

EMPLOYEE HANDBOOK

City of Ocean City



2019

THE CONTENTS OF THIS HANDBOOK ARE GUIDELINES ONLY AND SUPERSEDE ANY PRIOR MANUAL AND/OR HANDBOOK. NEITHER THIS MANUAL NOR ANY OTHER GUIDELINES, POLICIES OR PRACTICES CREATE AN EMPLOYMENT CONTRACT. THE CITY 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 THE BUSINESS ADMINISTRATOR OR MAYOR. EMPLOYMENT WITH THE CITY IS AT-WILL AND MAY BE TERMINATED AT ANY TIME WITH OR WITHOUT CAUSE OR NOTICE BY THE EMPLOYEE OR THE CITY.

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

Ocean City is an Equal Opportunity Employer, M/F



CITY OF OCEAN CITY

AMERICA'S GREATEST FAMILY RESORT

MAYOR JAY A. GILLIAN

Welcome to the City of Ocean City

We are pleased that you have chosen to join us. We trust that you will take pride in your work, as well as your role as a City Ambassador who must win and retain the confidence and respect of the public we serve. The degree of satisfaction you receive from your work will largely depend upon your attitude and approach to your job.

Introduction

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

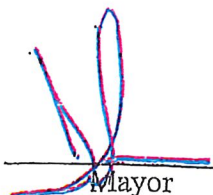
As a City employee you have certain rights and obligations. Federal and State law, as well as City policies, cover such important areas as discrimination, safety, violence, harassment and conflicts of interest. Many common attitudes of the past have changed. For example, the old adage "to the victors belong the spoils" in government hiring is now against the law, and the old-fashioned Patrol Room, Garage or Office "give and take" can no longer be condoned. Behaviors that were tolerated 10 or 20 years ago are no longer acceptable.

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

This Employee Handbook adopted by the Mayor, the Business Administrator and City Council discusses these issues and many other City 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 City personnel policy, contact your Supervisor, Manager; or if you prefer, your Department Head, Business Administrator, or the Director of Human Resources.

Neither this handbook, nor any other City document, confers any contractual right, either express or implied, to remain in the City's employ. 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 Mayor and Council.

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.


Mayor
Business Administrator

1-2-2019
Date

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History of Ocean City

During the Civil War period, this small island on the coast of South Jersey was known as Peck's Beach. On September 10, 1879, S. Wesley Lake, Ezra B. Lake, James E. Lake, and William H. Burrell, who were all churchmen from Pleasantville, set out for Peck's Beach in search of a site for a Christian Resort and Camp. The Lake brothers and Mr. Burrell selected Ocean City as the name for the new community. They formed the Ocean City Association on October 20, 1879, which became the governing body of the community at the time. Eventually, they secured the entire island by deeds. The population grew quickly and on April 30, 1884, the community was incorporated as a borough by popular election.

Under this act of incorporation, the local government passed from the regulations of the Ocean City Association to that of a municipality. At this time, councilmen were elected and Gainer P. Moore became the first elected Mayor. Ocean City continued to grow and was incorporated as a City in 1897. In 1911, in an election by the voters of Ocean City, the council form of government was changed to a City commission form of government.

Currently, Ocean City is governed by a mayor-council format since the form of government changed in 1978. Through the years, Ocean City has developed into a popular resort area enjoyed by many throughout the country and has become an ideal residential community.

The Spirit of Ocean City

The motto of Ocean City, "America's Greatest Family Resort," is, in part, a reflection of the values that were fundamental to the religious convictions of the early City leaders, and the principles upon which the City was founded over a century ago.

The year-round, summer and part-time residents and visitors choose this resort community for its friendly family living, cohesive neighborhoods, cleanliness, and the courtesy and cooperation exhibited by the local population. Many people who visited or lived in Ocean City as children return as adults with their own families, confident that the values that they remember are still in place today.

Residents and visitors expect that the public areas, which include the beach, boardwalk, waterways, parks, recreation facilities and downtown, will be safe and clean and that the fragile environment at the water's edge will be respected and protected. They expect that their properties and persons will be protected from fire, crime and flooding. They expect a government open and responsive to their needs, along with good schools and appropriate recreation facilities.

The sum of these expectations, and the good humor and dedication with which they are met, can be called "The Spirit of the City." Council keeps these community values and expectations in mind when developing, measuring, and evaluating policy and programs.

Acknowledgement of Employee Groups

The City of Ocean City recognizes the right of its employees to join together in organizations which will represent them in collective negotiations concerning the terms and conditions of employment. The City acknowledges the following employee groups:

- Communications Workers of America (CWA) Local 1078.
- International Association of Fire Fighters (IAFF) Local 4032.
- Policemen's Benevolent Association (PBA) Local 61.
- Communications Workers of America (CWA) Local 1032 (Middle Management).
- Ocean City Lifeguard Association (OCLA).
- Ocean City Beach Patrol Administrative Association (OCBPAA).
- International Association of EMT's and Paramedics (IAEP) Local R3 /347.
- American Federation of Musicians Local 661-708.

Those who are not represented by a specific bargaining group are elected officials, senior staff members, confidential, unclassified, temporary and most seasonal employees.

Employee - Employer Relations

The City will make a continuing effort to implement fair and effective personnel policies and practices. In return, the City expects employees to give a productive day's work and to adhere to the policies adopted by the City.

ORGANIZATION OF CITY GOVERNMENT

Executive Branch - Mayor Jay Gillian

Legislative Branch – Melissa Rasner, City Clerk

City Council Members:

Peter Madden, Council President
 Tony Wilson, Council Vice-President
 Michael DeVlieger Keith Hartzell
 Robert Barr Karen Bergman
 Antwan L. McClellan

Judicial Branch - Municipal Judge Richard Russell Municipal Court Administrator – Beth Fulton

City Departments and Divisions:

Administration Department – George Savastano, Business Administrator

Human Resources – Elizabeth Woods, Esq., Director
 Purchasing & Contract Administration – Joe Clark, Manager
 Information Technology – Max Hurst, Manager
 Neighborhood & Social Services – Theresa Hooks, Manager
 Zoning – Ken Jones, Manager
 , Jr.

Community Services Department – Michael Allegretto, Director

Construction Code Enforcement – Cornelius Byrne, Construction Official

Program Development Specialist – Kathryn Caraballo
 Administrative Clerk – Carol Longo
 Communications Manager – Doug Bergen
 Recreation/Aquatic & Fitness – Wendy Moyle, Manager

Law Department – Dorothy McCrosson, Esquire

Financial Management Department – Frank Donato III, Director

Payroll – Melissa D’Arco
 Budget Accounting – Doris Hartman, Manager
 Capital Planning – Christine Gundersen, Manager
 Tax Assessment – Joe Elliott, Tax Assessor
 Tax Collection – Terrance Graff, Tax Collector
 Revenue Collection – Todd Dwyer, Manager

Public Works Department – Joseph Berenato, III, Acting Director

Environmental Operations – Michael Rossbach, Manager
 Field Operations & Vehicle Maintenance – Roger Rinck, Manager
 Buildings & Grounds – Steve Longo, Manager
 Office Supervisor – Charlotte Moyer

Police Services Department – Jay Prettyman, Acting Police Chief William Campbell & Charles Simonson, Captains

Fire & Rescue Department – James Smith, Fire Chief

Important Telephone Numbers (609 Area Code, unless otherwise specified)

Emergencies – Dial 8-911 from any City telephone
 Dial 911 from any outside telephone

City Hall – 399-6111
 Payroll – 525-9345
 Human Resources – 525-9367
 Tourism Information – 1-800-BEACH-NJ
 Chamber of Commerce – 399-1412
 Beach Patrol Headquarters - 525-9200
 Police – non-emergency 399-9111
 Fire Headquarters-non-emer. 525-9182
 Music Pier – 525-9245
 Music Pier Box Office – 525-9248

Library – 399-2434
 Historic Museum – 399-1801
 Art Center – 399-7628
 Recreation – 525-9304
 Shore Medical Center – 653-3500

Transportation Services:
 Apple Transportation 398-8294
 C&C Cab Company 399-9100
 Ocean City Airport 399-0907
 NJ Transit Buses 1-800-626 RIDE
 Cape May-Lewes Ferry 1-800-64-FERRY
 Ocean City Transportation Center - calls taken at the Airport

Aquatic & Fitness Center 398-6900

Important Web Sites

City Government – www.ocnj.us City Recruiting – www.ocnj.us/Employment Special Events, City Information – www.ocnj.us
 Lodging, Restaurants, Attractions, Tourist Information – www.oceancityvacation.com

Important Locations

Public Rest Rooms:

Boardwalk: 1st Street, 6th Street, Music Pier at Moorlyn Terrace,
 10th Street, 11th Street and 12th Street
 Beach: 34th Street and 59th Street
 Downtown: City Hall
 Parks: 34th Street and West Avenue
 8th Street and Haven Avenue

First Aid: Boardwalk: 1st Street and 12th Street
 Beach: 34th Street and 59th Street

Surfing Beaches: Waverly, 7th Street and 16th Street.
 2nd St. Marina
 Tennessee Ave. Boat Ramp

Civil Service Commission

The New Jersey Civil Service Commission (CSC) has established a personnel system that provides a fair balance between managerial needs and employee protection for the effective delivery of public services. The NJ CSC regulates the employment, tenure and discharge of City employees. Relevant NJ CSC terms are defined as follows:

Appointing Authority: A person or group of persons having power of appointment or removal.

Appointment: The offer, acceptance and commencement of employment.

Career Service: Those positions and job titles subject to the tenure provisions of the NJ Statutes and includes both the competitive and noncompetitive divisions.

Unclassified Service: Positions normally to which appointments are made without competitive testing or a probationary period, and are not covered by Civil Service Commission laws and regulations.

Certification: A list of names presented to an appointing authority for regular appointment.

Competitive Division: Positions filled through competitive testing and probationary periods and covered by CSC regulations.

Confidential: A confidential employee is defined by the NJ Public Employment Relations Commission as an employee whose functional responsibilities or knowledge in connection with the issues involved in the collective negotiations process would make their membership in any appropriate negotiating unit incompatible with their official duties.

Eligible List: A roster compiled or approved by the NJ Civil Service Commission of persons who are qualified for employment or re-employment.

Full Time: Employees who work for the City on an annual basis, for a full business day and business week.

Noncompetitive Division: Positions subject to probationary periods, but not subject to competitive testing.

Open Competitive Examination: A test open to members of the public who meet the prescribed requirements for admission.

Part Time: Employees whose regular hours of duty are less than the regular and normal workweek for that job title or agency.

Permanent: Employees in the career service who have acquired the tenure and rights resulting from regular appointment and successful completion of the working test period.

Seasonal: Employees who work for the City during the summer or the winter season; seasonal employees work full-time (a full business day or week) or part-time (less than a full business day or week), but for a period of six months or less.

Temporary: Employees appointed to a position for an aggregate period that does not exceed the full time equivalent of six months in a 12-month period.

Promotional Examination: A test that is open to permanent employees who meet the prescribed requirements for admission.

Provisional Appointment: Employment in the competitive division of the career service, pending the appointment of a person from an eligible list.

Regular Appointment: The employment of a person to fill a position in the competitive division of the career service upon examination and certification, or the employment of a person to a position in the noncompetitive division of the career service.

General Personnel Policy:

It is the policy of the City to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations. The personnel policies and procedures of the City 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 Mayor and/or the City Council (as specified under the Faulkner Act). No person shall be employed or promoted unless there exists a position created by an ordinance adopted by City Council as well as the necessary budget appropriation and salary ordinance to the extent such ordinance is required under the Faulkner Act, or through a collective bargaining agreement.

The Mayor, Business Administrator and all managerial/supervisory personnel are authorized and responsible for personnel policies and procedures. The Mayor has appointed the Human Resources Director to assist the Business Administrator in the implementation of personnel practices. The Business Administrator and the Human Resources Director shall also have access to the City Solicitor and/or the Labor Relations Attorney appointed by the Mayor for guidance in personnel matters.

As a general principle, the City has a "no tolerance" policy towards workplace wrongdoing. City officials, employees and independent contractors are to report anything perceived to be improper. The City believes strongly in an Open Door Policy and encourages employees to talk with their Supervisor, Department Head, Business Administrator or the Human Resources Director. The Business Administrator may authorize consultation with the City Solicitor or Labor Relations Attorney concerning any problem.

The Personnel Policies and Procedures Manual adopted by the City Council is intended to provide guidelines covering public service by City employees and is not a contract. This manual contains many, but not necessarily all of the rules, regulations, and conditions of employment for City personnel. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the City.

To the maximum extent permitted by law, the employment practices of the City 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 City shall have the right to terminate an employee at any time and for any reason, with or without notice, except the City 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:

The City is committed to the principle of equal employment opportunity and anti-discrimination pursuant to Title VII of the 1964 Civil Rights Act as amended by the Equal Opportunity Act of 1972 and the New Jersey Law Against Discrimination (LAD). Under no circumstances will the City discriminate on the basis of age; affectional and sexual orientation; ancestry; atypical hereditary, cellular or blood trait; citizenship; civil union, marital and domestic partnership status; color; creed; disability (physical or mental); domestic partnership status; gender identity or expression; genetic information; liability for service in the US Armed Forces; national origin; pregnancy, (including recovery from child birth); race; religion; sex; veteran status; 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, Manager; or if they prefer, their Department Head, the Business Administrator or the Human Resources Director.

Americans with Disabilities Act:

In compliance with the Americans with Disabilities Act, the ADA Amendments Act and the New Jersey Law Against Discrimination, the City does not discriminate based on disability. The City will endeavor to make every work environment handicap accessible, and all future construction and renovation of facilities will be in accordance with applicable barrier-free Federal and State regulations and the Americans with Disabilities Act Accessibility Guidelines, as well as the ADA Amendments Act.

It is the policy of the City to comply with all relevant and applicable provisions of the Americans with Disabilities Act, the ADA Amendments Act and the New Jersey Law Against Discrimination. 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. We will also make reasonable accommodations to known physical or mental limitations of all employees and applicants with disabilities, 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 City.

The Human Resources Director shall engage in an interactive dialogue with disabled employees and prospective employees to identify reasonable accommodations. All decisions with regard to reasonable accommodation shall be made by the Business Administrator. 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 City 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 City facilities. Any questions concerning proper assistance should be directed to the Human Resources Director.

Contagious or Life Threatening Illnesses:

The City encourages employees with contagious diseases or life-threatening illnesses to continue their normal pursuits, including work, to the extent allowed by their condition. The City 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 City. The City will take reasonable precautions to protect such information from inappropriate disclosure, including the following:

- Medical information may be disclosed with the prior written informed consent of the person who is the subject of the information.

- Information may 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 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.

Transitional Duty:

The City 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.

An employee requesting transitional duty, or the Workers Compensation Physician, shall notify the Human Resources Director 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 Human Resources Director 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 Business Administrator will decide if it is in the best interest of the City to approve a transitional duty request, and the Business Administrator, or his designee, will notify the employee of the decision. The City 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 may 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 Human Resources Director 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 Business Administrator. If transitional duty is approved, the employee or the Workers Compensation Physician must keep the Human Resources Director 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. If, at the end of transitional duty period, the employee is not able to return to work without restrictions, the City reserves the right at its sole discretion to extend the transitional duty or to 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 Illness Policy, or other Federal or State law.

Drugs and Alcohol:

The City 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, Manager 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, escorted home, and is subject to discipline up to and including termination. The Supervisor, Manager or Department Head will immediately report any reasonable suspicions to the Business Administrator or the HR Director.

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 the 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, Managers or Department Heads who 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 City 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 the Department Head, or the HR Director, 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 (HIPPA). City personnel who hold a Commercial Driver's License (CDL) are subject to the provisions of the Federal Highway Administration (FHWA), the US Dept. of Transportation, and the Omnibus Transportation Employee Testing Act of 1991, 49CFR part 40, 382, 383 and amendments. A program to assist employees who may have a drug or alcohol problem is provided through the City's Employee Assistance Program.

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 City property or while performing City business. Soliciting or distributing prescription drugs for or to other employees is also strictly prohibited.

Workplace Violence:

The City 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 City property, at City events, or under other circumstances that may negatively affect the City'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 City property or while on City 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 City will actively intervene in any potentially hostile or violent situation.

General Anti-Harassment:

It is the City'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 or 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 in this handbook.

Harassment of City 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 City generally. The City 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 the 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:

It is the City's policy to prohibit sexual harassment of an employee by another employee, management representative, supplier, volunteer, or business invitee. The City prohibits sexual harassment from occurring in the workplace or at any other location at which City 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; 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 on pages 14-16.

Harassment of City 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 City generally. The City 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.

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

“Whistle Blower” Act:

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 City 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 Business Administrator, 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, a 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 Human Resources Director. However, disclosure is not required where (1) the employee is reasonably certain that the violation is known to one or more officials; (2) where the employee reasonably fears physical harm; or (3) the situation is an emergency in nature. Employees are encouraged to complain in writing using the Employee Complaint form. See Employee Complaint Policy on pages 14-16. Under the law, the employee must give the City 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 Business Administrator, or the HR Director. 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.

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.

Complaint Procedure:

1. Report the matter to your Supervisor.
2. If the Supervisor is the alleged harasser, report the matter to your Supervisor's Manager, Department Head, the Business Administrator, or the Human Resources Director.
3. Human Resources can be reached by calling 525-9363, 9364, 9365, or 9367. The Human Resources Office is located on the 3rd floor of City Hall, and you can stop by at any time during normal business hours, Monday through Friday.
4. If the problem occurs on the weekend or outside of normal business hours, and if you feel that you cannot discuss this with any of your Supervisors or your Manager, you can always call the Police Division at 525-9142 and ask for the Duty Supervisor (who will be a Sergeant or a Lieutenant).
5. The complaint will be documented in writing.
6. If it is an emergency, the Police will handle it. Otherwise, the complaint will be forwarded, through proper channels, to the Human Resources Division.
7. A prompt investigation will be conducted by the Human Resources Division, or by someone designated by the Business Administrator.
8. In all cases, the complainant and the alleged wrongdoer will be advised of the findings of the investigation.

City of Ocean City Employee Complaint Form

Date_____

Attach additional sheets if necessary to fully complete all questions.

NAME: _____ DEPARTMENT: _____

TITLE: _____ SUPERVISOR: _____

Time period covered by this complaint: _____

Individuals who allegedly committed the acts being complained of:

Describe the nature and dates of the acts allegedly committed by each individual:

Identify all persons with knowledge of the complained conduct:

Are there any documents or other evidence that supports the occurrences described above?

If you previously complained about this or related acts to a supervisor or official, please identify the individual to whom you complained, the date of the complaint, and any action taken.

Have you missed any time from work or incurred any un-reimbursed medical expenses as a result of the alleged acts?

Are you afraid that someone may retaliate against you because you filed this complaint? If so, please identify the person(s) and indicate the reasons why you feel the person(s) may retaliate against you.

What is your requested remedy for this complaint?

ACKNOWLEDGMENT

The information provided above is true and correct to the best of my knowledge.

BY: _____ DATE: _____

To investigate your complaint, it will be necessary to interview you, the accused party, and any witnesses with knowledge of the allegations or defenses. All persons involved in the investigation will be notified that (1) the complaint is confidential, (2) that any unauthorized disclosures of information concerning the investigation or retaliation could result in disciplinary action up to and including discharge.

I am willing to cooperate fully in the investigation of my complaint and to provide whatever evidence is deemed relevant.

BY: _____ DATE: _____

Grievances:

A grievance is any formal dispute concerning the interpretation, application and enforcement of any personnel policy or procedure of the City. 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 (5) working days; 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 30 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 Business Administrator and the HR Director. The Supervisor or the Department Head will communicate the decision to the employee within two (2) working days.
- **Step Two:** If the employee is not satisfied with the decision, the employee must submit a written grievance to the Business Administrator 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 (5) working days of the Step One decision. After consulting the HR Director and the City Solicitor, or the Labor Relations Attorney as appropriate, the Business Administrator will render a written decision to the employee within five (5) 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:

The official personnel file for each employee shall be maintained by the Human Resources Director. 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 City premises in the presence of the HR Director 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 City may obtain is maintained in separate files and is 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 City endeavors to maintain the privacy of personnel records. There are limited circumstances in which the City will release information contained in personnel or medical records to persons outside the City. 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 City's compliance with applicable law;
- To the City's agents and attorneys, when necessary;
- In a lawsuit, administrative proceeding, grievance or arbitration in which the employee and the City 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 City of Ocean City Policy and Procedure Manual.

Conflicts of Interest:

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

The City recognizes the right of employees to engage in outside activities that are private in nature and unrelated to City business. However, business dealings that appear to create a conflict between the employee and the City'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 City Clerk a state mandated disclosure form. The City Clerk will notify employees and City officials subject to the filing requirements of the Act.

A potential or actual conflict of interest occurs whenever an employee, including a City official, is in a position to influence a City decision that may result in a personal gain for the employee or an immediate relative including a spouse or significant other, child, parent, stepchild, sibling, grandparents, daughter-in-law, son-in-law, grandchildren, niece, nephew, uncle, aunt, or any person related by blood or marriage residing in an employee's household. Employees are required to disclose possible conflicts so that the City 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 Business Administrator to obtain clarification.

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

Employees may not accept donations, gratuities, contributions or gifts that could be interpreted to affect their City duties. Under no circumstances accept donations, gratuities, contributions or gifts from a vendor doing business with or seeking to do business with the City or any person or firm seeking to influence City decisions. Meals and other entertainment valued in excess of \$25.00 are also prohibited. Employees are required to report to the Business Administrator any offer of a donation, gratuity, contribution or gift including meals and entertainment that is in violation of this policy.

Political Activity:

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 City time, supplies or equipment in any political activity. Any violation of this policy must be reported to the Supervisor, Manager, Department Head, Business Administrator or the HR Director.

Employee Evaluation:

The Department Head will complete a written evaluation and appraisal form for every Full Time 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 Business Administrator. After review by the Business Administrator, the form(s) are to be forwarded to the Human Resources Director 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 Human Resources Director.

Employee Discipline:

An employee may be subject to discipline for any of the following reasons:

- Falsification of public records, including attendance and other personnel records.
- Failure to report absence.
- Harassment of co-workers, volunteers, visitors.
- Theft or attempted theft of property belonging to the City, fellow employees, volunteers or visitors.
- Failure to report to work the day or days prior to or following a vacation, holiday, leave, any other unauthorized day of absence.
- Fighting on City property at any time.
- Being under the influence of intoxicants (e.g., liquor) or illegal drugs (e.g., cocaine or marijuana) on City property and at any time during work hours.
- Possession, sale, transfer or use of intoxicants or illegal drugs on City property and at any time during work hours.
- Insubordination.
- Entering the building without permission during non-scheduled work hours.
- Soliciting on City 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 City or suppliers' property.
- Sleeping on the job.
- Carrying weapons of any kind on City 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.
- Defacing walls, bulletin boards or any other City or supplier property.
- Failure to perform duties, inefficiency or substandard performance.
- Unauthorized disclosure of confidential City information.
- Gambling on City premises.
- Horseplay, disorderly conduct and use of abusive and/or obscene language on City 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 a disorderly persons offense.
- Violating any City rules or policies.
- Conduct unbecoming a public employee.
- Violation of City policies, procedures and regulations.
- Violation of Federal, State or City laws, rules, or regulations concerning drug and alcohol use and possession.
- Misuse of public property, including motor vehicles.
- Unauthorized use of computers, Internet, and email.
- Other sufficient cause.

Major disciplinary action includes termination, disciplinary demotion or suspension or fine exceeding five (5) working days. Minor discipline includes a formal, written reprimand or a suspension or fine of five (5) 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 City 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; written reprimand; suspension; fines, and dismissal. At the discretion of the City, 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. Any discipline involving written reprimand, suspension, fine or dismissal shall be issued only after consultation with the Human Resources Director.

Neither this manual, nor any other City guidelines, policies or practices create an employment contract. Employment with the City may be terminated at any time with or without cause or reason by the employee or the City.

Resignation:

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 communicate the resignation date to the HR Office and the Payroll Office and will indicate any pay or other money owed the employee. A Human Resources staff member will conduct a confidential exit interview to discuss benefits including COBRA options, if applicable; and the Payroll Office will communicate regarding appropriate retirement issues and pay due. A COBRA notification letter will be sent to eligible employees at their home address. The exit interview will also include an open discussion with the employee. On the last day of work, the employee must return the Employee Identification Card, all keys and equipment. At this time, the employee will sign the Employee Outprocessing Checklist and the Workers Compensation Exit Interview forms, and these documents will be retained in the official personnel file.

Transfer:

Employees may be considered for transfer from one department to another if a position is available. Permanent individual transfers require the consent of the affected Department Heads and the NJ Civil Service Commission. Transfers may also occur when one unit combines with another or on a temporary basis to effect economies, make available a needed service for short periods, or for any other documented purpose that is in the best interest of the public service.

Posting of Vacant Positions:

City positions are posted in the Division of Human Resources for a minimum of 10 working days, advertised in the *Ocean City Sentinel* newspaper, on www.ocnj.us, and on City Government Access TV Channel 2. Certain positions may also be advertised in additional newspapers and professional publications. Employees are encouraged to apply for vacant City positions in which they are interested.

Promotion:

Employees who are recommended for promotion must meet the requirements of the higher title. Employees are responsible for any fees imposed by the promotion, such as an application filing fee or special license requirements. It is the provisional employee's responsibility to apply for their test when it is announced by the New Jersey Civil Service Commission (CSC). Any employee who neglects to file an application may jeopardize their right to continued employment at that level. If an employee decides to accept a promotion into an unclassified position, the employee may lose their New Jersey Civil Service rights under the provisions of Title 11A, New Jersey Statutes. Before making a decision to accept an unclassified position, an employee should determine the impact upon their status by checking with the City's Human Resources Division.

Demotion:

A demotion is a reduction in scale of compensation or title. The City may demote any employee due to inefficiency, incompetence, misconduct, negligence, insubordination, or for other sufficient cause. An employee may also be demoted for purposes of efficiency or economy, and in this case, will be notified of the demotion 45 days prior to the demotion's effective date. The employee will be notified of the reasons for the demotion.

Work Force Reduction:

Pursuant to N.J.A.C. 4A: 8-1.1 the City 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 Civil Service Commission.

Driver's Licenses:

Any employee whose work requires the operation of City vehicles must hold a valid New Jersey State Driver's License. All new employees who will be assigned work entailing the operating of a City 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 record checks shall be made by Department Heads. Any employee who does not hold a valid driver's license will not be allowed to operate a City vehicle until such time as a valid license is obtained.

Any employee performing work which requires the operation of a City 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 who fails to report such an incident 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 City vehicle may be subject to termination.

Any information obtained by the City in accordance with this section shall be used by the City 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 Descriptions:

A job description including qualifications shall be maintained for each position pursuant to New Jersey Civil Service Commission guidelines if the position is subject to Civil Service. All other job descriptions must be approved by the Business Administrator. The HR Director will make copies available upon request.

Attendance:

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 administrative departments are 8:45 AM to 4:30 PM. The working hours for other departments are established by departmental procedures and bargaining unit agreements.

Early Closing and Delayed Opening:

In the event of unsafe conditions, the Business Administrator may authorize Department Heads to close operations earlier than the normal working hours. If conditions exist prior to scheduled openings, the Business Administrator shall notify Department Heads of a delayed opening and a new opening time. Each Department will have a calling system in place. If an employee chooses not to report to work, a full vacation day or compensating time will be charged. Sick time will be charged only for a legitimate illness.

Breaks:

Eligibility for lunch breaks and other breaks is based upon hours worked, job title, department and collective bargaining agreement. Most City employees are entitled to a 45 minute to one-hour lunch break near the middle of the work day. Many City employees receive one or two 15 minute breaks for full-time employees. All breaks are to be taken at times and places authorized by the employee's Supervisor.

Dress Code:

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 Business Administrator, the City will make reasonable religious accommodations that do not violate safety standards. Employees violating this policy will be subject to corrective action or will be sent home without pay.

No Smoking:

The New Jersey Legislature has declared that in all governmental buildings the right of non-smokers to breathe clean air supersedes the rights of smokers. In accordance with State law, the City has adopted a smoke-free policy for all buildings; this policy also pertains to electronic cigarettes (e-cigarettes). City facilities shall be smoke-free, and no employee or visitor will be permitted to smoke anywhere in City buildings. Employees are permitted to smoke only outside City buildings and such locations as not to allow the re-entry of smoke into building entrances.

Smoking inside vehicles owned by the City 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:

City owned vehicles shall be used only on official business (and all passengers must be on City business), unless an employee receives permission from the Business Administrator or designee. An employee who is also employed by another governmental entity may use a City vehicle for that employment only if the employment is pursuant to an inter-local agreement between the City and the other jurisdiction.

Vehicles may be taken home only with the advance approval of the Business Administrator, except a Department Head may also grant temporary approval to facilitate responses to after-hours emergency calls. When an employee takes home a City vehicle, it is to be used only for official City business; any other use is not permitted. At no time shall children be in a City vehicle that is responding to an emergency. Any violation of this policy constitutes cause for disciplinary action.

Phone Usage:

City phones are for official business and employees may make a personal call only to inform their family of unexpected overtime. Charges for all other personal calls must be reimbursed to the City. The use of hand-held cell phones while driving City vehicles or while driving on City business is prohibited.

Communication Media:

(Includes E-Mail, Voicemail, Computer and Internet Usage)

The Communication Media are the property of the City 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 City, such as cell phones, smart phones, computers, electronic tablets, access to the Internet, voicemail, email and fax.

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

The City respects the individual privacy of its employees. However, employee communications transmitted by the City'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 City. The City reserves the absolute right to access, review, audit and disclose all matters entered into, sent over, placed in storage in the City's Communication Media.** By using the City's equipment and/or Communication Media, employees consent to have such use monitored at any time, with or without notice, by City personnel. The existence of passwords does not restrict or eliminate the City's ability or right to access electronic communications. Personal accounts and related information should not be accessed or stored on City equipment and/or communication media. The City cannot require an employee to provide the password to his/her personal account.

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). City employees are required to use the assigned municipal email account for ALL City business and correspondence. The use of private email accounts for ANY City business or during business hours is strictly prohibited.

Employees can only use the City's Communication Media for legitimate business purposes. Employees may not use the City's Communication Media in any way that is defamatory, obscene, or harassing, or in violation of any

City rules or policy. Examples of forbidden transmissions or downloads include sexually-explicit messages, unwelcome propositions, ethnic or racial slurs, or any other message than 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.

All employees, who have been granted access to electronically-stored data, must use a logon ID assigned by the City. Certain data, or applications that process data, may require additional security measures as determined by the City. Employees must not share their passwords; and each employee is responsible for all activity that occurs in connection with their passwords.

All employees may access only data for which the City has given permission. All employees must take appropriate actions to ensure that City data is protected from unauthorized access, use or distribution consistent with these policies. Employees may not send or receive any information technology resource and store information other than where authorized. 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 City's computing equipment.

Employees may not install or modify ANY hardware device, software application, program code, either active or passive, or a portion thereof, without the express written permission from the City. Employees may not upload, download, or otherwise transmit commercial software or any copyrighted materials belonging to parties outside of the City, or licensed to the City. 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.

The City encourages employees to share information with co-workers and with those outside the City for the purpose of gathering information, generating new ideas and learning from the work of others to the extent that such sharing is permitted by the City. Social media provide inexpensive, informal and timely ways to participate in an exchange of ideas and information. 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. Employees may engage in social media activity during work time through the use of the City's Communication Media, provided that it is directly related to their work, and it is in compliance with this policy.

Employees must not reveal or publicize confidential City 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.

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 City'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 Business Administrator. Except in "emergency situations," employees are prohibited from taking digital images or photographs with media equipment not owned by the City. For example "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 City's Communication Media. If such situation occurs, employee agrees that any images belong to the City and agrees to release the image to the City and ensure its permanent deletion from media device upon direction from the City.

No media advertisement, electronic bulletin board posting, or any other posting accessible via the Internet about the City or on behalf of the City, whether through the use of the City's Communication Media, or otherwise, may be issued unless it has first been approved by the Business Administrator. Under no circumstances may

information of a confidential, sensitive, or otherwise proprietary nature be placed or posted on the Internet or otherwise disclosed to anyone outside the City. Because authorized postings placed on the Internet through the use of the City's Communication Media will display the City's return address, any information posted on the Internet must reflect and adhere to all of the City's standards and policies.

All users are personally accountable for messages that they originate or forward using the City'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) is prohibited.

Employees must respect the laws regarding copyrights, trademarks, rights of public City and other third-party rights. Any use of the City's name, logos, service marks or trademarks outside the course of the employee's employment, without the express consent of the City 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.

To the extent that employees use social media outside of their employment, and in so doing employees identify themselves as City employees, or if they discuss matters related to the City on a social media site, employees must add a disclaimer on the front page, stating that it does not express the views of the City, and the employee is expressing only their 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." Place the disclaimer in a prominent position and repeat it for each posting that is expressing an opinion related to the City or the city's business. Employees must keep in mind that, if they post information on a social media site that is in violation of City policy and/or Federal, State, or local laws, the disclaimer will not shield them from disciplinary action.

Nothing contained in this section is designed to interfere with, restrain or prevent employee communications regarding wages, hours or other terms and conditions of employment. City employees have the right to engage in or refrain from such activities.

Video Surveillance:

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

The City's video surveillance camera systems are a significant tool to which the employees the City will avail themselves in order to complete the goals and objectives of the City. Employees are only permitted to use the video surveillance camera systems for a legitimate purpose and with proper authorization. The City'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 City'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 a specific legitimate purpose and permission for the designee of the IT Director or the Business Administrator. The IT Director is responsible for the maintenance and administration of the video surveillance camera system, and he is responsible for maintaining a user access log detailing the date and the 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 the IT Director or the Business Administrator are immediately informed of such breach.

Bulletin Boards:

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

Community Affairs:

Employees are encouraged to participate in civic affairs and to practice good citizenship. Such participation should not adversely affect an employee's job performance or be detrimental to the City's interests. Time spent in such activities should be outside of an employee's working hours. Any communication that may be construed as representing the City's position on any subject matter must have prior approval from the Administration.

Public Relations:

Employees are expected to be courteous and respectful at all times. Employees should always remember that the customer comes first and deserves to be treated with respect. Questions and complaints will receive an employee's immediate attention. Employees will also exercise courtesy and thoughtfulness when using the phone. When answering the phone say: "Good morning/afternoon, this is Jane Doe; how may I help you?" If the person the caller wishes to speak to is on another line, ask the caller if they want to be placed on hold. If the person with whom the caller wishes to speak is not available in a reasonable time, offer to have the call returned. When a caller leaves a name, number, or a message, make sure it is recorded correctly and is given to the individual.

Unauthorized Use of Municipal Equipment:

All municipal equipment and supplies are to be used for City jobs or business. No City equipment, supplies, services or information is to be used for an employee's own benefit. Violations of this policy will be cause for disciplinary action.

Utilities Conservation:

Employees are encouraged to conserve utilities. Turn off all office and shop electricity when leaving the workstation for an extended period.

Work Area Housekeeping:

Work areas should be kept clean and orderly at all times. Clean up work areas at the end of each shift, in order to be ready for the start of work on the next shift. Consume food and beverages in the designated employee rest areas only. Place coats, boots, and umbrellas in the areas designated for such articles, not at work areas.

Safety

Safety Policy:

The City will provide a safe and healthy work environment and shall comply with the Public Employees Occupational Safety and Health Act (PEOSHA). The City 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, the Manager or the Department Head. Any on-the-job accident or an accident involving City facilities, equipment or motor vehicles must also be immediately reported to the Supervisor, the Manager or the Department Head.

The City has appointed a Safety Committee that meets on a regular basis to discuss and recommend solutions to safety problems. Employees are encouraged to discuss safety concerns with their Safety Committee Representative.

Fire Drills, Fire Protection & Other Emergency Procedures:

In an emergency, seconds and minutes can make the difference. Your Supervisor will instruct you on the appropriate procedures for your work area.

General Safety Practices:

Basic guidelines minimize the potential for unsafe conditions in the work place. These rules also permit management to evaluate overall safety compliance and handle department specific safety issues.

You are required to:

1. Comply with all safety signs. Removal of guards, safety devices, notices or warnings is not permitted.
2. Operate equipment only on which you are trained.
3. Keep emergency exits, electrical panels, sprinkler valves and fire equipment clear and accessible at all times.
4. Report any conditions to your Supervisor that may potentially cause an accident.
5. Consume food and beverages in authorized areas only.
6. Become knowledgeable of your rights and responsibilities under the Right to Know Act.

In Case of an Accident:

In case of an injury to a member of the public, notify your Supervisor. Do not leave the injured individual unattended. Only properly trained individuals should administer first aid. You are not expected to render first aid assistance unless it is a part of your job duties. Refrain from any statement(s) that could imply City liability for the incident.

In Case of an Employee Accident:

You are expected to report any accident immediately to your Supervisor, no matter how minor. If driving a City vehicle when involved in an accident, do not leave the scene until a Police Officer arrives to prepare a report. For an injury on the job, you will be required to complete an incident report with your Supervisor. You may obtain medical attention from a City designated Physician, Beach Patrol Medic, Urgent Care Center or Shore Medical Center Emergency Room.

Lock Out/Tag Out:

There may be times when you see routine maintenance performed on City property. To prevent injury to the individuals working, a colored tag or lock may be placed on certain mechanical equipment. The tag or lock is designed to prevent anyone from turning on the equipment while the work is being performed. Do not touch or try to turn on this equipment when you see this lock or tag.

Public Employees Occupational Safety and Health Act (PEOSHA):

Laws created by the New Jersey Department of Labor place the responsibility on the public employer to provide a safe and healthy work place for public employees.

Safety Rules and Regulations:

The City has adopted rules and regulations that are to be enforced in order to protect our employees and the general public during the performance of daily work. Full job and safety training and orientation for each new employee will be conducted.

Right to Know:

The New Jersey Worker and Community Right to Know Act requires employers to provide information about hazardous substances at their facilities. The employer will train you about the health and safety risks of working with hazardous substances, necessary safety practices, control methods, and the provisions of the Right to Know Act.

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.

Holidays::

The Payroll Office posts a list of holidays and dates of observance. The method of compensation for holidays is detailed in various collective bargaining agreements, which contain the number of compensable days and unique practices for a represented group. If a paid holiday occurs while an employee is on vacation, the employee will normally not have the holiday charged against the employee's vacation time. To receive holiday pay, an employee must be at work or on authorized absence on the workdays immediately before and after the day the holiday is observed. Employees on leaves of absence without pay are not eligible for holiday pay.

City Recognized Paid Holidays:

Full Time Employees are entitled to the following paid holidays:

- New Year's Day
- Martin Luther King's Birthday
- President's Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- General Election Day
- Veterans Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas 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:

Vacation Leave is earned by Full and Part Time employees as set forth in applicable collective bargaining agreements, individual employment agreements, or at the discretion of the Business Administrator. Seasonal and Temporary employees do not earn vacation leave.

The City provides vacation leave for employees based on years of continuous full-time service. Vacation leave is credited at the beginning of each year in anticipation of a full year of employment. Specific vacation provisions and time earned are outlined in the various collective bargaining agreements. Employees serving during their working test period accrue vacation days, which (with the exception of Police and Fire personnel) may not be used until the end of the working test period. Vacation leave will not accrue after an employee has resigned or retired, even though the employee's name is being retained on payroll records until the exhaustion of vacation, compensatory leave, or terminal leave. Paid vacation will not accrue during a leave of absence without pay. Any employee who exhausts all paid vacation leave in any one year will not be credited with additional paid vacation time until the beginning of the next year.

Vacation leave is to be taken in the year in which it is earned, at such time as permitted by the Department Head. Vacation scheduling is not allowed to disrupt the maintenance of proper and sufficient services as required. In the cases where conflicts arise, vacation time will be granted upon the employee's seniority of service in the unit. Requests for vacation leave should normally provide at least 72 hours for Supervisory approval.

Personal Leave:

Personal Leave is earned by Full Time employees as set forth in the applicable collective bargaining agreements, individual employment agreements, or at the discretion of the Business Administrator. Seasonal and Temporary employees do not earn personal leave.

Sick Leave:

Full Time Employees are entitled to 15 working days of sick leave per calendar year. Part Time employees earn Sick Leave based upon the number of hours worked in proportion to Full Time employees. Sick Leave is to be used only 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 three 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 City may require an employee to be examined by a physician designated by the City 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. The accumulation continues indefinitely during employment. Employees who retire will be compensated for accumulated sick leave in accordance with existing collective bargaining agreements. An employee who exhausts all accumulated sick days in any one year will not be credited with additional paid sick leave days until the beginning of the next year.

Sick Leave is a benefit offered to employees to tide them over during occasional periods of illness. Sick leave use will be monitored periodically. If the frequency of illness is high, not necessarily the number of days ill, it might be assumed that the employee may have a chronic illness, or that the employee is abusing the Sick Leave privilege. Proof of illness may be required of an employee on sick leave. The City reserves the right to refer an employee to a designated physician to establish or certify an employee's illness, that causes the employee to be frequently absent from work. Any employee who abuses Sick Leave is subject to disciplinary action.

Bereavement Leave:

Bereavement Leave is available to Full and Part Time employees as set forth in applicable collective bargaining agreements, individual employment agreements, or at the discretion of the Business Administrator. Seasonal and Temporary employees are not eligible for bereavement leave.

Civil Leave – Court Duty

Paid civil leave is provided to permanent and provisional full-time employees for certain court duty. Jury duty (See Jury Duty Policy below) is considered a leave with pay for the time required to perform jury duty during work hours. Witness duty will be considered for work time when such appearance is part of the job function. Employees must submit written verification of attendance signed by a representative of the court. Civil leave is not granted for an employee's appearance (non-work-related) in court as a plaintiff or as a defendant.

Jury Duty:

An employee who is required to render jury service shall be entitled to be absent from work with pay during that service when they are scheduled to work; see applicable collective bargaining agreements.

Injury Leave:

The City will provide a leave of absence with pay to an employee who is disabled for an extended period due to a work-related injury or illness. The length of this period cannot exceed one year from the initial date of injury or illness. An employee's inability to perform his/her work duties will be initially certified by the City physician. Injuries or illnesses must occur from a specific, work-related accident or a condition of employment in order to be compensable.

An injury off the work premises is compensable only when the employee is engaged in authorized work activity or travel between workstations. For an injury to be compensable, it must occur during the normal work hours or on approved overtime. Injuries that occur between the home and the workstation or a field assignment, and injuries that occur during lunch break periods are not compensable. The burden of proof is on the employee to establish that entitlement to injury leave.

Serious Illness:

Full Time employees will be provided time off to care for a family member who resides with them and encounters a serious illness. A serious illness is any instance when a member of the immediate family is either hospitalized or incapacitated while at home. Immediate family is defined in the various collective bargaining agreements. Medical documentation may be required. Serious illness time is limited to three (3) days per year and is not cumulative.

Donated Leave:

The City has a mechanism for full-time employees to voluntarily donate a portion of their earned sick time to other employees who have exhausted their own earned sick and vacation time, and who are suffering from a non-occupational, catastrophic health condition or injury which necessitates the employee's prolonged absence from work. Kindly refer to City Policy 6.24 – Donated Leave Policy, and meet with the HR Director regarding the details.

State or National Convention Leave:

Permanent employees will be granted a leave of absence with pay to attend any state or national convention. A certificate of attendance will be required of any employee granted convention leave.

Leaves of Absence:

Employees may be granted a personal leave of absence for up to six months at the sole discretion of the Business Administrator 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. In exceptional circumstances, City Council may extend a leave of absence for an additional six (6) months, if such extension is considered in the best interests of the City.

Personal leaves are not granted for the purpose of seeking or accepting employment with another employer, or for extended vacation time. A personal leave of absence without pay may result in a reduction of seniority, pension credit and loss of health coverage, depending on the nature and length of the leave. A personal leave is granted with the understanding that the employee intends to return to work for the City. If the employee fails to return within five (5) business days after the expiration of the leave, the employee shall be considered to have resigned.

The City expects that the employee will return on the expiration date of the leave, and that certain benefits will result from the leave, such as an employee's increased job ability, the improvement of an employee's health, and the retention of a desirable employee. A leave of absence that is approved for a specific purpose and is used for another purpose may be considered an abuse and will be cause for disciplinary action.

Family and Medical Leave Act:

Employees may be eligible for an unpaid (or paid if the employee has paid time off available) family or medical leave under the Federal Family and Medical Leave Act ("FMLA"). Employees also may be eligible for family 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 City; and, at least 1,000 hours of work (for New Jersey leave) and 1,250 hours of work (for federal leave) during the previous 12 months. Eligible employees may receive up to 12 weeks of leave per year (FMLA) or 12 weeks every 24 months (FLA).

During a paid 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. If the leave is unpaid, the employee will not continue to accrue vacation, sick or personal days for the period of the unpaid 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 such leave.

Upon written notice, eligible employees are entitled to a family or medical leave for up to 12 weeks to care for a newborn 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 12 weeks can be requested, but medical verification of the need must be submitted prior to the expiration of the leave. The City reserves the right to deny any request for extended leave. Additional information concerning the Family Leave Policy and eligibility requirements are available from a Human Resources staff member.

Family Temporary Disability ("FTD") also known as **Family Leave Insurance** ("FLI") payments for up to six (6) weeks in a 12-month period became available for eligible employees who are caring for a seriously ill immediate family member who is incapable of self-care, or the 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 1,000 times the minimum wage. The weekly benefit is 2/3 of weekly compensation up to a maximum of \$559 per week (this amount is subject to change in future years). FLI 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 (2) 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 the leave. An employee seeking intermittent paid family leave is required to provide the City 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 City with a regular schedule of days for intermittent leave.

Employees may also be eligible for an unpaid leave for up to 26 weeks 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 12 weeks in a year for a qualifying exigency. A qualifying exigency occurs when a military member is called to active duty (requires a 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; to 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/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 US Dept. of Veterans Affairs Service-Related Disability Rating (VASRD) of 50% 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 Dept. of Veterans Affairs Program of
5. 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 the employer's request, an employee must provide a copy of the covered military member's active duty orders to support a request for qualifying exigency leave. In addition, upon the 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 the 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 the 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 a 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 the staff at a care facility.

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

Domestic Violence Leave:

The New Jersey Security and Financial Entitlement 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 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 the 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.

In order 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 12 months and for at least 1,000 hours during the 12-month period immediately preceding the requested leave; and
- The 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, the employee seeking leave must provide proof that they qualify for the leave. Such proof may include a restraining order, a letter from a prosecutor, proof of conviction, medical documentation, or a certification from an agency or a 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 (FMLA) and/or the NJ Family Leave Act (FLA). If so, the City 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 City 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 City shall not retaliate, harass, or discriminate against any employee exercising their right to take the leave provided by this policy.

Military Leave:

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 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 90 days. 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.

After the above calendar year of service, the employee will be granted paid leave not to exceed 30 days each calendar year with differential pay for the remainder of the year that he or she is required to engage in active duty or active duty for training. The employee shall be granted leave three (3) months after honorable discharge. If the employee is incapacitated at the time of discharge, the leave will be extended past three (3) months but no more than two (2) years from the date of discharge. The extended leave after discharge may be with or without pay. Employees will be entitled to return to the original position held by them at the time of their entrance in the military service, provided that they applied for such before the expiration of their approved leave of absence. An employee who re-enlists in the military service will be considered resigned from the position with the City.

Employees on military service will also continue to receive paid health insurance coverage during the period of the paid leave plus an additional 30 calendar days after the paid leave is exhausted. After this period has expired, employees may continue coverage for themselves or their dependents under the City’s group plan by taking advantage of the COBRA provision. Members of the State administered retirement systems (PERS and PFRS) will continue accruing service and salary credit in the system during the period of paid leave.

A leave of absence with pay shall also be granted for other military duty when ordered by the Governor in the case of insurrection, breach of the peace, national disaster or imminent danger to public safety.

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 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 31 to 180 calendar days, the employee must submit an application for reinstatement

within 14 calendar days after completing military duty; for service greater than 180 calendar days, the employee must submit an application for reinstatement within 90 calendar days after completing military duty.

SECTION FOUR - Compensation & 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:

Salary ranges are established by collective bargaining agreements or by salary ordinance, depending on the nature of the employment. The City will not accept responsibility for any employee's personal finances. The City will acknowledge judgments against an employee's pay, but will not act as a mediator between the employee and creditors.

All employees are on a bi-weekly pay schedule, and payday is every other Friday. For full-time permanent/provisional employees, the pay period ends at midnight Saturday. For part-time / temporary / seasonal employees, the pay period ends at midnight Wednesday night. All paychecks are issued the following Friday. Should a regular pay date fall on a City holiday, employees will be paid the last working day prior to the holiday. Direct deposit of your paycheck to any bank is available; this ensures that your pay will be available to you on the day before payday without having to personally deposit your check; employees are encouraged to enroll in Direct Deposit.

State, Federal, Social Security, Medicare, Unemployment Compensation Insurance, and employee contributions to health benefits, pension, and pension loan payments (if applicable) will be deducted automatically, as well as other deductions required by law. Any other deductions must be requested through the Payroll Office for processing, such as Union dues, Credit Union, Deferred Compensation and AFLAC (Section 125 Plan). Pay advance requests are normally not honored. Paychecks will not be distributed before normal payday (including negotiated exceptions) unless the Department Head documents an emergency, and the Director of Financial Management provides written approval. Errors in pay balances should be brought to the immediate attention of your Supervisor.

Wages and Salaries:

The City pays wages and salaries based on the nature of the job performed. The compensation objectives of the City are to provide equitable wages based upon a position's level of relative difficulty, complexity, and responsibility, within the City's organizational structure and according to comparable positions in the area. Classifications are allocated pay grades. Each pay grade has a minimum and a maximum rate of pay, with several steps in between. Employees who have not reached the top of their salary scale are eligible for step increases annually, provided they have received not less than a satisfactory rating the previous year. (See applicable collective bargaining agreements.)

Overtime Compensation:

Under the Federal Fair Labor Standards Act, certain employees in managerial, supervisory, administrative, computer or professional positions are exempt from the provisions of the Act. There are also employees who may be exempt because their compensation exceeds \$100,000 per year depending upon their job duties. The Human Resources Director 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 Business Administrator's prior approval and at the sole discretion of the Business Administrator. 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 in advance, unless there is an emergency. 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 40 in a weekly period or as otherwise provided in the applicable collective bargaining agreement. Employees may choose overtime compensation in the form of overtime pay at their regular hourly salary or compensating time off (compensatory time), provided the Department Head agrees to the compensating time off. The maximum number of hours that an employee may accrue for future compensating time off is determined by federal law and the applicable collective bargaining agreement. Employees who are employed in job classifications considered Public Safety may accumulate 480 hours of comp time. All other employees may accumulate 240 hours of comp time. 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 40 hours in a weekly period or such other period as provided in an applicable collective bargaining agreement. The definition of hours worked may exclude all forms of paid and unpaid leave unless otherwise provided in an applicable collective bargaining agreement. Non-Exempt employees scheduled to work less than 40 hours in a weekly period may be eligible to receive overtime in the form of one hour of pay or one hour of compensating time off for each hour worked between the scheduled hours and 40 hours.

Different rules may apply under certain collective bargaining agreements for work on weekends, holidays, early or late shifts, or when an employee is called into work when not scheduled to work. Employees must make a request to their Supervisor at least two (2) 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.

Alternative Work Week:

Alternative workweek programs may be established to accommodate organizational and/or employee needs. An alternative workweek, such as a 4-day workweek, may be developed for year-round use or for a specific portion of the year. Assigned work hours per week are retained. Participation in a program may be limited to selected groups of job titles, work units, and work locations. Concurrence of the Business Administrator is required prior to instituting an alternative workweek.

Call Back Pay:

If employees are recalled to duty, they are compensated at time-and-one-half their rate of pay. Also, if employees are recalled to duty on their day off, then they are paid for all hours worked at time-and-one-half their rate of pay. The employees will be compensated for a guaranteed minimum amount of time, which may be found in the respective collective bargaining agreement. Upon being personally notified of an emergency, employees will report to work within 30 minutes, if possible. Certain classes of employees are exempt from this policy.

Recording Time Worked:

It is the Non-Exempt employee's responsibility to report the hours worked each day correctly and accurately. Your Supervisor will explain the proper reporting procedures to you so that you will understand how to turn in your time properly. Clocking/signing in early will not be considered for normal working time unless approved by your Supervisor. Failure to clock/sign in/out will result in failure to be paid for that day, unless approved by your Supervisor. Clocking/signing in/out for another employee is a serious offense and will result in disciplinary action. Changes on any time card/sheet are prohibited unless approved by authorized personnel. Non-Exempt and Exempt employees should turn their time record into their Supervisor, Manager or Department Head, who shall review the record for accuracy and approve it; this record for Non-Exempt employees shall be submitted to the designated Payroll Processor. A payroll check will not be issued to a Non-Exempt employee for whom no time has been submitted.

Flextime Programs:

A flextime program may be developed to accommodate organizational and/or employee needs. There will be a core time for which all employees will be present. The flexible time is the period before and after the core time in which employees may select their time of arrival and departure. Participation in a flextime program may be limited to selected groups of job titles, work units, and work locations. The Department Head must approve flexible time, and the concurrence of the Business Administrator is required prior to instituting a program.

Longevity Pay:

Granting a longevity increment to full-time permanent employees of certain employee groups recognizes long and meritorious service with the City. Longevity is based on service from the date of original full-time provisional or permanent appointment, provided there is uninterrupted service. Specific criteria for eligibility and payment are found in the respective collective bargaining agreements.

Payment for Accumulated Absence:

To the extent that a local ordinance, collective bargaining agreement, or an employment agreement provides for the payment of compensation for accumulated absence balances upon retirement and/or separation from City employment, the City shall only make such payment if the Chief Financial Officer or the Business Administrator certifies that such amount is due, and that proper documentation establishing that the amount of the accumulated absence has been provided, and that 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.

Work Hours:

The normal workweek is Sunday through Saturday, beginning and ending at midnight on Saturday. Normal work hours are an employee's scheduled work period, as specified by a starting and an ending time. The department to which they are assigned determines the schedule of hours for employees. City services for a resort community are greatly expanded in the tourist season; therefore, some departments may have a seasonal requirement for extended workweeks or workdays. Specific designation of a workday or a workweek may be found in the appropriate collective bargaining agreement.

Benefit Programs

Health Care Insurance:

The City provides employees with various benefits. Information is given to all plan participants and beneficiaries on a timely and continuing basis. All benefits provided are described in official documents, which are kept on file in the Division of Human Resources and are available for examination by all plan participants and beneficiaries. These documents are the only official and binding documents concerning the City's health insurance benefits. Some benefits may be modified by various collective bargaining agreements.

Full Time employees and their immediate family members, including civil union and domestic partners, are provided health insurance coverage administered by the Human Resources Division. The City reserves the right to change provider networks, claims agents, and insurance mechanisms (fully-insured vs. self-funded, e.g.). The complete benefit plan is on file in the Human Resources office, and a Summary Plan Description will be provided to all employees upon request. Benefit levels for non-union employees are subject to change at the discretion of the City.

Health insurance coverage for employees who are on a Leave of Absence, or who cease City employment will terminate at the end of the month in which the leave begins or employment is terminated, except that coverage will continue for up to 12 weeks for employees on leave pursuant to the Family and Medical Leave Act and up to 30 weeks for employees on Military Leave. Upon termination of coverage, employees may extend health insurance coverage for themselves and/or their dependents by taking advantage of the Consolidated Omnibus Budget Reconciliation Act (COBRA) provision for a period of up to either 18 or 36 months. All eligible, newly-hired employees and their spouses shall receive a notice of COBRA rights upon being hired.

The health benefit program includes hospitalization, medical treatment, major medical coverage, and surgical fees for the member and his/her family. Specific plans may vary by collective bargaining agreements. Also, plans for retired employees are specified in the various collective bargaining agreements.

Employees who retire with 25 years of full-time service to the City may continue to receive employer-paid health insurance coverage. Employees with less than 20 years of full-time pensionable service as of 6/28/2011 will be required to contribute to the cost of health benefits in retirement. Employees receiving retiree health benefits must notify the City in writing, with proof of enrollment, when they become eligible for Medicare Parts A and B. (See the appropriate collective bargaining agreement for further information.)

Prescription Drug Benefit:

The City offers Full Time employees and their families a prescription drug benefit with both retail and mail-order options. Specific details are in the Summary Plan Description and the respective collective bargaining agreements.

Dental Benefit:

The City offers Full Time employees and their families a Dental Benefit Plan. Specific details are in the Summary Plan Description and the respective collective bargaining agreements.

Vision Benefit:

The City offers Full-Time employees a Vision benefit. Specific details are in the Summary Plan Description and the respective collective bargaining agreements.

Flexible Spending Account:

The City offers a Flexible Spending Account (IRS Section 125 Plan) to all full-time employees enrolled in the City's health care plan, in the form of AFLAC. Open enrollment is offered once a year through the Payroll Office.

Life Insurance:

The City provides all full-time employees with a life-insurance policy of \$25,000 during the term of employment. Eligible full-time employees are additionally insured through the State Pension Plans. The employee designates beneficiaries for both life insurance policies.

Deferred Compensation:

Deferred compensation is an optional program for employees to supplement their retirement income. All full-time and part-time permanent and provisional employees are eligible to enroll in one of the City's Deferred Compensation Plans through a payroll deduction. This deferred income is deposited into your account and invested according to the investment choices you select. Federal income tax is not paid on this money until retirement when you receive monthly benefits.

Credit Union:

The City offers employees the opportunity to join the South Jersey Federal Credit Union, a full-service credit union. Loan privileges are available to employees who are Credit Union members in good standing. Savings deductions and loan repayments may be made automatically through payroll deductions.

Social Security:

Federal Social Security and Medicare covers most employees, as required by Federal law which sets forth the amount deducted from your pay. For each penny you pay of Social Security tax, the City pays an equal amount to your account.

Retirement:

Under State law, all Full Time employees must enroll in the New Jersey Public Employees Retirement System (PERS) or the Police and Firemen's Retirement System (PFRS). Employees hired for part-time employment, elected officials and Department Heads who are not already enrolled in the Public Employees Retirement System are not eligible for the PERS, but may be required to enroll in the Defined Contribution Retirement Program (DCRP). 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 their 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 a form showing any pay or other money owed the employee. The Payroll and Pension Supervisor will meet with the employee to discuss appropriate retirement issues and pay due. A Human Resources Staff Member will conduct a confidential exit interview to discuss benefits including COBRA options for those receiving health benefits. If applicable, 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 City 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.

Unemployment Compensation Insurance:

As required by law, there is a program for the payment of cash benefits to covered workers who have lost their jobs through circumstances beyond their control, or who are working less than full time because of a lack of full-time work. Both the employer and employees participate in the financing of this program. Each worker contributes a percentage rate of the covered wages paid by the employer in the calendar year. If an employee becomes totally or partially unemployed, the individual should file a claim for benefits the first working day following said layoff at the unemployment insurance claims office nearest the individual's home.

Workers Compensation:

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 City covers Workers Compensation benefits through its membership in a joint insurance fund. Any occupational injury or illness must be immediately reported to the Supervisor, the Manager, or the Department Head. All required medical treatment must be performed by a Workers Compensation Physician appointed by the City, and payment for unauthorized medical treatment may not be covered pursuant to the Act.

Unless specifically provided for in a collective bargaining agreement, the City will only pay, either directly or through its Workers Compensation Administrator (Qual-Lynx), 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.

Employee Assistance Program:

Employees and their family members, who are covered by the City's health care coverage, are provided with a program for counseling and referral services that assist with coping with personal problems. Employees are encouraged to seek assistance from the Employee Assistance Program in dealing with personal problems that can adversely affect an employee's job performance. Programs may also be available for education, career planning, and for terminated or retiring employees. Shore Counseling, LLC, is the City's Employee Assistance Program

provider where three free visits to a counselor are covered in the City's contract with Shore Counseling because many problems can be resolved with short-term counseling. If further counseling is necessary, the EAP can refer the individual to other counseling services. Before utilizing such a service after the three free visits, the employee must have this pre-certified by the City's health care provider by calling the Customer Service phone number on the back of their ID card.

A Mandatory Referral to the EAP is also available for use by supervision and management as a Corrective Action Step in the employee's work performance or work behavior. (Refer to the Corrective Action Program for CWA 1078 Employees, as well as the Employee Assistance Program Policy.) Employees so referred must sign a waiver that the EAP counselor can communicate with the Human Resources Director about the progress on the employee's work-related issues. Communication between employees, the HR Director and professional counselors are strictly confidential.

GENERAL INFORMATION

Training:

To increase your effectiveness while working for the City, the City may provide training that is relevant to your duties and of benefit to the City. You are responsible for making training needs known to your immediate Supervisor. Training may include on-the-job training, mandatory training requests by management, regulatory training, and optional training requested by the employee.

Tuition Assistance:

The City encourages its employees to achieve higher levels of performance in their positions by voluntarily enrolling in an accredited college, university, business or trade school, and may provide monetary assistance as a reward for successful completion. Tuition assistance will be provided only for courses that are directly related to the employee's present job. Tuition assistance programs are contained in the various collective bargaining agreements. Approval by the Department Head is required.

Conferences and Seminars:

Requests to attend a conference or seminar must be approved by the Department Head and the Business Administrator. 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 30 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.

Recreation and Athletic Programs:

The benefits derived from any physical activity cannot be overemphasized and the City encourages employees to participate in athletic and recreation programs. The Recreation Division offers a variety of programs and there are a number of fitness programs in the area. Employees are cautioned not to start an exercise program or a structured sports program until after they have seen their physician for an evaluation.

There is a discount available for employees (and their family members) at the City's Aquatic & Fitness Center. Details can be found at www.ocnj.us or by calling (609) 398-6900.

Personal Property:

The City cannot assume responsibility for the loss or theft of personal belongings. Employees are advised not to carry large sums of money or other valuables to work with them. An area may be assigned for the safeguarding of an employee's clothing and personal effects during work hours. Articles of personal property found on the premises should be returned to the owner, if known, or turned into the Police Department. It is expected that employees will exercise reasonable care by not leaving valuables unattended and in plain view.

Return of City Property:

Upon separation from City employment, you must return all City keys and equipment that you were issued.

Security:

Security is the responsibility of all City employees. Identification badges are issued to all personnel who have a need based on their duties and involvement with the public. Employees will be held accountable for their ID cards and will be required to return them when their employment is terminated. Keys for use on gates, doors, file cabinets, vehicles, and other City equipment will be issued to those whose duties require them to have keys. Visits to City property by acquaintances are not encouraged, and personal visits are not permitted in industrial work areas.

Travel Regulations:

Employees will be reimbursed for actual, necessary expenses encountered as a result of performing City business. Travel is considered that which occurs outside the City as a result of official business. The City believes that travel expenses should cover only the employee's out-of-pocket expenses. Employees are expected to exercise the same care in incurring expenses as they would on personal trips taken at their own expense. These expenses may include mileage, tolls, parking fees, gratuities, lodging, meals, taxi service, and telephone charges made for conducting official business. Employees will not be reimbursed for travel expenses incurred by their spouses. Time spent away from home in traveling on City business shall be considered hours worked. All expenses are submitted to the Financial Management Department on the appropriate form. More detail is available in the Ocean City Policy and Procedure Manual Section 3.6 Expense Reimbursement and Section 6.25 Conference and Seminar Policy.

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Receipt for Employee Handbook

I acknowledge that I have received a copy of City'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, Business Administrator, or the Director of Human Resources. I understand that the City is an "at will" employer and consistent with applicable Federal and State law including the New Jersey Civil Service Act as well as applicable bargaining unit agreements, employment with the City 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 City 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 City'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 City 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.

Please sign and date this receipt and return it to the Human Resources Office.

Signature: _____

Print Name: _____

Department: _____

Date: _____