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MUNICIPAL EXCESS LIABILITY JOINT INSURANCE FUND

VOLUNTEER HANDBOOK

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Oakland * Matawan * Somerville



VOLUNTEER HANDBOOK

DISCLAIMER

The purpose of this Handbook is to acquaint volunteers of the Township of Rochelle Park with the policies and practices which apply to a volunteer's position with the Township. The policies and practices contained in this Handbook are only guidelines and maybe canceled or changed by the Township of Rochelle Park at any time with or without notice. This Handbook is not intended to nor does it create an employment contract between the Township of Rochelle Park and any of its volunteers.

THIS HANDBOOK IS NOT A CONTRACT OF EMPLOYMENT.

Except as otherwise provided by contract or applicable law, a volunteer's service is at-will. This means that any volunteer may voluntarily terminate his/her service with the Township of Rochelle Park at any time, for any reason. It also means that the Township of Rochelle Park may terminate any volunteer's service with the Township of Rochelle Park at any time, with or without good cause. Nothing contained in this Handbook constitutes a contractual right, express or implied. No provision contained in this Handbook or any other policy or procedure may be changed by any oral statement but must be in writing signed by an authorized representative of the Township of Rochelle Park.

The Township of Rochelle Park retains all rights to discharge or discipline volunteers. As a volunteer of the Township, you agree to conform to all applicable policies, procedures, rules, regulations, statutes and collective negotiations agreements.

This Handbook is not meant to affect, or to be a comprehensive description of local, State or federal statutes, rules or regulations, disciplinary procedures, benefits, workers' compensation, leaves, compensation, the policies, practices and procedures of the Township of Rochelle Park, or collective negotiations. The rights and responsibilities of volunteers are always governed by existing law and any applicable agreements or established past practice. Nothing in this Handbook provides legal rights in addition to those, if any, provided to volunteers under local, State or federal statutes, rules, regulations, collective negotiations agreements or established past practice. If any part of this Handbook conflicts with local, State or federal statutes, rules, regulations, executive orders, a collective negotiations agreement or established past practice, the part of the Handbook which conflicts with a local, State or federal statute, rule, regulation, collective negotiations agreement or established past practice will be null and void as it applies to the affected group of volunteers. Likewise, if at any time, any local, State or federal statutes, rules, regulations, executive orders or collective negotiations agreement should be amended, this Handbook will be deemed to have been likewise amended, even though actual changes to the Handbook have not been made.

Please be aware that this Handbook contains a summary of several laws, rules, regulations, and policies that are applicable to volunteers. However, this Handbook is not intended to be a comprehensive description of every policy that applies to volunteers. The Township of Rochelle

Park's Personnel, Policies and Procedures Manual, a more comprehensive document that is applicable to volunteers, is also available for review.

In the event of a declared State of Emergency or otherwise, if any local, State or Federal statute, rule, regulation or Executive Order temporarily amends, alters, suspends or discharges any of the terms set forth in this Handbook, the terms and provisions herein shall be similarly temporarily amended, altered, suspended and or discharged, without the need for formal written amendment of this Handbook.

This Handbook shall apply to all volunteers of the Township of Rochelle Park, including but not limited to volunteer firefighters, OEM/CERT team members, Recreation Committee, Access for All Committee, Environmental Commission, and Shade Tree Commission.

Volunteers will be notified when any material changes are made to the policies contained in this Handbook.

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I. ANTI-DISCRIMINATION POLICIES

A. Equal Opportunity

The Township of Rochelle Park is committed to providing equal opportunity through its employment practices and through the many activities, programs, and services it provides to the community. The Township of Rochelle Park will make all personnel decisions without regard to race, creed, color, national origin, ancestry, religion, age, marital status, civil union status, domestic partnership status, affectional or sexual orientation, familial status, genetic information, sex, gender identity or expression, disability (including perceived disability, physical, mental, and/or intellectual disabilities, AIDS or HIV infection), pregnancy, childbirth, breastfeeding, political affiliation (to the extent protected by law), atypical hereditary cellular or blood trait, or because of the liability for service in the Armed Forces of the United States, veteran status, citizenship status, or any other group status protected by law, unless required by a bona fide occupational qualification.

The Township of Rochelle Park will ensure that personnel decisions are made in accordance with principles of Equal Employment Opportunity by imposing only nondiscriminatory job requirements. The Township of Rochelle Park will not discriminate with regard to any term, condition or privilege of a volunteer's position. Township-sponsored training, education, tuition assistance, and social and recreation programs will be administered without discrimination. The Township of Rochelle Park has an Affirmative Action Officer ("AAO"), who is assigned overall responsibility of the Affirmative Action Program. Any volunteer with a question or grievance should contact the Affirmative Action Officer at:

Samantha I. Carpio, Township Administrator
151 W. Passaic St.
Rochelle Park, NJ 07662

B. Americans with Disabilities Act

In compliance with the Americans with Disabilities Act ("ADA"), the ADA Amendments, and the New Jersey Law Against Discrimination ("NJLAD"), the Township of Rochelle Park does not discriminate based on disability, pregnancy, pregnancy-related medical condition, breastfeeding or childbirth. The Township of Rochelle Park will endeavor to make every work environment handicap accessible and consider reasonable accommodations, when appropriate. Future construction and renovation of facilities will be in accordance with the ADA Accessibility Guidelines, as well as the ADA Amendments Act.

II. ANTI-HARASSMENT POLICY

The Township of Rochelle Park has committed to a workplace free from harassment that is based on race, creed, color, religion, sex, gender identity or expression, national origin, ancestry, age, marital status, civil union status, domestic partnership status, affectional or sexual orientation, familial status, genetic information, disability (including perceived disability, physical, mental,

and/or intellectual disabilities, AIDS or HIV infection), pregnancy, childbirth, breastfeeding, political affiliation (to the extent protected by law), atypical hereditary cellular or blood trait, or because of the liability for service in the Armed Forces of the United States, veteran status, citizenship status or any other group status protected by law. Any such harassment is a violation of federal and State anti-discrimination laws and will not be tolerated by the Township. This policy applies to all employees and volunteers as well as to any individuals who may come in contact with employees and volunteers. Reprisals against anyone who makes a complaint under this policy will not be tolerated and violators of the policy will be subject to discipline, up to and including termination, and may be subject to any other liability authorized under applicable law.

Additionally, it is a violation of this policy to engage in sexual (or gender-based) harassment of any kind, including hostile work environment harassment, quid pro quo harassment, or same-sex harassment. For the purposes of this policy, sexual harassment is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when, for example,

- 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.

Examples of prohibited behaviors that may constitute sexual harassment and are therefore a violation of this policy include, but are not limited to:

1. Generalized gender-based remarks and comments;
2. Unwanted physical contact such as intentional touching, grabbing, pinching, brushing against another's body or impeding or blocking movement;
3. Verbal, written or electronic sexually suggestive or obscene comments, jokes or propositions including letters, notes, e-mails, text messages, invitations, gestures or inappropriate comments about a person's clothing;
4. Visual contact, such as leering or staring at another's body; gesturing; displaying sexually suggestive objects, cartoons, posters, magazines or pictures of scantily-clad individuals; or displaying sexually suggestive material on a bulletin board, on a locker room wall, or on a screen saver;
5. Explicit or implicit suggestions of sex by a supervisor or manager in return for a favorable employment action such as hiring, compensation, promotion, or retention;

6. Suggesting or implying that failure to accept a request for a date or sex would result in an adverse employment consequence with respect to any employment practice such as performance evaluation or promotional opportunity; or
7. Continuing to engage in certain behaviors of a sexual nature after an objection has been raised by the target of such inappropriate behavior.

Any volunteer found to have violated any portion or portions of this policy may be subject to appropriate administrative and/or disciplinary action which may include, but which shall not be limited to: referral for training, referral for counseling, written or verbal reprimand, suspension, reassignment, demotion or termination of volunteer position. Referral to another appropriate authority for review for possible violation of federal and State statutes may also be appropriate.

Volunteer Responsibilities – The Township of Rochelle Park cannot address or correct harassing conduct that it is not aware of. Any volunteer who believes that he/she has been subjected to any form of prohibited discrimination/harassment, or who witnesses others being subjected to such discrimination/harassment, or otherwise has knowledge of others being subjected to such discrimination/harassment is expected to promptly report the incident(s) to a supervisor or directly to the Township of Rochelle Park's Equal Employment Opportunity/Affirmative Action Officer or to any other persons designated by the Township of Rochelle Park to receive workplace discrimination complaints. Specifically, volunteers are encouraged to utilize the attached Discrimination Complaint Processing Form.

All volunteers are expected to cooperate with investigations undertaken pursuant to this section. Failure to cooperate in an investigation may result in administrative and/or disciplinary action, up to and including termination.

Supervisor Responsibilities – Supervisors shall make every effort to maintain a work environment that is free from any form of prohibited discrimination/harassment. Supervisors shall immediately refer allegations of prohibited discrimination/harassment to the Township of Rochelle Park's Equal Employment Opportunity/Affirmative Action Officer, or any other individual designated by the Township of Rochelle Park to receive complaints of workplace discrimination/harassment. A supervisor's failure to comply with these requirements may result in administrative and/or disciplinary action, up to and including termination.

For purposes of this section, a "supervisor" is defined broadly to include any manager and/or other individual who has authority to control the work environment of any other staff member, including volunteers.

Investigation of Complaints – Any complaint made under this section shall be investigated by the Township of Rochelle Park in a manner consistent with the New Jersey State Model Procedures for Internal Complaints Alleging Discrimination in the Workplace. Additionally, all complaints and investigations shall be handled, to the extent possible, in a manner that will protect the privacy interests of those involved. To the extent practical and appropriate under the circumstances, confidentiality shall be maintained throughout the investigatory process. In the

course of an investigation, it may be necessary to discuss the claims with the person(s) against whom the complaint was filed and other persons who may have relevant knowledge or who have a legitimate need to know about the matter. All persons interviewed, including witnesses, shall be directed not to discuss any aspect of the investigation with others in light of the important privacy interests of all concerned. Failure to comply with this confidentiality directive may result in administrative and/or disciplinary action, up to and including termination of employment.

III. CONDUCT OF VOLUNTEERS

A. Ethical Conduct

Pursuant to the provisions of the Local Government Ethics Law:

1. No volunteer 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 volunteer 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 volunteer 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 volunteer 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 volunteer, 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 volunteer 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.
7. No volunteer or business organization in which he or she has an interest will represent any person or party other than the Township of Rochelle Park in connection with any cause, proceeding, application or other matter pending before any agency in the local government

in which he or she serves. A volunteer or members of his or her immediate family may represent himself or herself in proceedings concerning the volunteer's own interests.

B. Political Activity

Pursuant to New Jersey law governing elections, no holder of a public office or position will demand payment or contribution from another holder of a public office or position for the campaign purpose of any candidate or for the use of any political party.

No volunteer will 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 volunteer whose principal position is in connection with a program financed in whole or in part by Federal funds or loans, will engage in any of the following prohibited activities under the "Hatch Act":

1. Using official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office;
2. Directly or indirectly coercing, attempting to coerce, commanding or advising an officer or volunteer to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes; or
3. Being a candidate for public office in a partisan election.

The Hatch Act, 5 U.S.C. 1501 et seq., is enforced by the Special Counsel of the United States Merit System Protection Board. Department Heads or supervisors can advise a volunteer if his/her position is federally-funded.

Nothing in this policy shall be construed as restricting volunteers from engaging in lawful, political activity while outside of working hours and outside of their official job duties.

IV. WORKPLACE

A. Appearance Policy

Volunteers are expected to present themselves in a neat, business-like manner and shall dress appropriately for the work they perform. At the discretion of the Township of Rochelle Park, individual Departments may implement specific dress code requirements. Uniforms, where required, shall be worn in accordance with applicable departmental standards.

Volunteers violating this policy shall be required to take corrective action, or will be sent home.

B. Vehicle Use Policy

Township of Rochelle Park vehicles may be assigned to volunteers for use during the performance of official Township of Rochelle Park business only. Any volunteer who utilizes an Township-assigned vehicle for personal use may be subject to disciplinary action. Additionally,

the volunteer to whom a vehicle is assigned is the party responsible for its security and maintaining it in a safe operating condition. Vehicles may only be taken home with the advance approval of the Township.

Driver's License Policy - Any volunteer whose work requires the operation of an Township-assigned vehicle, or the operation of their own vehicle for Township of Rochelle Park business, must hold a valid New Jersey State Driver's License. Such volunteers shall be required to submit to a driving records check by the New Jersey Motor Vehicle Commission as a condition of employment. Periodic checks of volunteers' drivers' licenses will also be made.

Volunteers who drive their own vehicle for Township of Rochelle Park business must provide the Township of Rochelle Park with a copy of their current Certificate of Insurance evidencing minimum liability limits of \$25,000/\$50,000/\$25,000. Drivers are required to notify their immediate supervisor in those cases where a license is expired, suspended, or revoked for any reason. Failure to report such an instance subjects the volunteer to disciplinary action, up to and including termination. Any volunteer who does not hold a valid New Jersey Driver's License shall not be allowed to operate a Township of Rochelle Park-assigned vehicle until such time as a valid license is obtained.

C. Computer Usage

In order to provide a viable data and communication system for the Township of Rochelle Park that supports the needs of all departments, security and confidentiality of the information must not be compromised. Security is a major concern throughout every office of the Township of Rochelle Park and its volunteers. This provision shall apply to the day-to-day operations of all the Township of Rochelle Park's information and technology equipment, as well as mobile or portable units. Although this policy comprehensively addresses current security concerns, impending and future system developments may require additional security considerations.

Every volunteer must be cognizant of the potential for civil liability inherent in the dissemination of information obtained through the Township's information systems. The Township of Rochelle Park reserves the right to prosecute, in a civil or criminal manner, as well as discipline in accordance with the Township's rules and regulations, any volunteer who violates any section of this provision.

The Township of Rochelle Park shall have the express right to access any electronic information device utilizing any administrative or user password for the purpose of troubleshooting, supporting or maintaining the computer network or while investigating an incident or violation of this policy. All electronic information devices, their contents, e-mail or electronic correspondence originating from or arriving on a device owned or authorized on the Township's computer network, is the property of the Township of Rochelle Park and is subject to entry and inspection without notice. Any data or information created or stored on the Township of Rochelle Park's computer network becomes the sole property of the Township. Ownership of said data is forfeited and all rights to ownership are surrendered to the Township of Rochelle Park.

In order to ensure that the Township's electronic network is being used only for legitimate business purposes, the Township of Rochelle Park reserves the right to enter or search any computer file, the e-mail system, and/or monitor computer and e-mail use. Accordingly, no volunteer should have any reasonable expectation of privacy regarding their use of the Township of Rochelle Park's computer or when utilizing the Township's computer network, including, but not limited to, electronic mail. All such documents or information may be subject to the provisions of the Open Public Records Act ("OPRA"), N.J.S.A. 47:1A-1 et seq.

Further, Township of Rochelle Park business which is conducted by a volunteer on his or her personal computer or device is subject to this policy and may be subject to the provisions of OPRA.

D. Social Networking Policy

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

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

Specifically, the Township of Rochelle Park reserves the right to investigate postings, private or public, that violate workplace rules, such as the prohibition of sexual harassment and other discriminatory conduct, where such postings lawfully are made available to the Township of Rochelle Park by other volunteers or third parties. Volunteers should use common sense in all communications, particularly on a website or social networking site accessible to anyone. If you would not be comfortable with your supervisor, coworkers, or the management team reading your words, you should not write them.

Be advised that volunteers can be disciplined for commentary, content, or images that are defamatory, pornographic, proprietary, harassing, libelous, or that can create a hostile work environment. You can also be sued by agency employees or any individual who views your commentary, content, or images as defamatory, pornographic, proprietary, harassing, libelous or creating a hostile work environment. What you say or post on your site or what is said or posted on your site by others could potentially be grounds for disciplinary action, up to and including

termination. However, nothing in this social networking policy is designed to interfere with, restrain, or prevent social media communications during non-working hours by those engaging in protected concerted activities regarding wages, hours, or other terms and conditions of employment pursuant to the New Jersey Employer-Employee Relations Act or to prevent communications which are protected by the First Amendment freedom of speech clause, unless such communications are made as part of the volunteers' official job duties.

V. DRUG- AND ALCOHOL-FREE WORKPLACE POLICY

The possession or use of drugs and the abuse of alcohol pose a threat to the health and safety of all employees and volunteers. To that end, the Township of Rochelle Park has adopted a Drug and Alcohol-Free Workplace Policy and all volunteers are subject to the rules and regulations set forth in that policy. Specifically, the manufacturing, distribution, dispensing, and/or use of alcohol or drugs on the Township's premises, or during work hours, by volunteers is strictly prohibited.

Any volunteer who is observed by a supervisor or Department Head to be intoxicated or under the influence of alcohol and drugs during working hours, or is under reasonable suspicion of same, shall be immediately tested and is subject to discipline, up to and including termination. Volunteers who are required to maintain a Commercial Driver's License ("CDL") are subject to random drug testing as required by the federal government. Refusal to submit to testing when requested may result in immediate disciplinary action, including termination.

As a condition of working in safety-sensitive volunteer positions, such as volunteer firefighters and first aid workers, all final applicants for such positions shall be subject to drug testing.

The full Drug and Alcohol-Free Workplace Policy and the CDL Drug and Alcohol Testing Policy are both available for review in the Township of Rochelle Park's Personnel, Policies and Procedures Manual.

VI. DOMESTIC VIOLENCE POLICY

The Township of Rochelle Park hereby adopts the Statewide Domestic Violence Policy for Public Employers released by the New Jersey Civil Service Commission, which is applicable to all public employers pursuant to N.J.S.A. 11A:2-6a. Such policy requires that the Township of Rochelle Park designate a Human Resources Officer ("HRO") to assist volunteers who are victims of domestic violence. The HRO must receive training on responding to and assisting volunteers who are domestic violence victims in accordance with the policy. Volunteers who are victims of domestic violence are encouraged to seek immediate assistance from their HRO. The Township of Rochelle Park will develop a plan to identify, respond to, and correct performance issues that may be caused by a domestic violence incident.

The full policy is available for review in the Township of Rochelle Park's Personnel, Policies and Procedures Manual.

VII. PROTECTION AND SAFE TREATMENT OF MINORS

The Township of Rochelle Park is fully committed to protecting the health, safety and welfare of minors who interact with officials, employees, and volunteers of the Township of Rochelle Park to the maximum extent possible and has adopted a policy which establishes the guidelines for officials, employees, and volunteers who set policy for the Township of Rochelle Park 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.

All such prospective volunteers may be required to undergo a thorough and complete background check, including but not limited to a fingerprint identification check, credit check, motor vehicle record check, reference check (personal and professional), and a check of the Megan's Law directory for New Jersey and any other State where the applicant previously resided. The full policy is available for review in the Township of Rochelle Park's Personnel, Policies and Procedures Manual.

In addition to those volunteers who interact with minors, all volunteers may be required to undergo a thorough and complete background check, subject to any state or federal law requirements.

VIII. COMPLAINT PROCEDURE

A volunteer should discuss any complaints with his or her immediate supervisor for the purpose of resolving the matter informally. It is the policy of the Township of Rochelle Park to maintain open lines of communication with all employees and volunteers. Any complaints that are not resolved between the volunteer and the supervisor, may be brought to the attention of the Department Head for additional review and resolution.

VOLUNTEER HANDBOOK RECEIPT & ACKNOWLEDGMENT

I acknowledge that I have received a copy of the Township of Rochelle Park Volunteer Handbook. I understand that it is my responsibility to read and become familiar with the policies, procedures, and guidelines contained within the handbook.

I understand that the handbook may be updated from time to time, and I agree to review any revisions provided to me.

By signing below, I confirm that I have received the handbook and understand that compliance with its contents is a condition of my volunteer service.

Volunteer Name (Print): _____

Volunteer Signature: _____

Date: _____

Organization: _____

State of New Jersey Civil Service Commission
Division of Equal Employment Opportunity and Affirmative Action
Discrimination Complaint Processing Form

INSTRUCTIONS: This complaint form can be completed by a complainant or with the assistance of the Equal Employment Opportunity/Affirmative Action Officer or the alternate designee for the State department, agency, commission, or State college/university where you work or applied for employment.

For detailed information on the complaint process, see the State of New Jersey Model Procedure for Processing Internal Complaints Alleging Discrimination in the Workplace (Model Procedure) on Page 2 of this form.

1. Name:	2. Name of State Dept., Agency, Commission or College:	3. Telephone (Work):			
4. Job Title:	5. Division / Office / Facility:	6. Telephone (Home):			
7. Home Address:	8b. Full name, title, and telephone number of person(s) you believe discriminated against you:				
8a. Date(s) of discriminatory action(s):					
8c. Complainant's Status (Check applicable box): ☐ Employee ☐ Job Applicant ☐ Vendor/Contractor ☐ Other (Please specify) _____					
9. Basis of Discrimination: <table style="width: 100%; border: none;"> <tr> <td style="vertical-align: top; width: 33%;"> ☐ Age ☐ Affectional/Sexual Orientation ☐ Ancestry ☐ Atypical Hereditary Cellular or Blood Trait ☐ Color ☐ Creed ☐ Disability ☐ Domestic Partnership Status </td> <td style="vertical-align: top; width: 33%;"> ☐ Familial Status ☐ Gender Identity or Expression ☐ Genetic Information (including refusal to submit to or provide results of a genetic test) ☐ Liability for Military Service ☐ Marital /Civil Union Status ☐ Nationality ☐ National Origin </td> <td style="vertical-align: top; width: 33%;"> ☐ Pregnancy ☐ Race ☐ Religion ☐ Sex/Gender ☐ Sexual Harassment ☐ Retaliation (for having filed a discrimination complaint, participating in a complaint investigation, or for opposing a discriminatory practice) </td> </tr> </table>			☐ Age ☐ Affectional/Sexual Orientation ☐ Ancestry ☐ Atypical Hereditary Cellular or Blood Trait ☐ Color ☐ Creed ☐ Disability ☐ Domestic Partnership Status	☐ Familial Status ☐ Gender Identity or Expression ☐ Genetic Information (including refusal to submit to or provide results of a genetic test) ☐ Liability for Military Service ☐ Marital /Civil Union Status ☐ Nationality ☐ National Origin	☐ Pregnancy ☐ Race ☐ Religion ☐ Sex/Gender ☐ Sexual Harassment ☐ Retaliation (for having filed a discrimination complaint, participating in a complaint investigation, or for opposing a discriminatory practice)
☐ Age ☐ Affectional/Sexual Orientation ☐ Ancestry ☐ Atypical Hereditary Cellular or Blood Trait ☐ Color ☐ Creed ☐ Disability ☐ Domestic Partnership Status	☐ Familial Status ☐ Gender Identity or Expression ☐ Genetic Information (including refusal to submit to or provide results of a genetic test) ☐ Liability for Military Service ☐ Marital /Civil Union Status ☐ Nationality ☐ National Origin	☐ Pregnancy ☐ Race ☐ Religion ☐ Sex/Gender ☐ Sexual Harassment ☐ Retaliation (for having filed a discrimination complaint, participating in a complaint investigation, or for opposing a discriminatory practice)			
10a. Explain why you feel you have been discriminated against: ☐ CHECK IF ADDITIONAL SHEETS ARE ATTACHED 10b. Were the actions or behavior you are complaining about directed at, or said to, you ☐ and/or another party ☐ (third party harassment)? 10c. Was the incident reported to anyone? ☐ YES ☐ NO If yes, who and when? 10d. What remedy or resolution are you seeking? 10e. If appropriate, as determined by the EEO Officer, are you willing to attempt to resolve your complaint through mediation or another alternative dispute resolution (ADR) process? ☐ YES ☐ NO 10f. Complainant's Signature: _____ Date: _____					
11. Have you filed a discrimination complaint with the • N.J. Division on Civil Rights? ☐ YES ☐ NO • U.S. Equal Employment Opportunity Commission? ☐ YES ☐ NO		12. Have you filed a grievance on the issues / personnel actions described? ☐ YES ☐ NO			
13. Completion of this part is voluntary. The information is to be used only for State and Federal record keeping and reporting requirements: SEX: ☐ Male ☐ Female ☐ Non-Binary RACE: ☐ American Indian or Alaska Native ☐ Asian ☐ Black or African American ☐ Native Hawaiian or Other Pacific Islander ☐ White ETHNICITY: ☐ Hispanic or Latino ☐ Not Hispanic or Latino					
Note: In addition to filing an internal complaint, a complainant has a right to use external complaint filing procedures available under State law (with the N.J. Division on Civil Rights) and federal law (with the U.S. Equal Employment Opportunity Commission). Detailed information is contained in the Model Procedure found on Page 2 of this form.					
DO NOT WRITE BELOW THIS LINE					
EEO/AA Officer Signature: _____		Date Received: _____			

STATE OF NEW JERSEY

MODEL PROCEDURE FOR PROCESSING INTERNAL COMPLAINTS ALLEGING DISCRIMINATION IN THE WORKPLACE

As set forth in *N.J.A.C. 4A:7-3.2*, "[e]ach State department, commission, State college or university, agency, and authority (hereafter referred to in this section as "State agency") is responsible for implementing this model procedure, completing it to reflect the structure of the organization, and filing a copy of the completed procedure with the Division of EEO/AA [Equal Employment Opportunity/Affirmative Action]."

1. All employees and applicants for employment should promptly report suspected violations of the State Policy Prohibiting Discrimination in the Workplace, *N.J.A.C. 4A:7-3.1* ("State Policy"). The complainant shall have the burden to articulate a sufficient nexus between the alleged conduct to a protected category pursuant to the State Policy.
2. Complaints of prohibited discrimination/harassment can be reported to (Name of State agency's EEO/AA Officer), the EEO/AA Officer, to any supervisory employee of the State agency, or through the State's Hotline (833-691-0404). Complaints may also be reported to (Name of authorized designee). To facilitate the reporting of a complaint, Discrimination Complaint Processing Forms (DPF-481) can be found on the (Name of State agency's) Intranet or the New Jersey Civil Service Commission's ("NJCSC") website.
3. Complaints and allegations of discrimination/harassment should be reported promptly. Delays in reporting may not only hinder a proper investigation, but may also unnecessarily subject the victim to continued prohibited conduct.
4. Supervisory employees shall immediately report all alleged violations of the State Policy to (Name of State agency's EEO/AA Officer), EEO/AA Officer. Such a report shall include both alleged violations reported to a supervisor, and those alleged violations directly observed by the supervisor.
5. If reporting a complaint to any of the persons set forth in paragraphs 1 through 4 above presents a conflict of interest, the complaint may be filed directly with the Division of EEO/AA, P.O. Box 315, Trenton, NJ 08625-0315. An example of such a conflict would be where the individual against whom the complaint is made is involved in the intake, investigative, or decision-making process.
6. In order to facilitate a prompt, thorough, and impartial investigation, all complainants are encouraged to submit a Discrimination Complaint Processing Form (DPF-481). An investigation may be conducted whether or not the form is completed.
7. Each State agency shall maintain a written record of the discrimination/harassment complaints received. Written records shall be maintained as confidential records to the extent practicable and appropriate. A copy of all complaints (regardless of the format in which submitted) must be submitted to the Division of EEO/AA, by the State agency's EEO/AA Officer, along with a copy of the acknowledgement letter(s) sent to the person(s) who filed the complaint and, if applicable, the complaint notification letter sent to the person(s) against whom the complaint has been filed including the basis for the complaint and whether or not an investigation will be initiated. When a complaint on its face is insufficient to determine the nature and scope of the allegations, the EEO/AA Officer shall interview the person submitting the complaint for additional information to determine whether the allegations implicate the State Policy. If after conducting the interview of a complainant, the EEO/AA Officer determines that an investigation is not warranted, a letter shall be sent to the complainant explaining the basis for the decision not to investigate. If a written complaint has not been filed, the EEO/AA Officer must submit to the Division of EEO/AA a brief summary of the allegations that have been made. Copies of complaints filed with the New Jersey Division on Civil Rights, the U.S. Equal Employment Opportunity Commission, or in court also must be submitted to the Division of EEO/AA.
8. During the initial intake of a complaint, the EEO/AA Officer or authorized designee will obtain information regarding the complaint and determine if interim corrective measures are necessary to prevent continued violations of the State Policy. Interim corrective actions include, but are not limited to:
 - a. Separation of parties;
 - b. Removal of parties from the workplace; and
 - c. Involvement of law enforcement, when appropriate, for instances involving bodily harm or serious bodily harm.
9. At the EEO/AA Officer's discretion, a prompt, thorough, and impartial investigation into the alleged harassment or discrimination will take place.

In determining whether or not a thorough and impartial investigation is warranted, the EEO/AA Officer when reviewing complaints shall consider, but is not limited to considering, the following factors: the facts presented, whether the complainant articulated a sufficient nexus between the alleged conduct to a protected category as set forth in *N.J.A.C. 4A:7-3.1(a)*, the time the incident(s) occurred, the time the incident was reported, and whether the complainant and/or respondent is a current State employee (regardless of when the incident occurred).
10. An investigative report will be prepared by the EEO/AA Officer or authorized designee when the investigation is completed. The report will include, at a minimum:
 - a. A summary of the complaint;
 - b. A summary of the parties' positions;
 - c. A summary of the facts developed through the investigation; and
 - d. An analysis of the allegations and the facts.

The investigative report will be submitted to (State agency head or designee) who will issue a final letter of determination to the parties.
11. The (State agency head or designee) will review the investigative report issued by the EEO/AA Officer or authorized designee, and make a determination as to whether the allegation of a violation of the State Policy has been substantiated. If a violation has occurred, the (State agency head or designee) will determine the appropriate corrective measures necessary to immediately remedy the violation.
12. The (State agency head or designee) will issue a final letter of determination to both the complainant(s) and the person(s) against whom the complaint was filed, setting forth the results of the investigation and the right of appeal to the NJCSC, as set forth in Paragraphs 13 and 14 below. To the extent possible, the privacy of all parties involved in the process shall be maintained in the final letter of determination. The Division of EEO/AA shall be furnished with a copy of the final letter of determination.
 - a. The letter shall include, at a minimum:
 1. A brief summary of the parties' positions;
 2. A brief summary of the facts developed during the investigation; and
 3. An explanation of the determination, which shall include whether:
 - I. The allegations were either substantiated or not substantiated, and
 - II. A violation of the State Policy did or did not occur.
 - b. The investigation of a complaint shall be completed and a final letter of determination shall be issued no later than 120 days after the initial intake of the complaint referred to in paragraph 8 above is completed.
 - c. The time for completion of the investigation and issuance of the final letter of determination may be extended by the State agency head for up to 60 additional days in cases involving exceptional circumstances. The State agency head shall provide the Division of EEO/AA and all parties with written notice of any extension and shall include in the notice an explanation of the exceptional circumstances supporting the extension.
13. A complainant who is in the career, unclassified, or senior executive service, or who is an applicant for employment, who disagrees with the determination of the (State agency head or designee), may submit a written appeal, within 20 days of the receipt of the final letter of determination from the (State agency head or designee), to the NJCSC, Division of Appeals and Regulatory Affairs ("DARA"), Written Record Appeals Unit, P.O. Box 312, Trenton, NJ 08625-0312. The appeal shall be in writing and include all materials presented by the complainant at the State agency level, the final letter of determination, the reason for the appeal, and the specific relief requested. Please be advised that there is a \$20 fee for appeals. Please include a check or money order along with the appeal, payable to NJCSC. Persons receiving certain public assistance and those qualifying for NJCSC Veterans Preference are exempt from this fee. Alternatively, you may initially file your appeal online at: <https://info.csc.nj.gov/DARA>.
 - a. Employees filing appeals which raise issues for which there is another specific appeal procedure must utilize those procedures. The NJCSC may require any appeal, which raises issues of alleged discrimination and other issues, such as examination appeals, to be processed using the procedures set forth in *N.J.A.C. 4A:7-3.2* or a combination of procedures as the NJCSC deems appropriate. See *N.J.A.C. 4A:2-1.7*.
 - b. If an appeal under this chapter raises issues concerning the employee not receiving an advancement appointment, the NJCSC shall decide those issues in the course of its determination.
 - c. The NJCSC shall decide the appeal on a review of the written record or such other proceeding as it deems appropriate. See *N.J.A.C. 4A:2-1.1(d)*.
 - d. The appellant shall have the burden of proof in all discrimination appeals brought before the NJCSC.
14. In a case where a violation has been substantiated, and no disciplinary action recommended, the party(ies) against whom the complaint was filed may appeal the substantiated determination to the NJCSC at the address indicated in Paragraph 13 above within 20 days of receipt of the final letter of determination by the State agency head or designee.
 - a. The burden of proof shall be on the appellant.
 - b. The appeal shall be in writing and include the final letter of determination, the reason for the appeal, and the specific relief requested.
 - c. If disciplinary action has been recommended in the final letter of determination, any party(ies) charged may appeal using the procedures set forth in *N.J.A.C. 4A:2-2* and 3.
15. Where an appeal of a decision on a discrimination complaint has been filed with the NJCSC, the Director of the Division of EEO/AA shall be placed on notice of the appeal and given the opportunity to submit comments to the NJCSC regardless of whether or not the complaint was initially filed directly with the Director of the Division of EEO/AA.
16. Any employee or applicant for employment can file a complaint directly with external agencies that investigate discrimination/harassment charges in addition to utilizing this internal procedure. The time frames for filing complaints with external agencies indicated below are provided for informational purposes only. An individual should contact the specific agency to obtain exact time frames for filing a complaint. The deadlines run from the date of the last incident of alleged discrimination/harassment, not from the date that the final letter of determination is issued by the State agency head or designee.

Employees may file complaints with the following external agencies:

See *N.J.A.C. 4A:7-3.2*

Division on Civil Rights NJ Department of Law & Public Safety (Within 180 days of the discriminatory act)

Central Regional Office
140 East Front Street, 6th Floor
P.O. Box 090
Trenton NJ 08625-0090
(609) 292-4605

South Shore Regional Office
1801 Atlantic Ave., 6th Floor
Atlantic City, NJ 08401
(609) 441-3100

Northern Regional Office
31 Clinton Street, 3rd floor
P.O. Box 46001
Newark, NJ 07102
(973) 648-2700

Southern Regional Office
5 Executive Campus, Suite 107
Cherry Hill, NJ 08034
(856) 486-4080

United States Equal Employment Opportunity Commission (EEOC) (Within 300 days of the discriminatory act) National Call Center 1(800) 669-4000

Newark Area Office
2 Gateway Center, 17th Floor
Newark, NJ 07102
(973) 545-4884

Philadelphia District Office
801 Market Street, Suite 1300
Philadelphia, PA 19107-3127
(215) 440-2600

* Newark Area Office has jurisdiction over the State of New Jersey Counties of Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union and Warren.

** The Philadelphia District Office has jurisdiction over the State of New Jersey, Counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean and Salem.