

TABLE OF CONTENTS

1. Disclaimer
2. Posting of Notices
3. At-Will Policy
4. Workplace Bias
5. Smoking Policy
6. Personal Appointments
7. Religious Discrimination and Harassment
8. Policy Against Sexual Harassment
9. Anti Discrimination Policy
10. Equal Employment Opportunity Policy
11. Personnel Records
12. Discipline
13. Probation
14. Employment Termination
15. Resignation
16. Sick Leave
17. Safety Policy
18. Management Rights
19. Conduct
20. Appearance
21. Telephone Use
22. Use of Equipment and Vehicles
23. Use of Municipal Property
24. Holidays
25. Bereavement Leave

26. Jury Duty
27. Family Leave Act and the A.D.A.
28. Military Leave
29. Department Rules and Regulations.
30. Attendance
31. Alcoholic Beverages and Drug Free Workplace
32. Workers Compensation
33. Contagious Disease
34. A.D.A.
35. COBRA
36. Affirmative Action Policy
37. Continuing Education and Training Programs
38. Job Description
39. Performance Evaluations
40. Layoff, Demotions, Reemployment Rights and Suspension.
41. Whistleblower Act
42. Annual Update of Employment Manual
43. Acknowledgement Form

DISCLAIMER

THIS EMPLOYEE HANDBOOK IS INTENDED TO INFORM YOU OF THE TOWNSHIP'S EXISTING POLICIES AND PROCEDURES. IT IS NOT A CONTRACT OF EMPLOYMENT, NOR IS IT A GUARANTEE OF ANY PARTICULAR TERM OR EMPLOYMENT. EMPLOYEES OF THE TOWNSHIP ARE "AT-WILL EMPLOYEES" WHICH MEANS THAT YOU SERVE AT THE PLEASURE OF THE TOWNSHIP. THE TOWNSHIP RETAINS THE RIGHT TO TERMINATE YOUR EMPLOYMENT AT ANY TIME AND FOR ANY REASON.

BY ACCEPTING EMPLOYMENT, I ACKNOWLEDGE AND UNDERSTAND THAT I AM AN "AT WILL" EMPLOYEE. I ALSO UNDERSTAND THAT IF I AM SUBJECT TO A COLLECTIVE BARGAINING AGREEMENT OR CIVIL SERVICE REGULATIONS THOSE PROVISIONS WILL APPLY.

SIGNATURE:

PRINT NAME BELOW:

DATED:

POSTING OF NOTICES

All notices regarding job/position openings, changes in policies and/or procedures, and any other information the Township of Nutley deems of importance to the Township of Nutley employees will be posted at the Town Hall.

All Township of Nutley employees are required to check for notices and are deemed to have read them.

All employment notices and posters required by law including the U.S. Department of Labor, the Equal Employment Opportunity Commission and the New Jersey Department of Labor shall be posted in an open and accessible location.

Any questions regarding any posted notices should be addressed to the employees department head.

AT-WILL EMPLOYMENT POLICY

All employees are considered to be employees at will unless an employee has an employment contract with the Township of Nutley. The Township retains the right to terminate any at will employee. This provision will not conflict with any rights of any employee subject to a Collective Bargaining Agreement or the New Jersey Division of Personnel Rules and Regulations.

REPORTING WORKPLACE BIAS

Any employee who has been subjected to or is aware of conduct which violates this policy should report such conduct to their supervisor or a designated personnel officer. Depending on the conduct which is involved, the appropriate person will begin an investigation of the charges. Once the investigation is complete the reporting employee will be notified in writing of the investigations results and of what, if any, disciplinary action is taken against the accused.

No one is permitted to take any retaliatory action against an employee who reports discriminatory or harassing conduct to the Personnel Officer. If it is determined after a complete investigation that the reporting employee levied intentionally false charges against the accused the reporting employee will be notified of this determination in writing and will be subject to discipline up to and including termination.

SMOKING POLICY

Smoking is not permitted in any municipal office or anywhere in municipal building in accordance with State Law, (N.J.A.C. 5:23-11.1 et seq.)

PERSONAL APPOINTMENTS

Medical and dental, legal or other such appointments should be made so as not to interfere with an employee's work day. Emergency appointments made during the work day should be reported to the Department Head as soon as possible.

Unauthorized and unreported absences may result in an employee not being paid for the time away from work, or other disciplinary action.

RELIGIOUS DISCRIMINATION AND HARASSMENT

It is against Township policy to discriminate against or to harass an employee on the basis of his/her religious beliefs or the lack of religious beliefs.

No distinction based on religion shall apply in employment opportunities, wages, hours or work, or other conditions of employment. Reasonable efforts will be made to accommodate the religious observances and practices of an employee unless it is unreasonable to accommodate such observances and practices and accommodation would result in an undue hardship to the conduct of business. The Township will consider such factors as:

- business necessity
- financial costs and expenses, and
- resulting personnel problems

in order to reach a reasonable accommodation.

POLICY AGAINST SEXUAL HARASSMENT

INTRODUCTION

All employees have the right to work in an environment free from discrimination including freedom from sexual harassment. It is the policy of the Township of Nutley that harassment on the basis of sex is unacceptable conduct in the work place and will not be tolerated. The intent of this policy is to create an environment free from sexual harassment within the work place.

All Township employees will be governed by policies and procedures of the Township of Nutley regardless of their employment status.

II. DEFINITION

A. Sexual Harassment directed to any employee, male or female, is a violation of State and Federal law. Under law and under this policy, sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors and offensive verbal or physical conduct of a sexual nature when:

1. Submission is made either explicitly or implicitly a condition of employment; or
2. Submission or rejection is used as a basis for employment decisions; or
3. Such conduct, of a pervasive or severe nature, which has the purpose or effect of interfering with an individual's work performance by

creating an intimidating, hostile, or offensive working environment.

B. The intention of a person conducting such harassing behavior is not relevant.

C. Examples of conduct which may constitute sexual harassment include but are not limited to:

- unwelcome sexual propositions;
- sexually graphic statements about an individual's body
- remarks with a sexually demeaning implication;
- unwelcome touching, patting, or other physical contact of a sexual nature.
- unwelcome sexually explicit humor;
- suggesting or demanding sexual involvement which may include implied or explicit threats concerning one's job status or employment condition.

D. The open display of sexually suggestive objects or pictures in the work place is inappropriate to the function of the Township of Nutley.

III. PROCEDURES

A. Informal Complaints/Observations

Township employees in managerial or supervisory capacities who become aware of sexual harassment in the work place, whether by an

informal complaint or by personal observations of activities, are responsible for addressing the inappropriate behavior by utilizing procedures outlined in the Supervisors Policy and Procedure Manual and by notifying a designated "Personnel Officer" who shall begin a formal investigation.

B. Formal Complaint

Employees who believe that they have been subjected to sexual harassment by any co-employee, supervisor, elected official or visitor shall report the incidents in writing to their Department Supervisor. In the event the Township is directly involved, the matter shall be reported to the designated personnel officer. If the personnel officer is directly involved, the matter shall be reported to the Mayor of the Township of Nutley.

The complaint will then be promptly investigated by the appropriate party. The investigation shall include the taking of statements from the complainant and taking statements from any witnesses and co-workers, as well as the alleged harasser. The objective of the investigation is to obtain the basis for the complaint while giving fair notice to the accused of the facts upon which the complaint is based. During the investigation, all complaints, statements of the complainant's alleged harasser, as well as statements of any witnesses or individuals providing statements or materials corroborating or defending the matter, shall be processed with utmost concern for confidentiality. All investigations shall be handled expeditiously and the written reports shall be forwarded to the Township within 30 working days

following the receipt of the complaint. The reporting employee will be notified in writing of the investigator's results and what, if any, plan has been formulated.

If it is determined after a complete investigation that the reporting employee levied intentionally false charges against the accused the reporting employee will be notified in writing of the determination and will be subject to discipline up to and including termination.

IV. Discipline

Any employee who violates this policy will be subject to appropriate discipline. This may include a warning, suspension or dismissal, depending upon the circumstances, as well as the frequency and severity of the activity, consistent with the Township's disciplinary policies.

ANTI-DISCRIMINATION POLICY

The Township of Nutley has had a long standing commitment to equal opportunity in the workplace. An important aspect of that commitment is the provision of a working environment free from discrimination harassment or hostility based upon an employee's race, religion, color, national origin, nationality, ancestry, age, marital status, sex, sexual orientation or physical or mental disability.

EQUAL EMPLOYMENT OPPORTUNITY

The Township of Nutley fully supports the law on nondiscrimination in employment and will put forth a maximum effort to fully utilize and develop the potential of all citizens without regard to race, color, creed, national origin, physical disability that does not interfere with the ability to do work required, ancestry, age, marital status, sex, political affiliation, association membership or association activities, or non-association membership or for liability for service in the armed forces. Age shall be a valid factor for employment only where it is required for the position by law, or whether it is lawfully an occupational requirement. Each prospective employee must receive a pre-employment physical and pass said physical in order to be employed.

PERSONNEL RECORDS

Adequate personnel records shall be maintained for each employee of the Township. These records shall include: dates of appointments and promotions; job titles; salaries; commendations; performance evaluations; disciplinary actions; amounts of leave accrued and used; and a records of the employee's training and other related matters. These records are considered to be of a confidential nature and are available only to the employee or to supervising personnel on a need-to-known basis. Employees are entitled to review the contents of their personnel folder but not that of other employees.

Employees wishing to see their personnel folders will call the personnel officer for an appointment. Any such review of personnel folders by the employee will be done in the presence of the personnel officer. Employees will not be permitted to take personnel folders outside of the personnel officers office or to remove documents from this folder.

DISCIPLINE

It is the responsibility of the immediate supervisor to enforce and maintain proper discipline. To insure that employees are informed when infractions or shortcomings are noted, a progressive disciplinary procedure will ordinarily be utilized. In certain severe instances, it may be necessary to bypass one or more of the preliminary steps in order to impose suspension or dismissal of an employee as specified by the New Jersey Department of Personnel.

The following disciplinary procedures will apply except in such cases where other actions are warranted.

Step 1 - Personal Interview - The immediate supervisor will have a personal interview with the employee. The supervisor will call to the employee's attention specific acts of unsatisfactory conduct or performance of duty and prepare a report of inclusion in the employee's personnel file.

Step 2 - Written Reprimand - If an employee fails to improve following a personal interview, a written reprimand will be prepared by the immediate supervisor outlining in detail the unsatisfactory conduct or performance of duty. If the supervisor feels it appropriate, he/she may also outline possible recommendations for correcting the unsatisfactory conduct or performance of duty. The original copy of the reprimand will be furnished to the employee and the copy signed by him or her.

Acknowledged receipt of the reprimand will be sent to the Personnel Officer for inclusion in the employee's personnel file.

Step 3 - Suspension Without Pay - In the event that the employee fails to improve after both a personal interview and written reprimand, the immediate supervisor will bring the details to the attention of the Personnel Officer. If it appears that a suspension is necessary and upon approval of the Department Head, the Director will issue a suspension letter to the employee. The letter will specify the reason for suspension and the length of time the employee will be suspended.

Step 4 - Demotion the lowering of an employee in rank

Step 5 - Dismissal In the event that unsatisfactory conduct or performance persists, dismissal may be warranted. Under those circumstances, a dismissal notice will be issued in accordance with the rules and regulations of the New Jersey Department of Personnel. If disciplinary action is taken, the procedures of the New Jersey Department of Personnel and any collective bargaining agreement in effect shall be followed.

Grounds for Disciplinary Action - Many types of conduct may be grounded for disciplinary action, including dismissal. These include, but are not limited to the following:

1. Neglect of duty.
2. Incompetency or inefficiency.
3. Incapacity due to mental or physical disability.

4. Insubordination or serious breach of discipline.
5. Intoxication while on duty.
6. Chronic or excessive absenteeism.
7. Disorderly conduct.
8. Violation of any of the provisions of the statutes rules, or regulations relating to the employment of public employees.
9. The conviction of any criminal act or offense.
10. Negligence of, or willful damage to public property, or waste of public supplies.
11. Theft or inappropriate removal or possession of property.
12. Conduct unbecoming an employee in the public service.
13. Falsification of attendance records..
14. The use or attempt to use one's authority or official influence to control or modify the political action of any person in the service or engaging in any form of political activity during working hours.
15. Fighting or threatening violence in the work place.
16. Possession, distribution, sale, transfer or use of alcohol or illegal drugs in the

workplace, while on duty, or while operating employer-owned vehicles or equipment.

17. Violation of safety or health rules.
18. Smoking in prohibited areas.
19. Unauthorized absence from work station during workday.
20. Unauthorized disclosure of business "secrets" or confidential information.

PROBATION

Probation is a period of fixed duration during which an employee learns the duties and responsibilities of the position. During this period, supervisors evaluate the employee's work performance and conduct to determine whether the employee merits permanent status.

If the employee's performance is unsatisfactory during this probation period, the Supervisor, may dismiss the employee or in the case of promotion, revert the employee back to the former position.

In all cases, an employee appointed to a permanent position will be subject to a probationary period of two (2) months

An employee Probationary Report will be completed by the respective department head.

EMPLOYMENT TERMINATION - NON-DISCIPLINARY

Termination of employment is an inevitable part of personnel activity within any Township, and many of the reasons for termination are routine. Below are examples of some of the most common non-disciplinary circumstances under which employment is terminated:

RESIGNATION - employment termination initiated by an employee who chooses to leave the Township voluntarily.

DISCHARGE - employment termination initiated by the Township as a result of elimination of job or reduction in force.

LAYOFF - involuntary employment termination initiated by the Township for nondisciplinary reasons which it is hoped will be temporary.

MEDICAL TERMINATION - voluntary retirement from active employment status initiated by the employee.

All termination will be accomplished in accord with the regulations of the New Jersey Department of Personnel.

Supervisors will generally schedule exit interviews at the time of employment termination. The exit interview will afford an opportunity to discuss such issues as employee benefits, conversion privileges, repayment of outstanding debts to Township, or return of Township owned property. Suggestions, complaints, and questions can also be voiced.

Employees will receive their final pay in accordance with applicable state law.

Employee benefits will be affected by employment termination in the following manner. All accrued, vested benefits that are due and payable at termination will be paid. Some benefits may be continued at the employee's expense if the employee so chooses. The employee will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuance.

RESIGNATIONS

Employees of the Township may resign in good standing by giving the Township via the department head at least fourteen (14) days written notice, unless the department head and Township consent to a short notice. If an employee resigns without giving the required notice, the employee shall be held as having resigned not in good standing, and will not be considered for reemployment. Any employee who is absent from duty without proper notification will be considered as having resigned, not in good standing.

Accrued vacation and compensatory time will be paid at time of termination for employees in good standing. Vacation leave requested during the two week notice period will be at the discretion of the Township upon recommendation of the department head.

No employee is entitled to retro-active pay increases if the employee has left the employ of the Township of Nutley due to resignation.

SICK LEAVE ACCRUAL

Sick Leave benefits are as stated in Township ordinance § 45-3
et seq. entitled "Sick Leave".

SAFETY

To provide a safe and healthy work environment for employees, customers, and visitors, the Township of Nutley has a workplace safety program. This program is a top priority for the Township.

The Township provides information to employees about workplace safety and health issues through regular internal communication channels such as supervisor-employee meetings, bulletin board posting, memos, or other written communications.

Employee safety and health is a major concern of the Township. It is essential that duties be performed in a safe manner for the protection and welfare of all employees and the public.

Safety equipment issued to employees must be worn and/or utilized on the job. Failure to do so will result in disciplinary action for any employee and his/her supervisor. Specific safety rules for Township employees will be developed by the Department Heads.

Employees and supervisors receive periodic workplace safety training. The training covers potential safety and health hazards and safe work practices and procedures to eliminate or minimize hazards.

Some of the best safety improvements ideas come from employees. Those with ideas, concerns, or suggestions for improved safety in the workplace are encouraged to raise them with their supervisor, or with another supervisor or manager, or bring them to the attention of the Commissioners. Reports and concerns about

workplace safety issues may be made anonymously if the employee wishes. All reports can be made without fear of reprisal.

Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to the appropriate supervisor. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination of employment.

In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees should immediately notify the appropriate supervisor. Such reports are necessary to comply with laws and initiate insurance and workers' compensation benefits procedures.

MANAGEMENT RIGHTS

The Township of Nutley 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 constitution of the State of New Jersey and of the United States including, but not limited to, the following rights:

- a. To manage and control the affairs of the Township and its properties and facilities, the operation of its department, and the activities of its employees;
- b. To hire all employees and, subject to the provisions of Department of Personnel regulations, to determine
 1. Their qualifications,
 2. Standards of performance they must meet,
 3. Conditions of their continued employment or assignment, their promotion or transfer.
- c. To lay off, suspend, demote, discharge or take other disciplinary action for good and just cause according to law;
- d. To promulgate rules, regulations, policies and procedures to effect the orderly and efficient administration of the Township of Nutley.

CONDUCT

It is the duty of all employees of the Township to deal with the public in a pleasant and courteous business-like manner. Employees are to treat co-workers of the Township of Nutley with courtesy and respect within their daily contact.

If employees are found to be conducting themselves in a manner contrary to the provisions stated above, they may be subject to disciplinary action.

APPEARANCE

Dress, grooming, and personal cleanliness standards contribute to the moral of all employees and affect the business image the Township presents to customers and visitors.

Township employees are required to present themselves in a neat, orderly, business-like manner and to dress appropriately for the work they perform. Where uniforms are required, they must be worn. The wearing of a shabby or worn uniform reflects adversely on the Township and will be regarded as improper conduct.

This policy incorporates, by reference, all references to uniform and dress contained in all Collective Bargaining Agreements in force between the Township and its employees. Failure to abide by the terms of such agreements shall be deemed improper conduct.

Employees are prohibited from wearing Township uniforms after official working hours except from coming to and returning home from work.

USE OF TELEPHONES

Telephones are only to be used for the daily business of the Township. Personal calls should be avoided except for essential calls. Collect calls are not permitted and will not be accepted.

USE OF EQUIPMENT AND VEHICLES

Equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

All Township vehicles are to be used for official business only. Vehicles may not be used for any personal use.

Personal use of a Township vehicle shall be cause for disciplinary action and/or removal from employment.

Only authorized personnel may be transported in Township vehicles.

Please notify the supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. The supervisor can answer any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job.

The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, can result in disciplinary action, up to and including termination of employment.

Vehicle Accident Report: All accidents involving Township owned vehicles must be reported to the department head. Written reports shall be prepared and filed.

USE OF MUNICIPAL PROPERTY

Employees are responsible for taking care of any equipment assigned to them. Supplies are to be properly utilized. Employees of the Township of Nutley shall not remove, or in any way assist in the removal of supplies, materials, goods or equipment belonging to the Township offices, unless such removal has been authorized by the department head. Employees are not to use equipment, supplies, postage, or other materials of the Township of Nutley for personal use. Unauthorized use or removal of municipal equipment and supplies may be caused for disciplinary action and/or removal from employment.

HOLIDAYS

Employees of the Township of Nutley are entitled to the following paid holidays or as may be adopted by Resolution.

New Year's Day
Martin Luther King, Jr., Day
Lincoln's Birthday
Washington's Birthday
Good Friday
Memorial Day
4th of July
Labor Day
Columbus Day
General Election Day
Veteran's Day
Thanksgiving Day
Day after Thanksgiving
Christmas Eve 1/2 day
Christmas Day
New Years Eve 1/2 day

The observance of religious holidays other than those listed above may be granted and charged as a personal day or a vacation day. Other days may be substituted for the days named herein if the job required an employee to work on the days named.

PROCEDURE

1. If a holiday falls on a Sunday, it shall be observed on the following Monday. If a holiday falls on a Saturday it shall be observed on the preceding Friday.

2. If an official holiday occurs on a normal work day of a permanent part-time employee, the employee is entitled to part-time holiday pay.

3. If an official holiday occurs while an employee is on sick or vacation leave, the employee shall not have that holiday charged against sick or vacation time.

4. When necessary to maintain municipal services and an employee is required to work on an official holiday, the employee will be compensated at the rate of one and one half times the salary rate.

5. In order to qualify for the holiday pay, employees must work their scheduled workday immediately preceding and immediately following the holiday unless on excused absence.

6. The holiday must fall on an employee's scheduled workday in order to be eligible for holiday pay.

BEREAVEMENT LEAVE

The Bereavement policy is as stated in Ordinance §45-7 et seq.

PROCEDURE

Employees should notify the department head as soon as possible. Reasonable proof of death will be accepted.

JURY DUTY

In the event that an employee is called to jury duty, time off without loss of pay will be granted as the court requires. Absence from work will not be counted against regular vacation periods or sick leave accumulation. The employee will be paid only for the time required to serve on jury duty, and if there are times the employee is not scheduled for jury duty, then in that case, must report to work.

If the employee is released from jury duty on or before 12:00 noon on any morning, he/she is to return to work immediately after the lunch period. The employee is required to turn over the jury duty check to the Township of Nutley.

FAMILY LEAVE ACT

The Township acknowledges the rights of its employees under the Americans with Disabilities Act (ADA) and the Family Leave Act and endeavors to follow same.

Permanent employees who have no earned or accumulated vacation leave, sick leave, or compensatory time, may be granted a leave of absence not to exceed six months upon approval by the Township, and the Department of Civil Service. If extended leave is required, an additional six months may be considered at the request of the employee for approval by the Township and the Department of Civil Service. No further maternity leave or family leave beyond one year shall be allowed. Employees may return to work prior to the expiration of their approved leave of absence, with the approval of the Township upon presentation of a doctor's certification of their ability to return.

With the Supervisor's approval, employees may take any available sick leave or vacation leave as part of the approved period of leave.

PROCEDURE

As soon as eligible employees become aware of a need for a medical leave of absence, they should request a leave from their supervisor. A physician's statement must be provided verifying the medical disability and its beginning and expected ending dates. Any changes in this information should be promptly reported to the

employer. Employees returning from medical leave must provide a physician's verification of their fitness to return to work.

MILITARY LEAVE (With or Without Pay)

Military Leave will be as outlined in N.J.A.C. Rule 4:1-17.3
and Ordinance §45-2 et seq.

DEPARTMENT RULES AND REGULATIONS

Subject to the approval of the Township, a department head may, from time, establish, amend and supplement written rules and regulations affecting the personnel and internal operations of his/her department. Such department rules and regulations shall be consistent with New Jersey State Statutes, the Policy and Procedure Manuals and any other Township ordinance.

PROCEDURE

The rules and regulations shall be in writing, signed by the Head of the Department and approval by the Township.

They shall be binding on all persons subject to the jurisdiction of the department.

A written copy of such rules and regulations shall be distributed to personnel of the department affected and shall be posted in the quarters of the department.

ATTENDANCE

Unsatisfactory attendance includes abuse of sick leave, absence that precede/follow regularly scheduled days off or holidays, and continued tardiness. All unauthorized and unreported absences shall be considered absence without leave, and deduction of pay shall be made for such period of absences. Absence without leave for five or more days or part thereof shall be grounds for immediate dismissal from the Township of Nutley.

PROCEDURE

1. Employees have the responsibility to notify their supervisor prior to the beginning of their assigned starting time if they are going to be absent or tardy.

2. Department heads should warn employees about excessive absences and lateness and explain disciplinary actions which will result if the employee's attendance record does not improve.

3. The first warning for tardiness or excessive absence should be oral with a written memorandum, noting date and particulars, signed by the department head. Said memorandum shall be forwarded to the Personnel Officer and placed in the employee's file.

4. Subsequent warnings must be in writing and signed by said employee. Should the employee object to signing the written warning, the department head must so note on the memorandum. Said

memorandum will then be forwarded to the Personnel Officer and placed in the employee's file.

ALCOHOLIC BEVERAGES

Possession and/or consumption of alcoholic beverages while on the job is prohibited and engaging in such activity will subject an employee to disciplinary action.

Employees who report to work intoxicated will be removed from the job site by their supervisor so as not to disrupt the work activity or pose a danger to other employees on the job site.

Employees so removed will not be paid for the remaining portion of the work day and will be subject to additional disciplinary action up to and including discharge.

PROCEDURE

It will be the responsibility of all supervisors, division and department heads to insure compliance with the Alcoholic Beverage Policy.

DRUG FREE WORKPLACE

Pursuant to the Drug-Free Workplace Act of 1988, the Township of Nutley does hereby adopt the following:

DEFINITIONS

1. The following definitions shall apply in this policy:

a. "CONVICTION" means a finding of guilt, whether as a result of a plea of guilt or a trial by an judicial body charged with the responsibility to determine violations of Federal or State criminal codes.

b. "DRUG" means a controlled substance as set forth in Schedules I through V, Section 202 of the Controlled Substance Act (21 U.S.C. 812) and Schedules I through V of the New Jersey Controlled Dangerous Substances Act (N.J.S.A. 24:21-1 et seq.), but does not include tobacco, tobacco products or distilled spirits, wine, or malt beverages, as defined in N.J.S.A. 33:1-1 et seq.

c. "EMPLOYEE" means all employees who are employed in any capacity by the Township, whether full or part-time, and whether in the career or unclassified services.

d. "WORKPLACE" means the physical area where the operations of a department or agency of the Township is carried on, whether said premises are owned, leased or used by the Township, and includes, but is not limited to buildings, grounds and parking facilities where any employee performs or is authorized to perform

work activity. Workplace includes any vehicle used to travel between such sites.

2. This policy shall apply to all Township workplaces.

3. The unlawful manufacture, distribution, dispensation, possession, and/or use of a drug in the workplace is prohibited.

WORKER'S COMPENSATION INSURANCE

The Township of Nutley provides a comprehensive workers' compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, workers' compensation insurance provides benefits after a short waiting period or, if the employee is hospitalized, immediately.

Employees who sustain work-related injuries or illness should inform their supervisor immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible.

The Township will not be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by the Township.

CONTAGIOUS DISEASE

It is the policy of the Township of Nutley not to discriminate on the basis of disability, and to maintain compliance with the American with Disabilities Act. However, compliance with the ADA must be balanced with the health, benefits and welfare of co-employees and the citizens of the Township of Nutley. If an employee has learned that he/she had been afflicted with a contagious or life threatening illness, including but not limited to HIV/AIDS, the employee should take all steps to protect further spread of any disease or illness. When appropriate the supervisor of said employee should be notified of any illnesses that may affect the health, safety and welfare of any co-employee or member of the general public.

AMERICAN WITH DISABILITIES ACT-ADA

The Title II regulations require public entities to inform the public of their rights and protections afforded by the ADA.

The Township does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its programs or activities.

Information concerning the American with Disabilities Act (ADA), and the rights provided thereunder, are available from the ADA coordinator.

However, every employee of the Township of Nutley must be able to perform the essential functions of their job with or without reasonable accommodations.

Reasonable accommodation will be made for any Township of Nutley employee with a disability so long as the accommodation does not pose an undue hardship on the Township of Nutley.

Information concerning the American with Disabilities Act (ADA), and the rights provided thereunder, are available from the Township of Nutley.

BENEFITS CONTINUATION (COBRA)

The Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) give employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the Township of Nutley's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependant child no longer meeting eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage at the Township group rates plus an administration fee.

The Township provides each eligible employee with a written notice describing rights granted under COBRA when the employee become eligible for coverage under the Township health insurance plan. The notice contains important information about the employee's rights and obligations.

AFFIRMATIVE ACTION POLICY

The Township of Nutley recognizes the need, in some instances, for affirmative action programs and reserves the right to implement such programs which may be required by State or Federal Laws.

CONTINUING EDUCATION AND TRAINING PROGRAMS

Improved technologies and changed circumstances warrant, and often specifically require, specialized training for certain employees. The Township of Nutley recognizes this fact and will, to the extent possible, allocate resources to provide specialized training and continuing education to employees. Recognizing the importance at such training. Employees will be required to attend training and continuing education programs to which they are assigned.

JOB DESCRIPTION

Each job or position with the Township of Nutley has job description. This job description includes the name or title of the job or position, union affiliation (if any), hours of work, the division/department and title of person to whom appointee reports, starting salary level, a description summary of the job, essential job functions, qualification requirements, physical demands, and work environment. A description of a job/positions are available from the Township clerk.

PERFORMANCE EVALUATION

Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. Formal performance evaluations are conducted at the end of an employee's initial period in any new position. This period, known as the probationary period, allows the supervisor and the employee to discuss the job responsibilities, standards, and performance requirements of the new position. Additional formal performance reviews are conducted to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals.

The performance of all employees is generally evaluated on a continuing basis.

The Township and all of its employees recognize that the citizens of Township expect and are entitled to receive service of the highest quality. The Township and its employees will cooperate with each other to provide such services. Every Township employee, including supervisory employees, will maintain the present level of productivity thus enabling the Township to continue to improve services to the citizens of the community.

LAYOFF, DEMOTIONS, REEMPLOYMENT RIGHTS AND SUSPENSION

The Township of Nutley will adhere to the provisions of Title IV of the New Jersey Administrative Code, Department of Civil Service, Section 4:1-16.1, through 4:1-16.14, in all cases of layoffs, demotions, reemployment rights voluntary demotions, suspensions, fines, and demotions for disciplinary purposes.

WHISTLEBLOWER ACT

The Township of Nutley complies with the provisions of the New Jersey Conscientious Employee Protection Act.

The New Jersey Conscientious Employee Act ("Whistleblower Act" of CEPA) is designed to protect employee "whistleblowers" by making it unlawful for employers to take adverse employment action against employees who disclose, object to, or refuse to participate in certain actions that the employee reasonably believes are either illegal or in violation of public policy. More specifically, this law provides that an employer shall not take any retaliatory action (discharge, suspension, demotion, etc.) against an employee because the employee does any of the following:

- a. Disclose or threatens to disclose to a supervisor or to any public body an activity, policy or practice of the employer that the employee reasonably believes to be in violation of the law.
- b. Provides information to, or testifies before, any public body conducting an investigation or hearing into any violation of the law; and
- c. Objects to, or refuse to participate in any activity, policy, or practice which the employee reasonably believes is in violation of the law or State regulation; is fraudulent or criminal; or is incompatible with a clear

mandate of public concerning the public
health, safety or welfare.

ANNUAL UPDATE OF EMPLOYMENT MANUAL

The provisions of this Employment Manual may be modified and/or changed on an annual basis at the direction of the Township of Nutley. The Township shall designate an annual date in which modifications and/or changes to the Employment Manual will be implemented. Any and all modifications and/or changes to the Employment Manual shall be communicated through official notice and shall be implemented in conformity with the requirements of the MEL.

EMPLOYEE ACKNOWLEDGEMENT FORM

The employee handbook describes important information about the Township of Nutley and I understand that I should consult with a supervisor regarding any questions not answered in the handbook.

Since the information, policies and benefits described here are necessarily subject to change, I acknowledge that revisions to the handbook may occur. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. Only the Township has the ability to adopt any revisions to the policies in this handbook.

Furthermore, I acknowledge that this handbook is neither a contract of employment nor a legal document. I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it.

I also understand that I am an at-will employee and can be fired for any reason or no reason at all, subject to any collective bargaining agreement or contract that applies to me.

I, further acknowledge that I have received and signed the disclaimer contained on the first page of the manual.

Employee's signature

Date:

Employee's name. (Typed or Printed)