

# **TOWNSHIP OF NUTLEY**

## **EMPLOYEE HANDBOOK**

Updated 2018

## **INTRODUCTION**

The Township of Nutley plays an important part in the lives of the citizens it serves. The public expects that its business will be conducted to the highest standards. Public service is an honorable and rewarding career that offers many benefits not often found in the private sector.

As a Township of Nutley employee, you have certain rights and obligations. Federal and State law as well as Township of Nutley policies cover such important areas as discrimination, safety, violence, harassment and conflicts of interest. Many common attitudes of the past have changed. For example, the old adage “to the victors belong the spoils” in governmental hiring is now against the law and the old fashion patrol room, garage or office “give and take” can no longer be condoned. Behaviors that were tolerated ten or twenty years ago are no longer acceptable.

Employees have a right to a safe workplace free of discrimination, violence, harassment, political interference and conflict of interests and have an obligation to conduct themselves consistent with these policies. The Township of Nutley has a “no tolerance” policy towards workplace wrongdoing.

This Employee Handbook adopted by the Board of Commissioners discusses these issues and many other Township of Nutley personnel policies. You are urged to read this handbook and become acquainted with its contents. By its very nature, a handbook cannot be comprehensive or address all possible situations. For this reason, if you have any questions concerning any Township of Nutley personnel policy, contact your supervisor, or if you prefer, your Department Head, Commissioner or the Township Clerk.

Neither this handbook nor any other Township of Nutley document, confers any contractual right, either express or implied, to remain in the Township of Nutley’s employ, unless covered by State law, Civil Service or a Collective Bargaining Agreement. Nor does it guarantee any fixed terms and conditions of your employment. The provisions of this Employee Handbook may be amended and supplemented from time to time without notice and at the sole discretion of the Board of Commissioners.

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

**THE CONTENTS OF THIS HANDBOOK ARE GUIDELINES ONLY AND SUPERCEDE ANY PRIOR MANUAL AND/OR HANDBOOK. NEITHER THIS MANUAL NOR ANY OTHER GUIDELINES, POLICIES OR PRACTICES CREATE AN EMPLOYMENT CONTRACT. TOWNSHIP OF NUTLEY HAS THE RIGHT, WITH OR WITHOUT NOTICE, IN AN INDIVIDUAL CASE OR GENERALLY, TO CHANGE ANY OF ITS GUIDELINES, POLICIES, PRACTICES, WORKING CONDITIONS OR BENEFITS AT ANY TIME.**

**NO ONE IS AUTHORIZED TO PROVIDE ANY EMPLOYEE WITH AN EMPLOYMENT CONTRACT OR SPECIAL ARRANGEMENT CONCERNING TERMS OR CONDITIONS OF EMPLOYMENT UNLESS THE CONTRACT OR ARRANGEMENT IS IN WRITING AND IS SIGNED BY A COMMISSIONER. EMPLOYMENT WITH TOWNSHIP OF NUTLEY IS AT-WILL AND YOU MAY BE TERMINATED AT ANY TIME WITH OR WITHOUT CAUSE OR NOTICE BY THE TOWNSHIP OF NUTLEY, UNLESS COVERED BY STATE LAW, CIVIL SERVICE OR A COLLECTIVE BARGAINING AGREEMENT.**

**THIS NOTICE APPLIES TO ALL EMPLOYEES REGARDLESS OF DATE OF HIRE.**

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## **GENERAL PERSONNEL POLICY:**

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

All employees, officers and Department Heads shall be appointed and promoted by the Board of Commissioners. No person shall be employed or promoted unless there exists a position created by an ordinance adopted by the Board of Commissioners as well as the necessary budget appropriation and salary ordinance.

The Commissioner and all managerial/supervisory personnel are authorized and responsible for personnel policies and procedures. The Board of Commissioners shall appoint an employee to assist the Commissioners in implementing personnel practices. The Commissioner and appointed employee shall also have access to the Employment Attorney and Township Attorney appointed by the Board of Commissioners for guidance and/or to take action in personnel matters.

As a general principle, the Township of Nutley has a "no tolerance" policy towards workplace wrongdoing. Township of Nutley officials, employees and independent contractors are to report anything perceived to be improper. The Township of Nutley believes strongly in an Open-Door Policy and encourages employees to talk with their supervisor, Department Head, Commissioner, the Township Clerk or the Employment and Township Attorney with regard to any matter of concern. These interactions will be considered confidential. Any dissemination of confidential information or gossip is strictly prohibited.

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

To the maximum extent permitted by law, the employment practices of the Township of Nutley shall operate under the legal doctrine known, as "employment at will." Within Federal and State law, (including the New Jersey Civil Service Act) and any applicable bargaining unit agreement, the Township of Nutley shall have the right to terminate an employee at any time and for any reason, with or without notice, except the Township of Nutley shall comply with all Federal and State legal requirements requiring notice and an opportunity to be heard in the event of discipline or dismissal.

## **SECTION ONE: Policies Relating to Employee Rights and Obligations**

### **Anti-Discrimination Policy:**

The Township of Nutley is committed to the principle of equal employment opportunity and anti-discrimination pursuant to Title VII of the 1964 Civil Rights Act as amended by the Equal Opportunity Act of 1972 and the New Jersey Law Against Discrimination as amended by the New Jersey Pregnant Worker's Fairness Act (LAD). Under no circumstances will the Township of Nutley discriminate on the basis of sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, civil union status, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), pregnancy (including pregnancy related medical condition), childbirth, breastfeeding, liability for service in the United States armed forces, gender identity or expression and/or any other characteristic protected by law. Decisions regarding the hiring, promotion, transfer, demotion or termination are based solely on the qualifications and performance of the employee or prospective employee. If any employee or prospective employee feels they have been treated unfairly, they have the right to address their concern with their supervisor, or if they prefer their Department Head, Commissioner, the Township Clerk or the Township Attorney and Employment Attorney. All inquiries shall be considered confidential.

### **Americans with Disabilities Act Policy/ New Jersey Pregnant Worker's Fairness Act:**

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

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

The Commissioner shall engage in an interactive dialogue with disabled employees and prospective disabled/pregnant employees to identify reasonable accommodations for their respective position. In the case of an employee breastfeeding her infant child, the accommodation shall include reasonable break time each day to the employee and a suitable

room or other location with privacy, other than a toilet stall, in close proximity to work area for the employee to express breast milk for the child.

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

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

### **Contagious or Life-Threatening Illnesses Policy:**

The Township of Nutley encourages employees with contagious diseases or life-threatening illnesses to continue their normal pursuits, including work, to the extent allowed by their condition. The Township of Nutley shall make reasonable accommodations to known physical and mental limitations of all employees, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided that the accommodation does not impose an unreasonable hardship on the Township of Nutley.

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

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

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



### **Safety Policy:**

The Township of Nutley will provide a safe and healthy work environment and shall comply with the Public Employees Occupational Safety and Health Act (PEOSHA). The Township of Nutley is equally concerned about the safety of the public. Consistent with this policy, employees will receive periodic safety training and will be provided with appropriate safety equipment. Employees are responsible for observing safety rules and using available safety devices including personal protective equipment. Failure to do so constitutes grounds for disciplinary action. Any occupational or public unsafe condition, practice, procedure or act must be immediately reported to the supervisor or Department Head. Any on-the-job accident or accident involving Township of Nutley facilities, equipment or motor vehicles must also be immediately reported to the supervisor or Department Head.

The Township of Nutley, or each department may appoint a Safety Committee to meet on a regular basis to discuss and recommend solutions to safety problems. Employees are encouraged to discuss safety concerns with their Safety Committee Representative.

### **Transitional Duty Policy:**

The Township of Nutley will endeavor to bring employees with temporary disabilities back on the job as soon as possible and may assign transitional duty to employees who temporarily cannot perform the essential functions of their positions because of injury or illness. Transitional duty is not guaranteed and will not exceed 30 work days. If a department already has one employee on transitional duty, it is unlikely that another employee from that department will be assigned transitional duty.

An employee requesting transitional duty or the Workers Compensation Physician shall notify the Commissioner as soon as the temporarily disabled employee is able to return to work with restrictions. Transitional duty will only be assigned if the employee will probably be able to perform the essential functions of the position after the transitional duty period. The Commissioner will consult with the Department Head to determine if there is any meaningful work that can be performed consistent with the restrictions. Transitional duty assignments may be in any department and not just the employee's normal department. The Commissioner will decide if it is in the best interest of the Township of Nutley to approve a transitional duty request and will notify the employee of the decision. The Township of Nutley reserves the right to terminate the transitional duty assignment at any time without cause.

Employees may not refuse transitional duty assignments that are recommended by the Workers Compensation Physician. In such cases, failure to report to work as directed shall constitute immediate grounds for dismissal. If the employee believes that the transitional duty assignment is beyond the employee's abilities, the employee may request a meeting with the Commissioner who will render a written response within 24 hours.

Employees on transitional duty will receive their regular salaries and are **prohibited** from engaging in any outside employment of any kind unless they receive prior written approval from the Commissioner. If transitional duty is approved, the employee or Workers

Compensation Physician must keep the Commissioner informed of the medical progress. Employees assigned to transitional duty will be allotted time off to attend medical or physical therapy appointments but must request leave time for any other reason. However, employees out on disability will be required to attend medical or physical therapy appointments during normal work hours. If at the end of transitional duty period the employee is not able to return to work without restrictions, the Township of Nutley reserves the right at its sole discretion to extend the transitional duty or place the employee back on Workers Compensation or disability. This policy does not affect an employee's rights under the Americans with Disabilities Act, the Family and Medical Leave Act, the Fair Labor Standards Act, the Contagious or Life-Threatening Illnesses Policy or other Federal or State law.

### **Drugs and Alcohol Policy:**

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

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

The manufacturing, distribution, dispensation, possession, and use of alcohol or unlawful drugs on Township of Nutley premises or during work hours by employees are strictly prohibited.

Employees must notify their supervisor within five (5) days of conviction for a drug or alcohol related violation, whether or not the violation occurred in the workplace.

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

Employees using prescription drugs that may affect job performance or safety must notify their supervisor who is required to maintain the confidentiality of any information regarding an employee's medical condition in accordance with the Health Insurance Portability and Protection Act. Township of Nutley personnel who hold a Commercial Driver's License (CDL) are subject to the provisions of the Commercial Driver's Licenses Drug and Alcohol Testing Policy.

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

### **Workplace Violence Policy:**

The Township of Nutley 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 of Nutley property, at Township of Nutley events or under other circumstances that may negatively affect the Township of Nutley's ability to conduct business.

Prohibited conduct includes:

- Causing physical injury to another person;
- Making threatening remarks;
- Aggressive, hostile, or bullying behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
- Intentionally damaging employer property or property of another employee;
- Possession of a weapon while on Township of Nutley property or while on Township of Nutley 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 of Nutley will actively intervene in any potentially hostile or violent situation.

### **General Anti-Harassment Policy:**

It is the Township of Nutley's policy to prohibit harassment of an employee by another employee, management representative, supplier, volunteer, or business invitee on the basis of actual or perceived sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, civil union status, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), gender identity or expression, liability for service in the United States armed forces, and/or any other characteristic protected by law. Harassment of non-employees by our employees is also prohibited. While it is not easy to define precisely what harassment is, it includes slurs, epithets, threats, derogatory comments, unwelcome jokes, teasing, caricatures or representations of persons using electronically or physically altered photos, drawings, or

images, and other similar verbal, written, printed, through social media or any type of physical conduct.

If an employee is witness to or believes to have experienced harassment, immediate notification of the supervisor or other appropriate person should take place. See the Employee Complaint Policy.

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

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

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

#### **Anti-Sexual Harassment Policy:**

It is the Township of Nutley's policy to prohibit sexual harassment of an employee by another employee, management representative, supplier, volunteer, or business invitee. The Township of Nutley prohibits sexual harassment from occurring in the workplace or at any other location at which Township of Nutley sponsored activity takes place. Sexual harassment of non-employees by our employees is also prohibited. The purpose of this policy is not to regulate personal morality or to encroach upon one's personal life, but to demonstrate a strong commitment to maintaining a workplace free of sexual harassment.

Unwelcome sexual advances, requests for sexual favors and other verbal, physical or visual conduct of a sexual nature constitute harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for an employment decision affecting the 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 work environment.

Regarding unwelcome sexual advances toward non-employees, requests for sexual favors and other verbal, physical or visual conduct of a sexual nature constitute harassment when:

- Submission to such conduct is made either explicitly or implicitly in exchange for a benefit;
- Submission to or rejection of such conduct by an individual is used as the basis for a decision affecting the individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's activities or creating an intimidating, hostile or offensive environment.

Sexual harassment may include unwanted sexual advances; offering employment benefits in exchange for sexual favors; visual conduct (leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons or posters); verbal sexual advances, propositions or requests; verbal abuse of a sexual nature; graphic verbal commentaries about an individual's body; sexually degrading words used to describe an individual; suggestive or obscene letters, caricatures or representations of persons using electronically or physically altered photos, drawings, or images; notes or invitations; social media and/or, physical conduct (touching, assault, impeding or blocking movements).

If an employee is witness to or believes that the employee has experienced sexual harassment, they must immediately notify their supervisor or other appropriate person. (See the Employee Complaint Policy.)

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

Notification by employee to appropriate personnel of any harassment problem is essential to the success of this policy and the Township of Nutley generally. The Township of Nutley cannot resolve a harassment problem unless it is reported. Therefore, it is the responsibility of all employees to bring those kinds of problems to the attention of management so that steps are necessary to correct them. All inquiries will be considered confidential.

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

### **“Whistle Blower” Policy:**

Employees have the right under the “Conscientious Employee Protection Act (CEPA)” to complain about any activity, policy or practice that the employees reasonably believe is in violation of a law, rule, or regulation promulgated pursuant to law without fear of retaliation or reprisal. This right shall be communicated to all employees in an annual letter outlining the specific employee complaint procedure and in a posted notice. A written acknowledgement that the employee received, read, and understood this letter will be included in the employee's official personnel file. The annual notice shall be in English and Spanish and must contain the name of the person who is designated to receive written notification of policies or practices

that might violate CEPA. This right will also be communicated in the Employee Handbook. All complaints will be taken seriously and promptly investigated.

The Township of Nutley shall not take any retaliatory action or tolerate any reprisal against an employee for any of the following:

- Disclosing or threatening to disclose to a supervisor, Department Head, the Commissioner, other official or to a public body, as defined in the Conscientious Employee Protection Act (N.J.S.A. 34:19-1 et seq.) an activity, policy or practice that the employee reasonably believes is in violation of a law, a rule or regulation promulgated pursuant to law;
- Providing information to, or testifying before any public body conducting an investigation, hearing, an inquiry into any violation of law, or a rule or regulation promulgated pursuant to law; or
- 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 Commissioner, Department Head, Supervisor, Township Clerk or Township Attorney. 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 emergency in nature. Employees are encouraged to complain in writing using the Employee Complaint form. See Employee Complaint Policy. Under the law, the employee must give the Township of Nutley a reasonable opportunity to correct the activity, policy or practice. The administration of whistle blower complaints is not subject to the limitations in the Grievance Policy.

### **Employee Complaint Policy:**

Employees who observe actions they believe to constitute, sexual harassment, or any other workplace wrongdoing should immediately report the matter to their supervisor, or, if they prefer, or do not think that the matter can be discussed with their supervisor, they should contact the Department Head, the Commissioner, the Township Clerk or the Township Attorney and Employment Attorney. Reporting of such incidents is encouraged both when an employee feels that he or she is subject to such incidents or observes such incidents in reference to other employees. Employees should report incidents in writing using the Employee Complaint form, but may make a verbal complaint at their discretion. If the employee has any questions about what constitutes harassment, sexual harassment, or any other workplace wrongdoing, they may ask their supervisor or one of the individuals listed above. All reports of harassment, sexual harassment, or other wrongdoing will be promptly investigated by a person who is not involved in the alleged harassment or wrongdoing. To the extent possible all reports will be kept confidential.

No employee will be penalized in any way for reporting a complaint. There will be no discrimination or retaliation against any individual who files a good-faith harassment complaint, even if the investigation produces insufficient evidence to support the complaint, and even if the charges cannot be proven. There will be no discrimination or retaliation against any other individual who participates in the investigation of a complaint.

If the investigation substantiates the complaint, appropriate corrective and/or disciplinary action will be swiftly pursued. Disciplinary action up to and including discharge will also be taken against individuals who make false or frivolous accusations, such as those made maliciously or recklessly. Actions taken internally to investigate and resolve harassment complaints will be conducted confidentially to the extent practicable and appropriate in order to protect the privacy of persons involved. Any investigation may include interviews with the parties involved in the incident, and if necessary, with individuals who may have observed the incident or conduct or who have other relevant knowledge. The complaining employee will be notified of a decision at the conclusion of the investigation within a reasonable time from the date of the report an incident. The Township also recognizes that false accusation of harassment can have a serious effect on the innocent. Therefore, false accusations shall result in the same severe disciplinary action applicable to one found guilty of harassment.

### **Grievance Policy:**

A grievance is any formal dispute concerning the interpretation, application and enforcement of any personnel policy or procedure of the Township of Nutley. Grievances from union employees will be handled pursuant to the terms of the applicable bargaining unit agreement. All grievances from non-union employees must be presented within five working dates after arising and failure to report a grievance within such time shall be deemed as a waiver of the grievance. In the event of a settlement or ruling that results in a determination of monetary liability, such liability shall not exceed more than thirty working days prior to the date the grievance was first presented in writing.

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

These limitations do not apply to employee complaints made under the General Anti-Harassment Policy, the Anti-Sexual Harassment Policy or the Whistle Blower Policy.

**Access to Personnel Files Policy:**

The official personnel file for each employee shall be maintained, at the discretion of the respective Commissioner or each department, either by the Head of the Department or the Township Clerk. Personnel files are confidential records that must be secured in a locked cabinet and will only be available to authorized managerial and supervisory personnel on a need-to-know basis. Records relating to any medical condition will be maintained in a separate file. Electronic personnel and medical records must be protected from unauthorized access.

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

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

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

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



## **Conflict of Interest and Ethics Policy:**

Employees including Township of Nutley officials must conduct business according to the highest ethical standards of public service. Employees are expected to devote their best efforts to the interests of the Township of Nutley. Violations of this policy will result in appropriate discipline including termination.

The Township of Nutley recognizes the right of employees to engage in outside activities that are private in nature and unrelated to Township of Nutley business. However, business dealings that appear to create a conflict between the employee and the Township of Nutley's interests are unlawful under the New Jersey Local Government Ethics Act. Under the Act, certain employees and officials are required to annually file with the Township of Nutley Clerk a state mandated disclosure form. The Township of Nutley Clerk will notify employees and Township of Nutley officials subject to the filing requirements of the Act. **All employees are on notice that they are subject to the obligations and responsibilities of the New Jersey Local Government Ethics Act as codified in N.J.S.A. 40A:9-22.1 and N.J.A.C. 5:35-1.1.**

A potential or actual conflict of interest occurs whenever an employee including a Township of Nutley official is in a position to influence a Township of Nutley decision that may result in a personal gain for the employee or an immediate relative including a spouse or significant other, child, parent, stepchild, sibling, grandparents, daughter-in-law, son-in-law, grandchildren, niece, nephew, uncle, aunt, or any person related by blood or marriage. Employees are required to disclose possible conflicts so that the Township of Nutley may assess and prevent potential conflicts. If there are any questions whether an action or proposed course of conduct would create a conflict of interest, immediately contact the Commissioner or the Township Attorney to obtain clarification.

Employees, including managers and supervisors are allowed to hold outside employment as long as it does not interfere with their Township of Nutley responsibilities. Employees are prohibited from engaging in outside employment activities, including scheduling after work opportunities, while on the job or using Township of Nutley time, cell phones, supplies or equipment in the outside employment activities. The Commissioner may request employees to restrict outside employment if the quality of Township of Nutley work diminishes. Any employees who holds an interest in, or is employed by, any entity must submit a written notice of these outside interests to the Commissioner. All other requests for outside employment must be approved by the Commissioner.

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

**Political Activity Policy:**

Employees have exactly the same right as any other citizen to join political organizations and participate in political activities, as long as they maintain a clear separation between their official responsibilities and their political affiliations. Employees are prohibited from engaging in political activities while performing their public duties and from using Township of Nutley time, supplies, cell phones or any equipment in any political activity. Any violation of this policy must be reported to the supervisor, Department Head, Commissioner, Township Clerk or the Township Attorney.

**Employee Evaluation Policy:**

The Department Head will complete a written evaluation and appraisal form for every employee to measure progress and to encourage self-improvement at least once a year. The evaluation will also record additional duties performed, educational courses completed as well as a plan to correct any weak points using the Employee Counseling form. After completing the evaluation, the supervisor or Department Head will review the results with the employee and return the form(s) with the signed acknowledgement to the Commissioner. After review by the Commissioner, the form(s) are to be forwarded to the Township Clerk or to the respective Department Head for inclusion in the employee's official personnel file. As a part of the evaluation, employees have the right to request a conference with the Commissioner.

**Employee Code of Conduct and Discipline Policy:**

Every employee must conform to a code of conduct and employees shall be subject to discipline or termination for any of the following reasons:

- Falsification of public records, including attendance and other personnel records.
- Failure to report absence.
- Harassment of co-workers and/or volunteers and/or visitors.
- Theft or attempted theft of property belonging to the Township of Nutley, fellow employees, volunteers or visitors.
- Failure to report to work day or days prior to or following a vacation, holiday and/or leave, and/or any other unauthorized day of absence.
- Fighting on Township of Nutley property at any time.
- Being under the influence of intoxicants (e.g., liquor) or illegal drugs (e.g., cocaine or marijuana) on Township of Nutley property and at any time during work hours.

- Possession, sale, transfer or use of intoxicants or illegal drugs on Township of Nutley property and at any time during work hours.
- Insubordination.
- Entering the building without permission during non-scheduled work hours.
- Soliciting on Township of Nutley premises during work time. This includes but is not limited to distribution of literature or products or soliciting membership in fraternal, religious, social or political organizations, and/or sales of products, such as those from Avon, Amway, etc.
- Careless waste of materials or abuse of tools, equipment or supplies.
- Deliberate destruction or damage to Township of Nutley or suppliers' property.
- Sleeping on the job.
- Carrying weapons of any kind on Township of Nutley premises and/or during work hours, unless carrying a weapon is a function of your job duties.
- Violation of established safety and fire regulations.
- Unscheduled absence, and chronic or excessive absence.
- Chronic tardiness.
- Unauthorized absence from work area, and/or roaming or loitering on the premises, during scheduled work hours or working outside normal work hours without the permission of a supervisor, department head or the Commissioner.
- Defacing walls, bulletin boards or any other Township of Nutley or supplier property.
- Failure to perform duties, inefficiency or substandard performance.
- Unauthorized disclosure of confidential Township of Nutley information.
- Gambling or pools on Township of Nutley premises.
- Horseplay, disorderly conduct and use of abusive and/or obscene language on Township of Nutley premises.
- Deliberate delay or restriction of your work effort, and/or incitement of others to delay or restrict their work effort.

- Conviction of a crime or disorderly person's offense.
- Violating any Township of Nutley rules or policies.
- Conduct unbecoming a public employee.
- Violation of Township of Nutley policies, procedures and regulations.
- Violation of Federal, State or Township of Nutley laws, rules, or regulations concerning drug and alcohol use and possession.
- Misuse of public property, including motor vehicles or use of Township vehicles or equipment for personal use during or after work hours.
- Unauthorized use of computers, Internet, social media and email.
- Unauthorized dissemination of confidential information including employee payroll information, medical information or gossip or defamatory conduct.
- Other sufficient cause.

Major disciplinary action includes termination, disciplinary demotion or suspension or fine exceeding five working days. Minor discipline includes a formal, written reprimand or a suspension or fine of five working days or less. Employees who object to the terms or conditions of the discipline are entitled to a hearing under the applicable grievance procedure (and Civil Service procedure). In every case involving employee discipline, employees will be provided with an opportunity to respond to charges either verbally or in writing.

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

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

Neither this manual nor any other Township of Nutley guidelines, policies or practices create an employment contract. Employment with Township of Nutley may be terminated at any time with or without cause or reason by the employee or Township of Nutley, subject to collective bargaining agreements or state and federal law.

**Resignation Policy:**

An employee who intends to resign must notify the Department Head in writing at least two weeks in advance. After giving notice of resignation, employees are expected to assist their supervisor and co-employees by providing information concerning their current projects and help in the training of a replacement. During the last two weeks, the employee may not use paid time off except paid holidays. The Department Head will prepare an Employee Action form showing any pay or other money owed the employee. The Commissioner or appointed employee may conduct a confidential exit interview to discuss benefits including COBRA options, appropriate retirement issues and pay due. A COBRA notification letter will be sent to the employee's home address. The exit interview will also include an open discussion with the employee. On the last day of work, and prior to receiving the final paycheck, the employee must return the Employee Identification Card, all keys and equipment. At this time, the employee will sign the termination memo designating all money owed and this memo will be retained in the official personnel file.

**Work Force Reduction Policy:**

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

**Driver's License Policy:**

Any employee whose work requires that the operation of Township of Nutley vehicles must hold a valid New Jersey State Driver's License.

All new employees who will be assigned work entailing the operating of a Township of Nutley vehicle will be required to submit to a Department of Motor Vehicles driving records check as a condition of employment. A report indicating a suspended or revoked license status may be cause to deny or terminate employment.

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

Any employee performing work which requires the operation of a Township of Nutley vehicle must notify the immediate supervisor in those cases where a license is expired, suspended or revoked and/or who is unable to obtain an occupational permit from the State Department of Licensing. An employee that fails to report such an instance, is subject to disciplinary action, including demotion or termination. An employee who fails to immediately report such revocation or suspension to their supervisor and continues to operate a Township of Nutley vehicle shall be subject to possible termination.

Any information obtained by the Township of Nutley in accordance with this section shall be used by the Township of Nutley only for carrying out its lawful functions and for other lawful purposes in accordance with the Driver's Privacy Protection Act (18 U.S.C. S 2721 et seq.)

## **SECTION TWO: Workplace Policies:**

### **Job Description Policy:**

For Civil Service positions 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 Commissioner. The Department Head will make copies available upon request.

### **Attendance Policy:**

All employees are expected to be at work and ready to assume their duties at the beginning of the scheduled workday. Lateness and absence will be tolerated only in emergencies or when the supervisor gives prior approval. All absences must be reported to the supervisor prior to the start of the normal workday. The normal working hours for each departments shall be established by the Commissioner of each respective department.

### **Early Closing and Delayed Opening Policy:**

In the event of unsafe conditions, the Commissioner may authorize Department Heads to close operations earlier than the normal working hours or allow an employee to work from home. If conditions exist prior to scheduled openings, the Commissioner shall notify Department Heads of a delayed opening and a new opening time. Each Department will have a calling system in place. If the employee chooses not to report to work, a full vacation day or compensating time will be charged. Sick time will only be charged for a legitimate illness. If work is called off for the day, no time will be charged for the day unless authorized by the Commissioner. This provision does not apply to the Department of Public Works, Police, Fire, Water, Sanitation, and Emergency Services or any personnel who may be required to assist in an emergency.

### **Breaks:**

Administrative personnel are entitled to an hour lunch that is to be arranged by the supervisor so that the Departments continue to function. All employees are entitled to a fifteen minute break in the morning and in the afternoon. Department Heads must arrange breaks so that offices continue to function. Any employee subject to a collective bargaining agreement shall be subject to the lunch and break periods contained in those agreements.

### **Dress Code Policy:**

Dress, grooming and personal hygiene must be appropriate for the position. Uniforms are required for certain jobs and are to be worn in accordance with applicable departmental standards. All other employees are required to dress in a manner that is normally acceptable in similar business establishments and consistent with applicable safety standards. Employees shall not wear suggestive attire, jeans, athletic clothing, shorts, sandals, T-shirts, novelty buttons, baseball hats and similar items of casual attire that do not present a businesslike appearance. Hair, sideburns, moustaches and beards must be clean, combed and neatly

trimmed. Shaggy, unkempt hair is not permissible regardless of length. Tattoos and body piercings, other than earrings, may not be visible. With the advance approval of the Commissioner, the Township of Nutley will make reasonable religious accommodations that do not violate safety standards. Employees violating this policy shall be required to take corrective action or will be sent home without pay.

#### **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 of Nutley has adopted a smoke-free policy for all buildings. Township of Nutley facilities shall be smoke-free and no employee or visitor will be permitted to smoke anywhere in Township of Nutley buildings. Employees are permitted to smoke only outside Township of Nutley buildings and such locations as not to allow the re-entry of smoke into building entrances which shall be at least 20 feet from any Township building. Smoking inside vehicles owned by the Township of Nutley and near equipment that may be sensitive to smoke is also prohibited. This policy shall be strictly enforced and any employee found in violation will be subject to disciplinary action.

#### **Use of Vehicles Policy:**

Unless an employee receives permission from the Commissioner any Township of Nutley owned vehicles shall be used only on official business and all passengers must be on Township of Nutley business.

Vehicles may be taken home only with the advance approval of the Commissioner. When an employee takes home a Township of Nutley vehicle, it is to be used only for official Township of Nutley business; any other use is not permitted. At no time shall children be in the Township of Nutley vehicle when responding to an emergency. Any violation of this policy constitutes cause for disciplinary action.

#### **Telephone Usage Policy:**

**Township of Nutley telephones are for official business and employees may make a personal call only to inform their family of unexpected overtime. The use of hand-held cell phones while driving Township of Nutley vehicles or while driving on Township of Nutley business is prohibited. A violation of this policy may result in the revocation of the phone assignment and possible discipline.**

#### **Communication Media Policy/ Social Media Policy:**

The Township of Nutley's Communication Media are the property of the Township of Nutley and, as such, are to be used for legitimate business purposes only. For purposes of this Communication Media Policy, "Communication Media" includes all electronic media forms provided by the Township of Nutley, such as cell phones, smart phones, computers, electronic tablets, access to the internet, voicemail, email, and fax. Employees are restricted from



accessing or using the company's Communication Media for personal purposes, including but not limited to on-line shopping, vacation planning etc. during Township time on Township equipment without prior authorization from the Commissioner to do so.

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

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

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

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

All employees, who have been granted access to electronically-stored data, must use a logon ID assigned by Township of Nutley. Certain data, or applications that process data, may require additional security measures as determined by the Township of Nutley. Employees must not share their passwords; and each employee is responsible for all activity that occurs in connection with their passwords. Any changes in passwords or ID's assigned to an employee may not be changed without the authorization of the Department Head or Commissioner.

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

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

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

Employees may not install, modify or remove ANY hardware device, software application, program code, either active or passive, or a portion thereof, without the express written permission from the Township of Nutley. Employees may not upload, download, or otherwise transmit commercial software or any copyrighted materials belonging to parties outside of the Township of Nutley, or licensed to the Township of Nutley. Employees shall observe the copyright and licensing restrictions of all software applications and shall not copy software from internal or external sources unless legally authorized. Workstation settings and

configurations and network settings must not be modified by unauthorized employees. Internet security settings (where applicable) must not be changed. The foregoing includes but is not limited to the systems Network ID (or Computer Name), IP Address, Gateway and DNS addresses etc.

### **Social Media in Government Policy:**

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

### **Confidential Information Policy:**

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

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

No media advertisement, electronic bulletin board posting, or any other communication accessible via the Internet about the Township of Nutley or on behalf of the Township of Nutley, through the use of the Township of Nutley's Communication Media may be issued

unless it has first been approved by the Commissioner of the Department. Specifically, employees are forbidden from using the Township of Nutley's Communication Media to impersonate the employer; to make statements on behalf of the employer without authorization; and/or to make statements that can be construed as establishing what the employer's official position or policy is on any particular issue. In addition, employees are prohibited from placing or posting on the Internet through the employer's Communication Media or the employee's own personal media, either during working or non-working hours, any employer-related confidential, sensitive or other employer information of a proprietary nature, including but not limited to employer records or documents, trade secrets, internal reports, tips based on inside information that may be considered insider trading, screenshots of computer stations, pictures of monitors and/or actual documents of the employer, any photographs, pictures, digital images of any crime scenes, traffic crashes, arrestees, detainees, people or job-related incidents or occurrences.

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

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

### **Copyrights, Trademarks of the Township of Nutley:**

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

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

To the extent that employees use social media outside their employment while engaging in protected concerted activities as defined above, employees will not be subject to discipline or retaliation for expressing views, opinions, and/or facts surrounding the Township of Nutley's employment policies. For all other communications by employees on personal social media sites in which matters related to the Township of Nutley are discussed, employees must add a disclaimer on the front page stating that the posting does not express the views of the Township of Nutley, and that the employees are expressing their own personal views. For example: "The views expressed on this website/web log are mine alone and do not necessarily reflect the views of my employer." The disclaimer must be placed in a prominent position and repeated for each posting that is expressing an opinion related to the Township of Nutley or the Township of Nutley's business, with the exception of postings and social media communications by employees engaging in protected concerted activities. Employees are advised that if they post information on social media that is in violation of either the terms and conditions of the within social media policy, or in violation of federal, state, or local laws, the disclaimer will not shield them from disciplinary action. However, no retaliation or discipline will result if and when employees are engaging in protected concerted activity, and/or choose to report inappropriate social media activities to the Township of Nutley Administration.

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

#### **Use of Internet Policy:**

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

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

Employees who are using Internet may not:

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

- Use the internet for personal or business activities or clubs, schools or other activities.
- Provide password access to any employee or third party.

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

### **Video Surveillance Policy:**

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

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

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

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

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

### **Bulletin Board Policy:**

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

## **Nepotism and Employee Dating Policy:**

Unless otherwise provided by law, or New Jersey Department of Personnel rule (if the position is subject to Civil Service) or collective bargaining unit agreements, immediate relatives shall not be hired, promoted or transferred to a regular full-time or regular part-time position where:

- One relative would have the authority to appoint, remove, discipline or evaluate the performance of the other;
- One relative would be responsible for auditing the work of the other; or
- Other circumstances exist that place the relatives in a situation of actual or reasonably foreseeable conflict of interest.

For purposes of this policy, immediate relative includes spouse or significant other, child, parent, stepchild, sibling, grandparents, daughter-in-law, son-in-law, grandchildren, niece, nephew, uncle, aunt, or any person related by blood or marriage.

The Township of Nutley recognizes the right of employees to engage in social relationships with each other, including relationships of a romantic or intimate nature. However, the municipality also recognizes that such relationships can be a problem in the workplace. They may result in favoritism, discrimination, unfair treatment, friction among coworkers, or the perception that they generate such problems. To try to achieve a balance between employee rights and workplace needs, the Township of Nutley has adopted the following policy on the subject of supervisor/subordinate dating.

If such a relationship exists or develops, both parties involved shall report the fact to A) their immediate supervisor. For the purposes of this policy, a supervisor/subordinate status means a situation where one employee, irrespective of job title, or civil-service classification, makes or has the authority to make decisions or to take action concerning another employee's compensation, promotion, demotion, discipline, daily tasks, or any other terms, conditions or privileges of employment with the municipality.

If the employees involved in the relationship are also in a supervisor/subordinate status, management may take any action which it deems appropriate, up to and including transferring one of the parties so that there is no longer a supervisor/subordinate relationship between them. In addition, management reserves the right to address any workplace issues that may result from that relationship in the manner it deems appropriate.

Nothing in this policy alters an employee's at will status.

## **SECTION THREE: Paid and Unpaid Time-Off Policies:**

### **Scope:**

These policies cover non-union employees. They also cover union employees to the extent that their collective bargaining agreements do not cover these issues.

### **Paid Holiday Policy:**

Employees are entitled to the following paid holidays as authorized annually by resolution of the Commissioners:

- New Year's Day
- Martin Luther King's Birthday
- President's Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Election Day
- Veterans Day
- Thanksgiving Day
- Day after Thanksgiving (except recycling personnel who receive one extra day)
- Christmas Eve ½ day
- Christmas Day
- New Year's Eve ½ day.

A holiday falling on a Saturday will be observed on the preceding Friday, and a holiday falling on a Sunday will be observed on the following Monday.

### **Vacation Leave Policy:**

Vacation is an accrued benefit based on the Township of Nutley Ordinance Sec. 127-1.

Employees must receive their supervisor's approval at least two weeks in advance of the first vacation day. Employees who do not use all of their vacation allowance may add their unused days to their allowance for the following year. However, if these days are not used in the second year, they will be forfeited. Extension of holidays with the use of vacation days is disfavored and must be approved by the Department Head or Commissioner.



**Personal Leave Policy:**

Employees are entitled to 3 personal days per year and any unused days are forfeited at the end of each calendar year in accordance with Township of Nutley Ordinance Sec. 127-17. If other benefits are covered by a collective bargaining agreement said agreement shall control the number of personal days allowed per year.

**Sick Leave Policy:**

Employees are entitled to sick leave in accordance with Township of Nutley Ordinance Sec. 127-3 through 127-5, and in accordance with the New Jersey Paid Sick Leave Law in accordance with N.J.S.A. 34:11-56a. (Effective 10/29/18) Sick leave is to be used in accordance with State Law and in cases where the employee is ill and unable to work, or in cases of the serious illness of a family member. Employees absent on sick leave for five or more consecutive working days must submit a doctor's verification of illness or injury. If an employee is attending to an immediate family member, including civil union partner, a doctor's verification of that individual is required. After the tenth day of absence on sick leave in one calendar year, a doctor's verification must be submitted for all sick leave absences, regardless of duration. Prior to the return to work, the Township of Nutley may require an employee to be examined by a physician designated by the Township of Nutley to verify fitness to return to normal duties. An employee will not be permitted to return to work until the verification is received.

At the end of each calendar year, an employee's unused sick time is added to the allotment for the following year. Non-union employees who have continuously served the township for not less than 20 years and who are eligible for retirement pursuant to the NJ Public Employees Retirement System shall be vested for the payment of accumulated sick leave. All non-union employees hired on or after May 21, 2010, shall have a cap of \$15,000 for payment of unused sick leave, in accordance and compliance with PL 2010 Chapter 3 effective May 21, 2010.

All Union and collective bargaining employees are subject to the terms and conditions of their agreements.

**Bereavement Leave Policy:**

Employees are entitled to three (3) consecutive calendar days leave of absence for each death of an employee's immediate relative, in accordance with Township Ordinance 127-7. Bereavement Leave shall not extend beyond 3 consecutive calendar days immediately following the death of a family member. "Immediate relative" includes spouse or significant other, civil union partner, child, parent, stepchild, sibling, grandparents, daughter-in-law, son-in-law, grandchildren, niece, nephew. One day of leave shall be granted for an uncle, aunt, or corresponding in-law. Reasonable verification of the event may be required by the Township. Employees are paid for all working days during the Bereavement Leave.

Bereavement leave shall commence with the day of death or the day of funeral, shall be calendar days and shall not be in addition to any holiday, day off or compensatory time falling within the period of bereavement.

**Jury Duty Policy:**

An employee required to render jury service shall be entitled to be absent from work during that service and will be paid the difference between any payment received for jury duty and the employee's regular salary.

**Leave of Absence Policy:**

Employees may be granted a personal leave of absence for up to six months at the sole discretion of the Commissioner if the leave does not cause undue operational disruption. The leave must include the use of any 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 Commissioner may extend a leave of absence for an additional six months, if such extension is considered in the best interests of the Township of Nutley.

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 of Nutley Health Benefits Policy and Ordinance Sec 127. A personal leave is granted with the understanding that the employee intends to return to work for the Township of Nutley. 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 may be eligible for an unpaid family and medical leave under the federal Family and Medical Leave Act ("FMLA"). Employees also may be eligible for family and/or medical leave pursuant to the New Jersey Family Leave Act ("FLA"). In order to be eligible for such leave, employees must have: one (1) year of service with [the local unit type]; and, at least 1,000 hours of work (for New Jersey leave) and 1,250 hours of work (for Federal leave) during the previous twelve (12) months and is employed at a worksite where 50 or more employees are employed by the employer within 75 miles of the worksite (for Federal leave). Eligible employees may receive up to twelve (12) weeks of leave per year (FMLA) or twelve (12) weeks every twenty-four (24) months (FLA).

During the leave period, the employee's health benefits will be continued on the same conditions as coverage would have been provided had the employee been employed continuously during the entire leave. The employee will not continue to accrue vacation, sick or personal days for the period of the leave. The employee will receive seniority credit for the time that the employee has been on leave under this section. At the conclusion of the leave

period, an eligible employee is entitled to reinstatement to the position the employee previously held or to an equivalent one with the same terms and benefits that existed prior to the exercise of leave.

Upon written notice, eligible employees are entitled to a family or medical leave for up to twelve weeks to care for a newly born or adopted child or a seriously ill immediate family member, including civil union partner, 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 of Nutley reserves the right to deny any request for extended leave. Additional information concerning the Family Leave Policy and eligibility requirements are available from the Township Clerk.

Commencing July 1, 2009, Family Temporary Disability ("FTD") payments for up to six (6) weeks in a twelve (12) month period will become available for eligible employees who are caring for a seriously ill immediate family member who is incapable of self-care or care of a newborn or adopted child. To be eligible, the employee must have worked at least 20 weeks at minimum wage within the last 52 weeks or earned 1000 times the minimum wage. The weekly benefit is 2/3 of weekly compensation up to a maximum of \$524 per week (this amount is subject to change). FTD will run concurrently with FMLA and/or FLA leaves and there is a one week waiting period. Employees may also be required to use accrued sick, vacation or personal leave for up to two weeks.

Employees taking paid family leave in connection with a family member's serious health condition may take leave intermittently or consecutively. Intermittent leave is not available for the care of a newborn or adopted child. Intermittent leave may be taken in increments necessary to address the circumstances that precipitated the need for leave. An employee seeking intermittent paid family leave is required to provide the Township of Nutley with 15 days' notice unless an emergency or other unforeseen circumstance precludes prior notice. The employee seeking intermittent leave shall make a reasonable attempt to schedule leave in a non-disruptive manner. Employees requesting such leave shall provide the Township of Nutley with a regular schedule of days for intermittent leave.

Employees may also be eligible for an unpaid leave for up to twenty-six (26) workweeks in a year to care for a family member on active duty in the military or a covered veteran (a covered veteran is an individual who was discharged or released under conditions other than a dishonorable discharge at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran) with a serious injury or illness incurred in the line of duty on active duty for which the service member is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the

temporary disability retired list, or up to twelve (12) weeks in a year for a qualifying exigency. A qualifying exigency occurs when a military member is called to covered active duty (requires deployment to a foreign country) and a close member of his/her family must attend official ceremonies or family support or assistance meetings, there is a short-notice deployment, to attend to childcare matters, attend to financial and/or legal matters, or counseling. A serious injury or illness means an injury or illness incurred by a covered service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank, or rating.

A serious injury or illness also means an injury or illness that was incurred by the covered veteran in the line of duty on active duty in the Armed Forces or that existed before the veteran's active duty and was aggravated by service in the line of duty on active duty, and that is either:

1. a continuation of a serious injury or illness that was incurred or aggravated when the veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating; *or*
2. a physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and the need for military caregiver leave is related to that condition; *or*
3. a physical or mental condition that substantially impairs the veteran's ability to work because of a disability or disabilities related to military service, or would do so absent treatment; *or*
4. an injury that is the basis for the veteran's enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

Any *one* of these definitions meets the FMLA's definition of a serious injury or illness for a covered veteran regardless of whether the injury or illness manifested before or after the individual became a veteran.

Upon employer's request, an employee must provide a copy of the covered military member's active duty orders to support request for qualifying exigency leave. In addition, upon an employer's request, certification for qualifying exigency leave must be supported by a certification containing the following information:

- statement or description of appropriate facts regarding the qualifying exigency for which leave is needed;
- approximate date on which the qualifying exigency commenced or will commence;
- beginning and end dates for leave to be taken for a single continuous period of time;
- an estimate of the frequency and duration of the qualifying exigency if leave is needed on a reduced scheduled basis or intermittently; and
- if the qualifying exigency requires meeting with a third party, the contact information for the third party and description of the purpose of the meeting.

Eligible employees may also take leave to care for a military member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty. Such care may include arranging for alternative care, providing care on an immediate basis, admitting or transferring the parent to a care facility, or attending meetings with staff at a care facility.

Employees who request qualifying exigency leave to spend time with a military member on Rest & Recuperation may take up to a maximum of 15 calendar days. Upon an employer's request, an employee must provide a copy of the military member's Rest and Recuperation leave orders, or other documentation issued by the military setting forth the dates of the military member's leave.

### **Military Leave Policy:**

When a full-time employee (either permanent or temporary) who is a member of the reserve component of any United States armed force or the National Guard of any state including the Naval Militia and Air National Guard is required to engage in field training or is called for active duty, the employee will be granted a military leave of absence for the duration of the service. The first thirty (30) workdays of the leave shall be with full pay except that a member of the New Jersey National Guard shall receive full pay for the first ninety (90) days. (Thereafter, the leave shall be without pay but without loss of time.) or (Thereafter, the employee shall be paid the difference between military salary and the employee's regular salary.) The paid leave will not be counted against any available time off including but not limited to vacation, sick or personal time. A full-time temporary employee who has served less than one-year shall not be entitled to paid leave but shall be granted non-paid military leave without loss of time.

Employees on military service will also continue to receive paid health insurance coverage during the period of the paid leave plus an additional thirty days calendar days after the paid leave is exhausted. After this period has expired, employees may continue coverage for themselves or their dependents under the Township of Nutley group plan by taking advantage of the COBRA provision. Members of the State administered retirement systems (PERS and PFRS) will continue accruing service and salary credit in the system during the period of paid leave.

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

### **Domestic Violence Leave Policy:**

The New Jersey Security and Financial Empowerment Act, also known as the "NJ SAFE Act" provides protection for employees and their family members who have been the victim of domestic violence or sexual assault. Employees are entitled to twenty (20) days of unpaid protected leave from work to:

- Seek medical attention for physical or psychological injuries;
- Obtain services from a victim services organization, pursue psychological or other counseling;
- Participate in safety planning for temporary or permanent relocation;
- Seek legal assistance to ensure health and safety of the employee or the employee's relative; or
- Attend, participate in, or prepare for a criminal or civil court proceeding relating to an incident of domestic or sexual violence.

To be eligible for the leave, an employee must meet the following criteria:

- The employee or their child, parent, spouse or domestic partner must be a victim of domestic violence or a sexually violent offense;
- The employee must have worked for the employer for at least twelve months and for at least 1,000 hours during the twelve (12) month period immediately preceding the requested leave; and
- The twenty (20) day leave must be taken within one (1) year of the qualifying event.

Employees may take leave on an intermittent basis but such leave cannot be shorter than one (1) full day. To the extent the leave is foreseeable, employees must provide advance notice. In addition, employee seeking leave must provide proof that they qualify for the leave. Such proof may include restraining order, letter from a prosecutor, and proof of conviction, medical documentation or a certification from an agency or professional involved in assisting the employee.

In certain circumstances, the basis for the leave may also qualify under the federal Family and Medical Leave Act and/or the New Jersey Family Leave act. If so, the Township of Nutley will treat the leave concurrently with the leave under those statutes. Employees may be required to use accrued paid vacation leave, personal time or sick leave concurrently.

The Township of Nutley shall protect the privacy of employees who seek leave by holding the request for leave, the leave itself or the failure to return to work "in the strictest confidence."

The Township of Nutley shall not retaliate, harass or discriminate against any employee exercising his/her right to take the leave provided by this policy.

## **SECTION FOUR: Compensation and Employee Benefits Policies:**

### **Scope:**

These policies cover non-union employees. They also cover union employees to the extent that their collective bargaining agreements do not cover these issues.

### **Payroll Policy:**

Salary ranges are established by ordinance, and the salary must fall within the minimum and maximum ranges for the employee's title. Employees are paid every two weeks, and overtime may be held back for four weeks in order to compute payment of the amount due. Employees who are going on vacation and would like their checks in advance must make a written request at least two weeks in advance of the vacation.

The Township of Nutley will not accept responsibility for any employee's personal finances. The Township of Nutley will acknowledge judgments against an employee's pay but will not act as a mediator between the employee and creditors.

### **Overtime Compensation Policy:**

Under the Federal Fair Labor Standards Act, certain employees in managerial, supervisory, and administrative, computer or professional positions are exempt from the provisions of the Act. There are also employees who may be exempt because their compensation exceeds \$100,000 per year depending upon their job duties. The Township Clerk shall notify all Exempt employees of their status under the Act. Exempt employees are not eligible to receive overtime compensation and are required to work the normal workweek and any additional hours needed to fulfill their responsibilities. Time off consideration for large amounts of additional hours may be provided with the Commissioner's prior approval and at the sole discretion of the Commissioner of the employee's respective department.

All other employees are classified as Non-Exempt and are subject to the provisions of the Act. Depending on work needs, Non-Exempt employees may be required to work overtime. Non-Exempt employees are not permitted to work overtime unless the overtime is budgeted and approved by the Department Head and the Commissioner. Non-Exempt employees working overtime without prior approval will be subject to disciplinary action.

Non-Exempt employees will receive overtime compensation for hours worked in excess of forty in a weekly period at the rate of one and one-half times the regular rate of pay. Employees may choose overtime compensation in the form of overtime pay or compensating time off. The maximum number of hours that an employee may accrue for future compensating time off is at the discretion of the Commissioner or each department. Once this maximum has been accumulated, all additional hours will be compensated by overtime pay. Accrued and taken overtime compensating hours must be noted on the employee's time sheet.

Non-Exempt employees will receive one and one-half hours of overtime compensation for each hour worked in excess of forty hours in a weekly period. For purposes of overtime compensation, hours worked are computed to the nearest one-half hour per day. Previously scheduled vacation time and holiday time are considered time worked for purposes of determining overtime compensation, but sick time and personal time are not.

(In addition to the requirements of the Federal Fair Labor Standards Act, Non-Exempt employees will also receive overtime compensation for work in excess of thirty-five hours but not greater than forty hours in a weekly period. This other compensation will be one hour for each hour worked in excess of thirty-five hours.) (If a Non-Exempt employee works on Sunday or a paid holiday, the employee will receive overtime compensation of hour(s) for each hour worked less the number of hours of overtime compensation received under any other provision of the policy.) (If a Non-Exempt employee not on regular call out duty is required to return to work in an emergency or because of unusual circumstance, the employee will receive overtime compensation of the greater of (1) hours or (2) the actual number of hours worked (3) less the number of hours of overtime compensation received under any other provision of this policy.)

In lieu of overtime the employee may be granted PTO time for work in excess of 40 hours per week. At the end of each year PTO time should be paid to the employee as straight time if they have not used the time.

Employees must make a request to their supervisor at least two days in advance when they want to take compensating time off. The supervisor will approve the request if the absence does not cause undue hardship to the department.

#### **Timesheets Policy:**

Non-exempt employees are required to accurately record their work time on the designated time record, sign it and return into his/her supervisor. Non-exempt employees and exempt employees are required to report their sick time, vacation time and holiday time on the designated time record. Non-exempt and exempt employees should turn the time record into his/her supervisor.

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

#### **Payment for Accumulated Absence Policy:**

To the extent that a local ordinance, collective bargaining agreement, or an employment agreement provides for the payment of compensation for pay while absent from work, the Township of Nutley shall only make such payment if the chief financial officer or Commissioner certifies that such amount is due and that proper documentation establishing that the amount of the accumulated absence has been provided and funds are available to pay. Proper Documentation includes:

- A copy of the agreement, ordinance and/or resolution;



- Documentation of the amount of accumulated absence time; and
- The total value of the compensation due.

Nothing in this section grants employees compensation for absences from work.

### **Health Insurance Policy:**

Full Time Employees, as defined by the Township Ordinances and the laws of the State of New Jersey and their immediate family members, including civil union partner, are provided health insurance coverage administered by Blue Cross and Blue Shield through the State Health Benefits Plan. The Township of Nutley reserves the right to change provider networks, claims agents, and insurance mechanisms. The complete benefit plan is on file in the Department of Parks and Public Property and the Treasurer's office and a Summary Plan Description will be provided to all employees. Benefit levels for non-unionized employees are subject to change at the discretion of the Township of Nutley.

Health insurance coverage for employees on a Leave of Absence or who cease Township of Nutley employment will terminate at the end of the month in which the leave begins or employment is terminated except coverage will continue for up to twelve weeks for employees on leave pursuant to the Family and Medical Leave Act and up to thirty weeks for employees on Military Leave. Upon termination of coverage, employees may extend health insurance coverage for themselves or their dependents by taking advantage of the Public Health Services Act provision for a period of up to eighteen months to thirty-six months. All newly hired employees and their spouses shall receive a notice of Cobra rights upon being hired. For more information, consult the Department Head.

In accordance with Township Ordinance Sec 127-30-32, employees who retire with twenty-five years of service to the Township of Nutley may continue to receive paid health insurance coverage. Employees receiving retiree health benefits must notify the Treasurer in writing, with proof of enrollment, when they become eligible for Medicare Parts A and B. For more information, consult the Treasurer.

### **Dental Benefits Policy:**

Employees and their immediate family members, including civil union partner, are provided Dental Benefits coverage administered by Delta Dental. The Township of Nutley reserves the right to change provider networks, claims agents, and insurance mechanisms. The complete benefit plan is on file in the Department of Parks and Public Property and the Treasurer's office and a Summary Plan Description will be provided to all employees. Benefit levels for non-unionized employees are subject to change at the discretion of the Township of Nutley.

### **Drug Prescription Benefit Policy:**

Employees and their immediate family members, including civil union partner, are provided Drug Prescription coverage administered by Blue Cross and Blue Shield

through the State Health Benefits Plan. The Township of Nutley reserves the right to change provider networks, claims agents, and insurance mechanisms. The complete benefit plan is on file in the Department of Parks and Public Property and the Treasurer's office and a Summary Plan Description will be provided to all employees. Benefit levels for non-unionized employees are subject to change at the discretion of the Township of Nutley.

### **Retirement Policy:**

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

### **Workers Compensation Policy:**

Employees who suffer job related injuries and illnesses may be entitled to medical expenses, lost income and other compensation under the New Jersey Workers Compensation Act. The Township of Nutley covers workers compensation benefits. Any occupational injury or illness must be immediately reported to the supervisor or Department Head. All required medical treatment must be performed by a Workers Compensation Physician appointed by the Township of Nutley and payment for unauthorized medical treatment may not be covered pursuant to the Act.

Unless explicitly provided for in a bargaining agreement, the Township of Nutley will only pay, either directly or through its Workers' Compensation insurer, those benefits that are specifically provided for under the Workers' Compensation Act and will not supplement these benefits with additional benefits pursuant to NJSA 11A:6-8.

### **Educational Assistance and Training Policy:**

Subject to sufficient funds in the budget and upon approval of the Commissioner employees may apply for reimbursement of tuition expenses incurred for training courses directly related to the employee's work. The Commissioner will be the sole judge of

whether a particular course or program is “directly related” to the employee’s work. Employees are strongly urged to obtain this determination before enrolling in a course or program.

**Conference and Seminar Policy:**

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

## **Receipt for Employee Handbook**

I acknowledge that I have received a copy of Township of Nutley's Employee Handbook. I agree to read it thoroughly. I agree that if there is any policy or provision in the Handbook that I do not understand, I will seek clarification from my supervisor, Department Head, or Commissioner. I understand that Township of Nutley is an "at will" employer and subject to applicable Federal and State law, including the New Jersey Civil Service Act, as well as applicable bargaining unit agreements, employment with the Township of Nutley is not for a fixed term or definite period and may be terminated at the will of either party, with or without cause, and without prior notice. No supervisor or other representative of the Township of Nutley has the authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the above. In addition, I understand that this Handbook states Township of Nutley's personnel policies in effect on the date of publication. I understand that nothing contained in the Handbook may be construed as creating a promise of future benefits or a binding contract with Township of Nutley for benefits or for any other purpose. I also understand that these policies are continually evaluated and may be amended, modified or terminated at any time.

I further understand that if I am subject to a collective bargaining agreement, or the New Jersey Civil Service Act, the terms of those agreements and laws supersedes the policies in this Employee Handbook. To the extent that a collective bargaining agreement or the New Jersey Civil Service Act is not in conflict with this Employee Handbook then the requirements of this Employee Handbook will apply.

Please sign and date this receipt and return it to the Township Clerk.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Department: \_\_\_\_\_