision does not apply to the mayor of a city, the elected head of an executive department or an individual holding elective office, where that office is the sole employment connection to federally funded programs;
- Use official authority or influence that interferes with or affects the results

of an election or a nomination for office; or

- Directly or indirectly coerce contributions from subordinates in support of a political party or candidate.

The office of the Special Counsel of the United States Merit System Protection Board has responsibility for the investigation of Hatch Act matters.

Reimbursement for Expenses

Employees who receive advance approval from their supervisor and/or the Business Administrator will be reimbursed for legitimate expenses, including the use of a personal vehicle.

All requests for such reimbursement shall be itemized and accompanied by receipts.

Reporting Incidents Involving Township of Berkeley Employees and/or Property

Employees should perform their duties, utilize the Township of Berkeley property and operate Township of Berkeley vehicles and equipment in a safe and responsible manner. Any employee who is involved in an incident involving Township of Berkeley employees, property, equipment or vehicles, no matter how minor, for which the Township of Berkeley may be held accountable, now or in the future, shall report the incident to his/her supervisor.

Employees may be liable for damages incurred to or caused by Township of Berkeley equipment and/or property if such damage is the result of employee negligence.

PROCEDURE

1. Any incident involving the Township of Berkeley employees or property which result in damages, injuries or any incident for which the Township of Berkeley, now or in the future, may be held accountable, no matter how minor, must be reported immediately by the employee involved to his or her supervisor.
2. The supervisor must immediately inform the Township of Berkeley police department, who will, if necessary, investigate the incident and file an official report of the circumstances.
3. The employee must also complete an Incident Report by the end of the next working day. If the employee is unable to do so, the employee's immediate supervisor must complete the report for the employee.

Tardiness

Punctuality in reporting for duty or returning from authorized breaks is the obligation of all employees.

Chronic tardiness may be considered as grounds for disciplinary action.

PROCEDURE

1. Employees who anticipate arriving late for work or returning late from break should telephone their supervisor or Business Administrator,

- indicating the reason for the lateness and their anticipated arrival time.
2. Supervisor's will report tardiness to the Business Administrator.
3. If an employee is chronically late, the supervisor will report such abuse to the Business Administrator in writing, providing full documentation of such abuse.
4. The Business Administrator will develop an appropriate course of action to rectify the problem. (See Exhibit C- Tardiness Memo)

Telephone Usage

Telephones are for the use of employees in conducting official Township of Berkeley business. Calls should be answered promptly and all callers treated courteously.

Employees are not authorized to accept collect telephone calls.

Patrons of the Township of Berkeley are NOT permitted to use the Township of Berkeley telephones.

The public telephone is located outside the front entrance to the Township of Berkeley.

PROCEDURE

Employees will receive instructions in telephone usage procedures and proper telephone answering techniques. The instruction includes, but is not limited to, the following:

- Answer telephones promptly and courteously.
- Identify the Township of Berkeley and give your name.
- Restrict personal telephone calls during work hours. Personal calls should be confined to lunch and coffee breaks, if possible.
- When taking messages, note the caller's name, telephone number including area code, and a brief message. Also indicate the date and time of the call and your initials.

Use of Township of Berkeley Property

Equipment and supplies assigned to employees are the responsibility of those employees and are to be used for Township of Berkeley business only. Unauthorized use or removal of Township of Berkeley equipment and/or supplies shall be cause for disciplinary action and/or termination of employment.

Employees may be liable for damages incurred to or caused by Township of Berkeley equipment and/or property if such damage is the result of employee negligence.

Technology Resource Usage Policy

Introduction

The following policies define appropriate use of the Township of Berkeley network, computers, all related peripherals, software, electronic

communications, and Internet access. They apply to the access of the Township's network and use of computing technology at any location, from any device via wired or wireless connection. They apply to all users of Township technology resources regardless of employment status. Access to all networks and related resources require that each user be familiar with these policies and associated work rules. The Township of Berkeley authorizes the use of computing and network resources by Township staff, contractors, volunteers, and others to carry out legitimate Township business. All users of Township computing and network resources will do so in an ethical, legal, and responsible manner. All use of technology resources must be consistent with the intent and requirements of all Township policies and work rules.

A. Internet Usage

Purpose

To ensure that use of the Internet among employees of the Township of Berkeley is consistent with Township policies, applicable laws, and the individual's job responsibilities.

Policy

1. Access to the Internet via Township resources shall be limited to Township purposes. To that end, this use cannot disrupt or interfere with the work of the other network users, adversely affect the operation of the Internet or the Township's own internal network, or access and use for personal reasons.
2. All use of the Internet via Township resources must be in compliance with all applicable laws and policies (federal, state, and local laws, in addition to Township policies); for example, all federal, state, and local laws, and Township policy with respect to sexual harassment. Internet access via Township resources, therefore, must not be used for strictly personal or illegal purpose.
3. All Internet use must be consistent with the Township of Berkeley's Personnel Handbook regarding employee conduct.
4. Personnel must maintain the safety and security of the Township's network and resources as a paramount consideration at all times when using the Internet. Individual users are responsible for adhering to applicable departmental policies when using resources of the Internet.
5. There is a wide variety of information on the Internet. Some individuals may find some information on the Internet offensive or otherwise objectionable. Individual users should be aware that the Township has no control over and therefore cannot be responsible for the content on the Internet.
6. Individual users must be aware of and at all times attempt to prevent any misuse or abuse of Township policies to avoid potential Township liability in their use of the Internet. For that reason, all outgoing messages, which do not reflect the official position of the Township or Department, must include the following disclaimer. "The options

expressed herein are those of the sender and do not necessarily represent those of the Township of Berkeley."

7. Prohibited Uses of the Internet shall include, but are not limited to, the following:
- Commercial use - any commercial use or use of the Internet for personal gain is prohibited.
 - Copyright Violations - any use of the Internet that violates copyright laws is prohibited and therefore the sole responsibility of the user.
 - Solicitation - the purchase or sale of personal items through advertising on the Internet is prohibited.
 - Harassment - the use of the Internet to harass employees, vendors, customers, and others is prohibited.
 - Political - the use of the Internet for political purpose is prohibited.
 - Aliases - the use of aliases while using the Internet is prohibited, as are anonymous messages. Misrepresentation of an employee's job title, job description, or position in the Township is prohibited.
 - Misinformation/Confidential Information - the release of untrue, distorted, proprietary or confidential information regarding Township business is prohibited.
 - Viewing/Downloading of Non-Business Related Information - the accessing, viewing, downloading, or any other method for retrieving non-Township related information is prohibited. This includes, but not limited to, entertainment sites, on-line shopping sites or pornographic sites.

B. E-Mail Use

Purpose

To establish basic guidelines for appropriate use of electronic mail (E-Mail).

Policy

1. It is the policy of the Township of Berkeley to encourage use of the E-Mail system as a method of increasing employee productivity and improving the overall capabilities of the Township to service its citizens.
2. The Township of Berkeley encourages its employees to utilize the E-Mail system, whenever practicable, except in uses in which a hard copy record is required or is desirable, in lieu of using paper.
3. Employees will use Township provided E-Mail services exclusively for Township business or otherwise advance the Township's best interests.
4. All computerized records on PCs, including E-Mail, are public records subject to public disclosure.
5. In order to keep the E-Mail system operating at optimum capacity, non-business use of the system is not authorized.

6. Employees are accountable for the responsible use of electronic communications just as they are for other conduct and written and verbal communications in the workplace. Therefore, use of the electronic mail system is restricted as follows:
 - The E-mail system is not to be used to create, send or copy any offensive, harassing or disruptive messages. Messages will be considered offensive if they contain information or language that would violate the Township's Workplace Harassment Policy. The Township will view the appropriateness of any communication on the basis of how it would have been perceived and dealt with had it been conducted by phone, in person or on paper.
 - The E-Mail system is not to be used to send, receive or download copyrighted materials, trade secrets, proprietary financial information or similar materials without prior written authorization.
 - Confidential and sensitive information, such as performance reviews, disciplinary and/or corrective actions, attorney-client privileged information, personnel information, and health or medical information, shall not be communicated via E-Mail.
 - Communications that would be inappropriate under other Township policies, union contractual agreements are equally unacceptable if delivered via electronic communication. Such inappropriate communications may include but are not limited to, harassing or discriminating comments, breaches of confidentiality and insubordinate statements.
 - The electronic mail system may not be used to solicit or advance commercial ventures, religious or political causes, outside organizations, or other non-job related solicitations.

C. Monitoring and Employee Privacy

The Township owns all data stored on its network and systems (including e-mail, voicemail, and Internet usage logs) and reserves the right to inspect and monitor any and all such communications at anytime. The Township may conduct random and requested audits of employee accounts in order to ensure compliance with policies and requirements, to investigate suspicious activities that could be harmful to the Township, to assist Departments in evaluating performance issues and concerns, and to identify productivity or related issues that need additional educational focus within the Township. The Township's Internet connection and usage by individuals are monitored. There is not right to privacy in an employee's use of Township technology resources.

D. Violations

A violation of this Policy may result in disciplinary action as deemed appropriate by the Township Business Administrator.

The bulletin boards located in the Township administrative buildings and other facilities are intended for official notices regarding policies, procedures, meetings and special events. Only personnel authorized by the Business Administrator may post, remove, or alter any notice.

Exhibit A.

Review and Update of Handbook

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REVIEW/INTERPRETATION OF POLICY, PROCEDURE, EXHIBIT

To:

Name/Title

Date

From:

Name/Title

Subject: ☐ Policy ☐ Procedure ☐ Exhibit (Check all the apply)

1. Identify section which requires interpretation or revision. (Provide complete information- Chapter, Page, Paragraph, etc.)
2. Proposed solution or suggested revision.
3. Nature of problem or question.
4. ☐ I would like to meet with you. (Check only if desired or necessary)

Exhibit B.

Changing Vital Information

PERSONNEL CHANGE REPORT

TO: Business Administrator DATE:

FROM: _____ TITLE:

HEALTH INSURANCE PROVIDER

CHECK WHICH CHANGE YOU ARE REPORTING

- ☐ Name
- ☐ Address
- ☐ Phone Number
- ☐ Birth of Child
- ☐ Death of Covered Family Member
- ☐ Marriage
- ☐ Divorce
- ☐ Child's Status as Dependent (for tax or insurance coverage benefits)

Please provide details relating to the change you have checked above, including the date of the change.

I authorize these changes to be effective _____
(Effective Date)

(Employee's Signature)

(Date)

Exhibit C.

Tardiness

TO: _____ (Employee)

FROM: _____ (Supervisor)

SUBJECT: Tardiness

DATE:

On _____, you were _____ minutes late in
() reporting to work, () returning from break, () returning from lunch.

After discussing the situation, you replied as follows:

Your plan of action to correct this problem is:

Your tardiness has been () excused () unexcused.

Continues tardiness is subject to progressive disciplinary action as follows:

First occurrence.....Informal warning by supervisor
Second occurrence.....Verbal warning
Third occurrence.....Written reprimand
Fourth occurrence.....1/2 day suspension
Fifth occurrence.....1 day suspension
Sixth occurrence.....2 day suspension
Seventh occurrence.....Case by case

Beginning with the third occurrence, all disciplinary actions shall become a part of your personnel file.

Employee

Date

Supervisor

Date