

To: All Civilian Personnel

From: Darren Schwedes
Deputy Chief of Police

Re: Personnel Policies and Procedures Manual

Date: October 27, 2014

The Township of Middletown has updated its' **Personnel Policies and Procedures Manual**. They are attached to this memo. Please familiarize yourself with the manual and electronically sign through Power DMS that you have received them. You can also access this document through the Township Intranet Site.

TOWNSHIP OF MIDDLETOWN

Township Hall, One King's Highway
Middletown, NJ 07748-2594



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Personnel Policies and Procedures Manual

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Township of Middletown - Personnel Policies and Procedures

GENERAL PERSONNEL POLICY:

It is the policy of the Township of Middletown to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations. The personnel policies and procedures of the Township 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 Township Administrator. No person shall be employed or promoted unless there exists a position created by an ordinance adopted by the Township Committee as well as the necessary budget appropriation and salary ordinance.

The Administrator and all managerial/supervisory personnel are authorized and responsible for personnel policies and procedures. The Township Committee has appointed the Assistant Township Administrator to assist the Administrator implement personnel practices. Administration shall also have access to the Labor Counsel appointed by the Township Committee for guidance in personnel matters.

As a general principle, the Township has a "no tolerance" policy towards workplace wrongdoing. Township officials, employees and independent contractors are to report anything perceived to be improper. The Township believes strongly in an Open Door Policy and encourages employees to talk with their supervisor, Department Head, Administrator, the Assistant Administrator or the Townships EEO Officer concerning any problem.

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

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

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Township of Middletown - Personnel Policies and Procedures

Part 1 – Policies Relating to Employee Rights and Obligations

1.1 ANTI-DISCRIMINATION POLICY

The Township of Middletown 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 Township of Middletown discriminate on the basis of age, ancestry, color, creed (religion), disability (including AIDS and HIV infection), genetic information or the refusal to submit to a genetic test or make available the results of a genetic test to an employer, atypical hereditary cellular or blood trait, familial status, liability for military service, marital status, domestic partnership or civil union status, nationality, nation origin, race, sex, affectational or sexual orientation, gender identity or expression and/or any other characteristic protected by law. Decisions regarding the hiring, promotion, transfer, demotion or termination are based solely on the qualifications and performance of the employee or prospective employee and are regulated by the rules, regulations, and procedures of Civil Service. If any employee feels they have been treated unfairly, they have the right to address their concern with their Supervisor, or if they prefer, their Department Head, Township Administrator, the Personnel Officer/EEO or the Township Attorney.

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1.2 AMERICANS WITH DISABILITIES ACT POLICY

In compliance with the Americans With Disabilities Act, the ADA Amendments Act, and the New Jersey Law Against Discrimination, the Township of Middletown does not discriminate based on disability. The Township of Middletown 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 Township of Middletown to comply with all relevant and applicable provisions of the Americans with Disabilities Act and the New Jersey Law Against Discrimination. We will not discriminate against any qualified 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 Township of Middletown.

Pre-employment examinations are required for all full-time, part-time and most seasonal positions. They are given to all persons entering the position only after conditional job offers. Medical records will be kept separate and confidential.

Reasonable accommodation is available to all disabled employees, where their disability affects the performance of job functions. All employment decisions are based on the merits of the situation in accordance with defined criteria, not the disability of the individual.

Qualified individuals with disabilities are entitled to equal pay and other forms of compensation as well as in job assignments, classifications, organizational structures, position descriptions, lines of progression and seniority lists. Leave of all types will be available to all employees on an equal basis.

The Township Administrator or Assistant Administrator shall engage interactive dialogue with disabled employees and prospective employees to identify reasonable accommodations. All decisions with regard to reasonable accommodation shall be made by the Township 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 Township of Middletown to offer permanent "light duty," relocate essential job functions, or provide personal use items such as eyeglasses, hearing aids, wheelchairs, etc. Employees should also offer assistance, to the extent possible, to any member of the public who requests or needs an accommodation when visiting Township facilities. Any questions concerning proper assistance should be directed to the Township's ADA Compliance Officer.

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1.3 CONTAGIOUS OR LIFE THREATENING ILLNESSES POLICY

Middletown Township encourages employees with contagious diseases or life-threatening illnesses to continue their normal pursuits, including work, to the extent allowed by their condition. The Municipality 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 their job, and also provided that the accommodation does not impose an unreasonable hardship on the Municipality.

Middletown Township 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. Any inappropriately disclosing such information shall be subject to disciplinary action.

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1.4 SAFETY POLICY

The Township of Middletown will provide a safe and healthy work environment and shall comply with the Public Employees Occupational Safety and Health Act (PEOSHA). Middletown Township is equally concerned about the safety of the public.

To further this goal, the Township has adopted a Safety Manual ([..\Safety\Safety Manual\Safety Manual 2011 - 2012](#)) available to all departments. In addition, safety training will be provided based on the provisions of the Safety Manual. Each Department Head has the responsibility for insuring a safe work place and each supervisor is responsible for the on the job safety of employees that report to them. The Township of Middletown provides information to employees about workplace safety and health issues through regular internal communication channels such as Safety Committee meetings, bulletin board postings, memos, or other written communications.

Some of the best safety improvement ideas come from employees. Those with ideas, concerns, or suggestions for improved safety in the workplace are encouraged to raise them with their Supervisor or Manager or bring them to the attention of the Department Head or Township Administrator or Safety Committee Meeting. Reports and concerns about workplace safety issues may be made anonymously if the employee wishes. All reports can be made without fear of reprisal.

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

In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees should immediately notify the Department Head or the appropriate Supervisor. For all but the most insignificant of injuries, injured employees should be sent for an appropriate medical examination. Such reports are necessary to comply with laws and initiate insurance and workers' compensation benefits procedures.

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1.5 DRUG AND ALCOHOL POLICY

The Township of Middletown 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. The possession and/or use of any illicit drug, controlled substance, or alcohol is prohibited in the workplace. Any employee who is observed by a Supervisor or Department Head to be intoxicated or under the influence of alcohol or drugs during working hours, or is under reasonable suspicion of same, shall be immediately tested and is subject to discipline up to and including termination.

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, including termination. Supervisors or Department Heads that observe behavior constituting reasonable suspicion are required to institute testing and do not have the option of sending the employee home as an alternative.

Employees who are found to possess such drugs or who, due to the use of such drugs, are unable to perform their jobs, disrupt the work activity, or pose a danger to themselves and other employees on the job site, will be removed by their Supervisor. The manufacturing, distribution, dispensation, possession and use of alcohol or unlawful drugs on Township property or during work hours by employees is strictly prohibited. Employees so removed will not be paid for a work day or any remaining portion thereof, and will be subject to disciplinary action. It will not be considered a proper excuse for an employee to state that the drug in question is being taken under medical care unless such prescribed use can be documented by medical prescription legally issued to use of said drug.

Employees using prescription drugs that may affect job performance or safety must notify the Administrator, Assistant Administrator, Personnel Administrator, or Department Head who is required to maintain the confidentiality of any information regarding an employee's medical condition in accordance with the Health Insurance Portability Protection Act.

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

CDL DRUG AND ALCOHOL TESTING

In an effort to insure that the Township of Middletown complies with the Department of Transportation Regulations, a drug and alcohol testing program will be in effect for all employees who are required to possess a Commercial Drivers License, and those employees who may be called to perform out-of-title duties which required a Commercial Driver's License, mass transit vehicle operators, controllers, mechanics and armed security personnel, hereinafter collectively referred to as "employees". Employees who are required to maintain a CDL are subject to random drug testing as required by the Federal Government.

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Drugs and Alcohol Policy

CDL Drug And Alcohol Testing (Cont'd)

A. Reasonable Suspicion Testing:

When an employee is acting in an abnormal manner and the Employer has "reasonable suspicion" to believe that the employee is under the influence of controlled substances and/or alcohol, the Employer may require the employee to go to a medical clinic to provide a urine specimen for laboratory testing and/or to take an EBT test on premises or at a clinic. In this situation, the Employer representative will inform the employee that he/she may have a Union Representative present. Reasonable suspicion means suspicion based on specific personal observations that the employer representative can describe concerning the appearance, behavior, speech or the breath odor of the employee, where the odor is detected in addition to appearance, behavior, or speech. Suspicion is not reasonable and, thus, not a basis for testing if it is based solely on the observations and reports of third parties. The grounds for reasonable suspicion must be documented by two Supervisors. When an employee is asked to submit to drug and/or alcohol testing, he/she shall be informed in the presence of a steward of the reasons that he/she is being asked to submit to the test. The employee shall be informed that refusal to submit to testing will constitute a presumption of intoxication and subject the employee to immediate discharge. This will be raised in the event that the Township has reasonable suspicion for testing in the first place. The employee's refusal shall be in writing. If the employee consents to the testing, he/she shall sign a consent form authorizing the collection of a specimen of urine and/or the conduct of an EBT test and a release of the results of the laboratory testing and /or EBT test to his/her Employer. A copy of the release shall be given to the laboratory and/or clinic. Prior to the actual drug testing, the employee will be examined by a medical doctor at the designated hospital, laboratory, and/or clinic if there is one available. This examination will be made to determine whether the conduct or behavior observed may have been caused by a reason other than the possible influence of drugs and/or alcohol. If the medical doctor decides that the conduct or behavior observed by the Supervisor is for a reason other than possible influence of drugs and/or alcohol, no test will be given and the employee will be returned to work without loss of pay, provided the medical doctor releases the employee to return to work. Such release must be in writing. If no doctor is available, the test shall be under the conditions set forth below.

B. Random and Post Accident Drug Testing:

The employer shall conduct random and post-accident drug tests of only those employees for whom random and post-accident drug testing is required by current D.O.T. regulations. Such test shall be conducted consistent with the requirements of applicable D.O.T. regulations and the provisions of this Agreement.

C. Chain of Possession Procedures:

The supervisor requesting the test shall escort the employee to the designated hospital, laboratory and/or clinic. At the time a specimen is collected, the employee shall be given a copy of the specimen collection procedures. The specimen must be immediately sealed, labeled, and initialed by the employee to ensure that the specimen tested by the laboratory is that of the employee.

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Drugs and Alcohol Policy

CDL Drug and Alcohol Testing (Cont'd)

The required procedure is as follows:

1. Urine shall be in a wide-mouthed clinic specimen container which shall remain in full view of the employee until split, transferred to, sealed, and initialed in two tamper-resistant urine bottles.
2. Immediately after the specimens are collected, the urine bottles shall, in the presence of the employee, be labeled and then initialed by the employee. If the sample must be collected at a site other than the drug and/or alcohol testing laboratory, the specimens shall then be placed in the transportation container. The container shall be sealed in the employee's presence and the employee shall be asked to initial or sign the container. The container shall be sent to the designated testing laboratory on that day or the earliest business day by the fastest available method.
3. A chain of possession form shall be completed by the hospital, laboratory and/or clinic personnel during the specimen collection and attached to and mailed with the specimens.

D. Alcohol Breath Testing:

If the Employer chooses to conduct alcohol-breath testing (EBT) on its own premises, such testing shall be conducted in the presence of a Union Representative.

E. Disciplinary Action:

The Employer may take disciplinary action based on test results as follows:

1. If the test results show a forensically acceptable positive quantum of proof (in conformance with the levels established by the D.H.H.S. for initial tests and confirmatory tests) of cocaine, heroin, PCP, LSD, barbiturates, amphetamines, or any other controlled substance except marijuana, the employee shall be removed from duty and be subject to immediate disciplinary action up to discharge.
2. With regard to marijuana, if the test results of a urine specimen by gas Chromatograph/Mass Spectrometry (GC/MS) confirm the initial immunochemical quantitation of fifty (50) or more nanograms cross-reactive cannabinoids/ml, the employee shall be removed from duty and be subject to immediate disciplinary action up to discharge.
3. If the test results show an EBT/alcohol concentration equal to or above .04 the employee shall be removed from duty and referred for an SAP evaluation. He/she shall also be subject to immediate disciplinary action up to discharge. If the test results show an EBT/alcoholic concentration equal to or above .02 but less than .04 the employee shall be removed from duty for 24 hours with no disciplinary action.

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Drugs and Alcohol Policy

CDL Drug and Alcohol (Cont'd)

4. The assessment of disciplinary action in each of the foregoing circumstances shall be imposed for reasonable suspicion and just cause and shall be subject to the grievance and arbitration procedures set forth in the Collective Bargaining Agreement and N.J. Department of Personnel regulations as may be applicable.

F. Laboratory Requirements

1. Specimen Retention – All specimens deemed “positive” by the laboratory according to the prescribed guidelines, must be retained for identification purposes at the laboratory, for a period of at least one (1) year.
2. Approved Testing Laboratories – The laboratories used must be able to perform all required testing procedures under one roof to maintain chain of possession integrity. The parties agree to mutually establish a list of D.H.H.S. approved laboratories to determine conformity with the laboratory requirements as established herein.
3. Prescription and Non-Prescription Medications – The employee shall note on a form furnished by the Employer, use of any prescription and non-prescription medication before any test is given. Through the use of the above-described laboratory procedures, the laboratory will report significant presence of all use of the above-described laboratory procedures, the laboratory will report significant presence of all prescription and non-prescription medications. If an employee is taking a prescription or non-prescription medication in the appropriate prescribed manner and has noted such use as provided above, and has been cleared to return to duty by the MRO or counselor, he/she will not be disciplined.

G. Confidentiality

Every effort will be made to ensure that all employees substance abuse problems will be discussed in private and actions taken will not be made known to anyone other than those directly involved in taking the action or who are required to be involved in the disciplinary procedure. Only one person of the Personnel Department will be designated to receive testing results. He/she will notify other managers of the Township, strictly on a need-to-know basis. No laboratory or medical reports or test results shall appear in an employee's personnel folder. Information of this nature will be included in the medical file. The inside cover of the personnel folder will contain a marker to show that this information is contained elsewhere. All necessary measures shall be taken to keep the fact and the results of the test confidential.

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Drug and Alcohol Policy

CDL Drug and Alcohol (Cont'd)

H. Use of Results

1. A medical review officer (MRO) shall interview the employee concerning the test results within five (5) days. The employee will be given an opportunity to explain and substantiate his/her use of legal drugs (prescription or over-the-counter) or other substances which may have results in a positive test result.
2. The MRO shall inform the employee of his/her right to have a second confirmatory test at a second D.H.H.S. approved laboratory. The employee shall have 72 hours within which to request the confirmatory test.
3. After the results have been confirmed as positive, the employee shall be referred to a counselor for evaluation and recommendation for treatment.
4. The Manager or Supervisor shall take appropriate actions based upon the evaluation.

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Part 1 – Policies Relating to Employee Rights and Obligations

1.6 WORKPLACE VIOLENCE PREVENTION POLICY

Middletown is committed to preventing workplace violence and to maintaining a safe work environment. Given the violence in society in general, Middletown has adopted the following guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours or on its premises including any violence or threats made on Middletown Township property, at Middletown Township events, or under other circumstances that may negatively affect Middletown Township's ability to conduct business.

All employees, including Supervisors and temporary employees, should be treated with courtesy and respect at all times.

Prohibited Conduct Includes:

- Causing physical injury to another person
- Making threatening remarks
- Aggressive, hostile, or bullying behavior that creates a reasonable fear of injury
- Intentionally damaging employer property or property of another employee
- Possession of a weapon while on Middletown Township property or while on Middletown Township business, except with the authority of the Police Chief
- Committing acts motivated by or related to sexual harassment or domestic violence

Any potentially dangerous situation must be immediately reported and will be investigated by Administration.

Conduct that threatens, intimidates, or coerces another employee, resident, visitor, or member of the public at any time, including off-duty periods, will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based on an individual's sex, race, age, or any characteristic protected by Federal, State, or Local Law.

All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to your immediate Supervisor or any other member of management. This includes threats by employees, as well as threats by customers, vendors, solicitors, or other members of the public. When reporting a threat of violence, you should be as specific and detailed as possible.

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All suspicious individuals or activities should also be reported as soon as possible to a Supervisor. Do not place yourself in peril. If you see or hear a commotion or disturbance near your work station, do not try to intercede or see what is happening. The Police Department should be called immediately.

Middletown will promptly and thoroughly investigate all reports of threats of (or actual) violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as is practical. Anyone determined to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment. Middletown encourages employees to bring their disputes or differences with other employees to the attention of their Supervisors or the Department Head before the situation escalates into potential violence.

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Part 1 – Policies Relating to Employee Rights and Obligations

1.7 GENERAL ANTI-HARASSMENT AND ANTI-SEXUAL HARASSMENT POLICY

It has always been the policy of the Township of Middletown that all employees have a work environment free of discrimination and harassment of any kind. It is the Township's firm policy that all employees are responsible for conducting themselves and ensuring that the workplace is free from disability, age, sexual gender, sexual orientation, racial, ethnic, or religious discrimination and harassment.

1.7.1 WHAT IS DISCRIMINATION AND HARASSMENT?

Discrimination or harassment for disability, age, sexual gender, sexual orientation, racial, ethnic, or religious reasons or status is strictly prohibited. All employees must avoid any action or conduct directed to co-workers or others at the workplace which could be interpreted or viewed as such discrimination or harassment, including (but not limited to) verbal statements, physical conduct, or employment decisions directed to or based upon an individual's disability, age, sex, gender, sexual orientation, race, ethnic background, or religion. As to sexual harassment, it includes unwelcome sexual advances, requests for sexual favors and other verbal, physical or visual conduct of a sexual nature (all of the above is hereinafter referred to as prohibited behavior). These shall include the following incidents or conduct:

- A person's disability, age, sex, gender, sexual orientation, race, ethnic or religious status, or submission to or rejection of prohibited behavior by an individual is used as a basis for employment decisions affecting that individual
- Intentionally damaging employer property or property of another employee
- Possession of a weapon while on Township property or while on Township business except with the authority of the Police Chief
- Committing acts motivated by, or related to, sexual harassment or domestic violence

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

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1.7.2 GENERAL ANTI-HARASSMENT POLICY

It is Middletown Township'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 partner 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 or physical conduct.

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

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

Notification of appropriate personnel of any harassment problem is essential to the success of this policy and the Township of Middletown. Middletown Township 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.

1.7.3 ANTI-SEXUAL HARASSMENT POLICY

It is the Township of Middletown's policy to prohibit sexual harassment of an employee by another employee, management representative, supplier, volunteer, or business invitee. The Township prohibits sexual harassment from occurring in the workplace or at any other location at which Township sponsored activity takes place. Sexual harassment of non-employees by our employees is also prohibited. The purpose of this policy is not to regulate

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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
- 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
- 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.

Harassment of Township 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 his or her Supervisor. Appropriate action will be taken against any non-employee.

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Notification by employee to appropriate personnel of any harassment problem is essential to the success of this policy and the Township of Middletown. Middletown Township 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 or Administration so that steps are taken to correct them.

Violation of this Sexual Harassment Policy will subject employees to disciplinary action, up to and including immediate discharge.

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1.8 “WHISTLE BLOWER” POLICY

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

The Township of Middletown 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, Township 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, 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
- Objecting to, or refusing to participate in any activity, policy, or practice that the employee reasonably believes is a violation of a law, rule or regulation promulgated pursuant to law; is fraudulent or criminal; or is incompatible with a clear public policy mandate concerning the public health, safety, or welfare

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In accordance with the statute, the employee must bring the violation to the attention of the Administrator, Personnel Technician, or other person designated by the Township of Middletown. However, disclosure is not required where (1) the employee is reasonably certain that the violation is known to one or more officials; (2) where the employee reasonably fears physical harm; or (3) the situation is an emergency in nature. Employees are encouraged to complain in writing using the Employee Complaint form but may make a verbal complaint at their discretion. See Employee Complaint Policy. Under the law, the employee must give the Township of Middletown a reasonable opportunity to correct the activity, policy, or practice.

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1.9 EMPLOYEE COMPLAINT POLICY

Employees who observe actions they believe to constitute harassment, sexual harassment, or any other workplace wrongdoing, should notify the alleged harasser that the behavior he/she is exhibiting or is subjecting the employee to, is considered by the employee to be unwelcomed and offensive and should cease. Employees 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 Assistant Administrator or the Personnel Technician/EEO Officer. Reporting of such incidents is encouraged both when an employee feels that he/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 of an incident.

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1.10 CONFLICT OF INTEREST AND POLITICAL ACTIVITY POLICY

1.10.1 Political Activity Policy

Employees have exactly the same right as any other citizen to join political organizations and participate in political activities, as long as they maintain a clear separation between their official responsibilities and their political affiliations. Employees are prohibited from engaging in political activities while performing their public duties and from using the Township of Middletown's time, supplies, or equipment in any political activity. Any violation of this policy must be reported to the Supervisor or Personnel Administrator.

1.10.2 Conflict of Interest Policy

Employees, including Township of Middletown Officials, have an obligation to conduct business according to the highest ethical standards of public service and within guidelines that prohibit actual or potential conflicts of interest within the parameters set forth in the N.J. Local Government Ethics Law found in: **Title 40A of the N.J. Statutes**. This policy establishes only the framework within which the Township of Middletown wishes its business to operate. The purpose of these guidelines is to provide general direction so that employees can see further clarification on issues related to the subject of acceptable standards of operation. Contact the Township Administrator for more information or questions about conflicts of interest.

A potential or actual conflict of interest occurs whenever an employee, including a Township official, is in a position to influence a Township 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 Middletown Township 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 Administrator to obtain clarification.

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Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which the Township of Middletown does business, but also when an employee or relative receives any kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving the Township of Middletown.

No "presumption of guilt" is created by the mere existence of a relationship with outside firms. However, if employees have any influence on transactions involving purchases, contracts, or leases, it is imperative that they disclose this relationship to the Township Administrator as soon as possible. The existence of any actual or potential conflict of interest must be disclosed so that safeguards can be established to protect all parties.

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1.11 PERSONNEL FILES POLICY

The official personnel file for each employee shall be maintained by the Assistant Administrator title. Personnel files are confidential records that must be secured in a locked cabinet and will only be available to authorized managerial and supervisory personnel on a need-to-know basis. Records relating to any medical condition will be maintained in a separate file. Electronic personnel and medical records must be protected from unauthorized access.

Upon request, employees may inspect their own personnel files at a mutually agreeable time on the Township premises in the presence of the Assistant Administrator title 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.

Employees who wish to review their own file should contact his/her Department Head who will make arrangements for such employee review. Employees of the Police Department should contact the Chief of Police to make arrangements to review their personnel files. Employees are not to contact the Personnel Office directly with such requests.

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

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

- In response to a valid subpoena, court order or order of an authorized administrative agency;
- To an authorized governmental agency as part of an investigation of the Township's compliance with applicable law;
- To the Township's agents and attorneys, when necessary;

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- In a lawsuit, administrative proceeding, grievance or arbitration in which the employee and the Township 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

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1.12 SERVICE TIME POLICY

1.12.1 General Policy Service time is calculated from an employee's date of hire and is utilized to calculate and allocate various benefits and entitlements as outlined below. In general, if an employee is not in a paid status (that is, working, on approved paid leave or on eligible military leave) called a "break in service," they cease accumulation of service time. Such breaks in service can be unpaid (or unauthorized) leaves of absence or even periods where an employee leaves Township service and then is rehired at a future point.

For purpose of this policy, an employee who is absent from duty while performing military service remains in paid status.

Administration of this policy will always be in accordance with Federal law, State law, New Jersey Civil Service Regulations and the Township's Collective Bargaining Agreements (CBAs). In any conflict between this policy and those authorities, this policy will defer to the authority.

1.12.1.1 Rehired Employees An employee who leaves Township service and is rehired within two calendar years of their termination date will retain their service time for all purposes. If the rehired employee has been out of Township service for more than two years, their service time will begin as if they are a newly hired employee, except for the specific purposes as outlined below.

1.12.1.2 Part Time Employees Except as specifically outlined below, all employees, part time and full time, will have their service time calculated from their original date of hire without regard to a date or dates when they switched classification (from part to full time).

1.12.2 Uses of Service Time Service time is utilized in the administration of the following categories: Calculation of Longevity, Allocation of Vacation Time, Calculation of Pension, FMLA and NJFLA Eligibility, Health Insurance Benefits in Retirement, and in Collective Bargaining Agreement Seniority.

1.12.2.1 Calculation of Longevity Under most of the current CBAs long term employees receive an additional annual amount of pay once they reach agreed upon

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longevity points in terms of years of service with the Township. During a break in service employees **do not** accumulate service time towards their next longevity point.

Current CBAs do not grant longevity benefits to part time employees, therefore the date that a part time employee switches classification to full time is the date when their service time for the purpose of longevity begins to accumulate.

1.12.2.2 Allocation of Vacation Time Allocation of vacation time will be based upon an employees date of hire as a permanent employee without regard to their status as a full time or part time employee.

1.12.2.3 Calculation of Pension Subject to very specific regulations pertaining to eligibility, generally all service time as a permanent municipal employee is credited towards pension eligibility provided that employee and employer contributions are made for the service time. For questions contact the Bureau of Pensions:

<http://www.state.nj.us/treasury/pensions/pers1.shtml>

1.12.2.4 FMLA and NJFLA Eligibility In accordance with federal and state law, employee eligibility to take leave under the federal Family and Medical Leave Act (FMLA), and/or the New Jersey Family Leave Act (NJFLA) is based upon actual hours worked during the previous 12 months prior to the request for leave. To be eligible for FMLA, an employee must have worked at least 1250 hours, and for the NJFLA, 1000 hours in the 12 months prior to their request for leave.

1.12.2.5 Collective Bargaining Agreement Seniority The several Collective Bargaining Agreements (CBAs) in place between the Township and the unions have specific language in them relating to the application of seniority. It is the intent of Township Administration to adhere to the language of the CBAs at all times. The general policy outlined in the CBAs is that seniority is measured from the date of hire through any continual service when the employee is in paid status.

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1.13 EMPLOYEE PERFORMANCE EVALUATION POLICY

Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. Additional formal performance evaluations are normally conducted on a yearly basis during the last quarter of the year. The purpose of these evaluations is to provide both Supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals.

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1.14 EMPLOYEE DISCIPLINE POLICY AND PROCEDURE

The purpose of this policy is to state the Township of Middletown's position on administering equitable and consistent discipline for unsatisfactory conduct in the workplace. The best disciplinary measure is the one that does not have to be enforced and comes from good leadership and fair supervision at all employment levels. The Township of Middletown's own best interest lies in ensuring fair treatment of all employees and in making certain that disciplinary actions are prompt, uniform, and impartial. The major purpose of any disciplinary action is to correct the problem, prevent reoccurrence, and prepare the employee for satisfactory service in the future.

Disciplinary action may call for any of five steps: verbal counseling, written counseling, letter of reprimand, suspension without pay or fine, or termination of employment depending on the severity of the problem and the number of occurrences. There may be circumstances when one or more steps are bypassed.

Progressive discipline means that, with respect to most disciplinary problems, these steps will normally be followed: a first offense may call for a verbal counseling; a next offense may be followed by a written counseling or a written letter of reprimand; another offense may lead to a suspension; and, still another offense may then lead to termination of employment.

The Township of Middletown recognizes that there are certain types of employee problems that are serious enough to justify either a suspension, or in extreme situations, termination of employment without going through the usual progressive disciplinary steps.

While it is impossible to list every type of behavior that may be deemed a serious offense, the EMPLOYEE CONDUCT AND WORK RULES POLICY includes examples of problems that may result in immediate suspension or termination of employment. However, the problems listed are not all necessarily serious offenses, but may be examples of unsatisfactory conduct that will trigger progressive discipline. By using progressive discipline, we hope that most employee problems can be corrected at an early stage, benefiting both the employee and the Township of Middletown.

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1.15 EMPLOYEE CONDUCT AND WORK RULES POLICY

To ensure orderly operations and provide the best possible work environment, the Township of Middletown expects employees to follow rules of conduct that will protect the interests and safety of all employees and the organization.

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions of rules of conduct that may result in disciplinary action, including verbal warning, written reprimand, suspension, fine or termination of employment:

- Incompetency, inefficiency, or failure to perform duties
- Insubordination
- Inability to perform duties
- Chronic or excessive absenteeism or lateness
- Conviction of a crime or disorderly persons offense
- Conduct unbecoming of a public employee
- Neglect of duty
- Misuse or deliberate destruction or damage of public property, including motor vehicles
- Falsification of public records, including attendance and other personnel records
- Harassment or discrimination of co-workers and/or volunteers and/or visitors
- Theft or attempted theft of property belonging to the Township, fellow employees, volunteers or visitors
- Being under the influence of intoxicants (i.e. liquor) or illegal drugs (i.e. cocaine or marijuana) Township property, and at any time during work hours
- Possession, sale, transfer or use of intoxicants or illegal drugs on Township property, and at any time during work hours

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1.16 TERMINATION OF EMPLOYMENT

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

1.16.1 Resignation

Voluntary employment termination initiated by an employee. All resignations must be submitted in writing. Two weeks' notice is required for an employee to provide to his/her employer. Should an employee fail to give notice in proper form, the Township may consider that the employee resigned not in good standing. 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.

1.16.2 Discharge

Involuntary employment termination initiated by the organization. Normally this is for disciplinary reasons.

1.16.3 Layoff

Involuntary employment termination initiated by the organization for non-disciplinary reasons.

1.16.4 Retirement

Voluntary employment termination initiated by the employee meeting age, length of service, and any other criteria for retirement from the organization.

On the last day of work and prior to receiving the final paycheck, the employee must return the Employee Identification Card, all keys and Township equipment. A COBRA notification letter will be sent to employee's home address, if applicable.

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1.17 WORKFORCE REDUCTION POLICY

Pursuant to N.J.A.C. 4A:8-1.1 the Township of Middletown may institute layoff actions for economy, efficiency or other related reasons, but will first consider voluntary alternatives. (Seniority, lateral, or other re-employment rights for employees in Career Services titles will be determined by the Civil Service Commission.

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1.18 DRIVER'S LICENSE POLICY

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

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

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

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1.19 ARREST AND CRIMINAL RECORD/CONVICTION POLICY

All employees are required to report arrests, criminal charges, indictments and convictions to the Human Resources office in Township Administration as soon as practicable after they occur.

Under NJSA 2C:51-2., public employees who are convicted of “an offense involving dishonesty or of a crime of the third degree (or higher)” or “of an offense involving or touching such office, position or employment...” will forfeit their “office, position or employment.”

While an arrest will not necessarily lead to a conviction, the Township reserves the right to consider the specific circumstances surrounding an employee’s arrest and the charges against them when deciding whether or not to suspend the employee pending the disposition of any such charges. In accordance with NJAC 4A:2-2.7, the Administrator may indefinitely suspend an employee charged or indicted for crimes that, if the employee is convicted, would require them to forfeit their office, position or employment.

Every employee is required to have an application for employment on file. Part of that application is a section asking the applicant if they have been convicted of a crime or disorderly persons offense. Note that a conviction is not an automatic bar to employment. However, the Township reserves the right to terminate an employee for lying on their application if it is subsequently discovered that the employee/applicant did not truthfully answer that (or any other) question on their application for employment.

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2.1 JOB DESCRIPTION POLICY

A job description, including qualifications, shall be maintained for each position. All job descriptions should be consistent with and pursuant to those issued by Civil Service. Copies are available upon request.

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2.2 WORK SCHEDULE POLICY

Subject to Provisions of any Collective Bargaining Unit Agreement, employee work schedules shall be determined by the Township Administrator with consultation from Department Heads.

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2.3 ATTENDANCE POLICY

To maintain a safe and productive work environment, the Township of Middletown expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the ability of municipal departments to provide necessary services to taxpayers and the general public. In the rare instances when employees cannot avoid being late to work, or are unable to work as scheduled, they should notify their supervisor as soon as possible in advance of the anticipated tardiness or absence.

A pattern of absences, the total number of absences over a period of time, absences beyond those that qualify for sick pay, and an absence record significantly different from that of other employees are all considerations in deciding if disciplinary action for excessive absenteeism is merited.

Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, up to and including termination of employment.

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2.4 DRESS CODE AND PERSONAL APPEARANCE POLICY

Dress, grooming, and personal cleanliness/hygiene contribute to the morale of all employees and affects the image the Township of Middletown presents to visitors to Municipal facilities and the general public.

During working hours, all employees are required to present a clean and neat appearance and to dress according to the requirements of their positions. Unless an employee conducts field work or has an assigned duty uniform (or on the occasional clean up day or office move) it is expected that they will be dressed in "business casual" attire. The wearing of jeans is limited to Fridays (or another "dress down day" designated by Administration), and tee shirts are never appropriate for work hours.

Because of the almost constant presence of our citizens, those employees who work in Town Hall or the Johnson-Gill Annex need to be especially circumspect in how they dress during all work hours. Any employee who works in an office where there is regular face to face contact with citizens should always be in "business casual" attire.

Consult your Supervisor or Department Head if you have any questions as to what constitutes appropriate attire.

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2.5 UNIFORMS

Uniforms are required for certain positions and are to be worn in accordance with applicable departmental standards.

Employees eligible for clothing allowances will dress according to the requirements of the individual department as established by the Department Head or Township Administrator.

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2.6 NO SMOKING POLICY

In keeping with the Township of Middletown's intent to provide a safe and healthy work environment, smoking in a Township building is prohibited. All portions of Municipal buildings are designated as smoke free, whether posted or not. In situations where the preferences of smokers and non-smokers are in direct conflict, the preferences of non-smokers will prevail.

This policy applies equally to all employees and visitors to Municipal buildings and facilities.

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2.7 USE OF TOWNSHIP VEHICLES POLICY

2.7.1 General Vehicle Policy

- 2.7.1.1 Township vehicles shall be operated only by authorized persons. The Administrator shall determine which Department Heads are assigned vehicles based on an annual review of the vehicle usage.
- 2.7.1.2 Employees should exhibit safe and proper utilization of a Township vehicle, including the adherence to all motor vehicle laws applicable. All employees must wear seat belts when operating or riding in any Township vehicle unless the vehicle does not have any safety restraints.
- 2.7.1.3 Employees assigned the principal use of any vehicle are responsible for the proper cleaning and maintenance of said vehicle. Also, each employee is responsible to notify either the Department Maintenance Mechanic or Public Works Motor Vehicle Supervisor of the need for all vehicles' preventive maintenance as well as necessary emergency repairs.
- 2.7.1.4 All employees operating or riding in Township-owned vehicles should assist the Middletown Township Police Department, whenever necessary, by reporting accidents and/or breakdowns on the streets within the Township via the Township Public Works radio frequency.
- 2.7.1.5 All employees operating or riding in Township vehicles should exhibit the utmost courtesy and respect for other drivers and pedestrians, as an agent (employee) of the Township.
- 2.7.1.6 Only authorized personnel may be transported in Township vehicles. Township owned vehicles shall be used only on official business and all passengers must be on Township business. (An employee who is also employed by another governmental entity may use a Township vehicle for that employment, only if the employment is pursuant to an inter-local agreement between Middletown and the other jurisdiction.)
- 2.7.1.7 Insurance premiums are paid by the Township. Current insurance cards will be placed in vehicle glove compartments by the Public Works Department. However, it is the operator's responsibility to be sure the current vehicle registration and insurance card are in his/her possession.
- 2.7.1.8 All vehicle drivers must possess a current, valid New Jersey driver's license.

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2.7.1.9 Any damage to Township vehicles must be reported with a corresponding Police Department report by the end of the next working day.

2.7.1.10 Any employee who is negligent in the operation of a Township vehicle may be subject to disciplinary action.

2.7.2 Vehicles Assigned on a 24-Hour Basis

2.7.2.1 Only the Township Administrator may authorize a vehicle on a 24-hour basis.

2.7.2.2 Vehicles are to be used for Township business only. Exceptions are noted below.

2.7.2.3 When the need for a personal errand will arise. The additional mileage should be kept at a minimum and consistent with the overall requirement of this policy.

2.7.2.4 Vehicles are not to be taken outside the Township except on authorized business or to commute from home to work.

2.7.3 Vehicles Not Used For Commuting

2.7.3.1 Vehicles are assigned by the Supervisor and used to conduct Township business only.

2.7.3.2 Vehicles are not to be taken outside the Township except as authorized.

2.7.3.3 Vehicles are not to be used for luncheon trips, the exception being when lunch is taken at the job site, it will be permitted for one vehicle to travel to a store and purchase lunches for the crew. Department Head policy, however, may vary where the employee is required to use the vehicle for their specific job responsibilities based on necessity of the local job such as inspectors and Police Officers.

2.7.4 Township Logos

All vehicles shall have the Township logo affixed to the front door on both sides.

Exceptions: Township Administrator, Department Heads and certain confidential vehicles as determined by the Chief of Police and/or the Administrator.

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2.8 CONFIDENTIALITY

It is the policy of the Township of Middletown ("Township") that elected officials, appointed officials, employees, volunteers and contractors of the Township may not disclose, divulge, or make accessible confidential information belonging to, or obtained through their affiliation with the Township to any person, including relatives, friends, and business and professional associates, other than to persons who have a legitimate need for such information and to whom the Township has authorized disclosure.

Elected officials, appointed officials, employees, volunteers and contractors shall use confidential information solely for the purpose of performing services as an agent or employee for the Township. This policy is not intended to prevent disclosure where disclosure is required by law.

Elected officials, appointed officials, employees, volunteers and contractors must exercise good judgment and care at all times to avoid unauthorized or improper disclosures of confidential information. Conversations in public places, such as restaurants, elevators, and public transportation, should be limited to matters that do not pertain to information of a sensitive or confidential nature. In addition, all Township agents and employees should be sensitive to the risk of inadvertent disclosure and should for example, refrain from leaving confidential information on desks or otherwise in plain view and refrain from the use of speaker phones to discuss confidential information if the conversation could be heard by unauthorized persons.

At the end of an elected official's term in office or upon the termination of an employee's, volunteer's or contractor's relationship with the Township, he or she shall return, at the request of the Township, all documents, papers, and other materials, regardless of medium, which may contain or be derived from confidential information, in his or her possession.

Failure to comply with this policy may lead to termination of contracts, severing of volunteer relationships and/or discipline up to and including dismissal for employees. Of greater importance however, is that failure to comply with this policy may put the elected official, appointed official, employee, volunteer or contractor at risk for liability for civil or regulatory fines, awards, or other penalties. The Township's liability insurance will not usually cover those acting outside of Township policy in case of a lawsuit or other public action.

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2.9 CUSTOMER SERVICE PRINCIPLES AND STANDARDS

The Township has developed general customer service principles which are to be posted on our website. These will be reviewed and updated as necessary. They are :

Citizen First Outlook

- We will listen to your concerns, be courteous, and treat you with dignity and respect every time you contact us.
- We will actively seek to understand your needs in order to serve you properly the first time and every time thereafter.
- We will work to be knowledgeable concerning your issues and concerns, and to be up to date on Township policies and procedures, applicable federal law, state law, regulations and Township Code.
- We will deliver high quality services that meet or exceed your needs and expectations.

Friendly and Caring

- We will respond in a timely manner to your concerns and inform you when we will get things done.
- When you call us, we will make every attempt to ensure that you talk to a real person, even if the person you are calling is not immediately available.

Flexible

- We will work out alternative "win-win" solutions with you where possible within the law, regulation and Township Code.

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Responsive

- You will know whom to contact if you have a problem. We will listen to your problem find a solution, follow-through, and learn from the experience.
- We will take the initiative to identify problem situations up front and propose workable alternatives.
- We will return your calls and will continue to follow up with you as appropriate until resolution is complete.

Recovery

- We will acknowledge our mistakes, apologize, and do our best to prevent the same mistake in the future.

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2.10 TELEPHONE USAGE POLICY

All telephones are Township property and are to be used for Township business. The telephone system is not to be used for employee personal gain or to support or advocate non-Township related business or purposes. Employees should practice discretion in using Township telephones. Incidental and occasional personal use of telephones is permitted, however, personal use of telephones for long distance and toll calls are not. Any persons abusing telephones or their use will be held responsible for the cost of that telephone or its repair.

The use of hand-held cell phones while driving Township vehicles or while driving on Municipal business is prohibited.

Voice mail should be checked at least once daily.

If an individual is going to be away from the office for any length of time, their voice mail message should so indicate and offer an alternate contact. To ensure effective telephone communications, employees should always use the approved greeting and speak in a courteous and professional manner.

Call director and announcement verbiage is to be approved by Administration prior to posting.

All cell phones that are assigned to specific individuals and are removed from Township property must be returned on a periodic basis for inspection and inventory control.

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2.11 TOWNSHIP SYSTEMS POLICY

Notice:

The Township of Middletown respects the individual privacy of its employees. However, e-mail, voice mail, internet, Township-issued cellular devices and computer network are for official business, and use for non-business purposes is prohibited. All e-mail, voice mail, and Internet message are public records subject to possible disclosure to the public pursuant to the provisions of the Open Public Records Act.

2.11.1 Management's Right to Access Information

E-mail, voicemail, and computer network systems have been installed by Middletown Township to facilitate business communications. The contents of the systems are accessible at all times by Middletown Township. These systems should be treated like other shared filing systems.

E-mail and voicemail messages, to the extent these systems are utilized, are Middletown Township records. The Township reserves the right to monitor, obtain, review and disclose all e-mail messages, computer files, voice mail and Internet message on the computer and communications systems of Middletown Township as deemed necessary and appropriate and without prior notice. By using Middletown Township's e-mail, computer systems, voice mail and the Internet, each user agrees that the Township has unrestricted access and the right to disclose all information communicated or stored on the e-mail computer systems, voice mail and the Internet.

2.11.2 Care in Use of E-Mail, Voicemail, Internet and Computer Network Systems

Employees must exercise a greater degree of caution in transmitting the Township of Middletown's confidential information on the e-mail, voicemail, Internet and computer network systems than they take with other means of communicating information, because of the ease with which such information can be redistributed and the public access to such information through the Open Public Records Act. Please make sure that all addressees are appropriate recipients of the information to be distributed, via e-mail,

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voicemail, Internet, text message or other electronic forms of communication, especially when distributing information to a list of recipients.

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

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 Township. Employees may not upload, download, or otherwise transmit commercial software or any copyrighted materials belonging to parties outside of the Township, or licensed to the Township. 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.

Except in emergency situations or as part of their officially assigned or regular or permitted duties, employees are prohibited from taking any photographs, pictures, digital images, or audio recordings of any crime scenes, traffic crashes, arrestees, detainees, people or job-related incident or occurrence with any personal analog or digital device, camera, imaging device, audio recorder or cellular telephone. This section also applies in off-duty scenarios regarding any law enforcement related activities. Any photographs, images, or recordings taken with any personal device pursuant to or in violation of this section are considered evidence and are subject to applicable laws, code guideline or directive concerning storage release and disposal. Employees who have recorded any photographs, images, or recordings with any personal device shall notify their Supervisors as soon as practical. For the purposes of this section, an "emergency situation" involves a sudden and unforeseen combination of circumstances or the resulting state that calls for immediate action, assistance or relief, and may include accidents, crimes, and flights from accidents or crimes.

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 a personal or Township analog or digital device, camera, or cellular phone to any person, entity, business or media or Internet outlet whether on or off duty without the express written permission of the Township Administrator.

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2.11.3 Personal Use of E-Mail, Voicemail, Internet and Computer Network Systems

Because the Township of Middletown provides e-mail, voicemail, Internet, cell phones, and computer network systems to assist employees in performing their jobs, employees should use them for official business. The Township of Middletown reserves the right to access and disclose as necessary all messages sent over its systems, without regard to content.

Since the contents of e-mail and voicemail may be accessed by Middletown Township without prior notice to employees, and since the Township can monitor employees' use of its computer network systems, employees should not use any of the systems to transmit any messages they would not want to disclose to a third party. Employees that maintain personal web pages and web sites, including but not limited to Facebook, YouTube, Myspace, Twitter, etc. shall not post information on such sites that would constitute a violation of the personnel policies of Middletown Township if expressed or published using any other medium or in any other manner. The posting of words, phrases, photographs, images or any kind of information on a personal web site may be grounds for the imposition of disciplinary action against the employee if the words, phrases, photographs, images or information adversely reflects on the employee's fitness for duty or constitutes a violation of the personnel policies of Middletown Township. Moreover, employees should not use these systems for soliciting or proselytizing others for commercial ventures, religious or personal causes, outside organizations or other similar non-job-related solicitations.

All users are personally accountable for messages that they originate or forward using the Township's systems. 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 municipal and other third-party rights. Any use of the Township's name, logos, service marks or trademarks outside the course of the employee's employment, without the express consent of the Township, 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.

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2.11.4 Forbidden Content of E-Mail, Voicemail, Internet and Computer Network Systems Communications

Employees may not use the e-mail, voicemail, Internet, Computer Network Systems, Township-issued Cell Phone, or any other Township-issued electronic device in any way that may be seen as insulting, defamatory, obscene, harassing, disruptive, or offensive by other persons or as harmful to morale. Examples of forbidden transmissions or downloads include sexually-explicit messages; unwelcome propositions; ethnic or racial slurs; or any other message that can be construed to be harassment or disparaging to others based on their actual or perceived sex, sexual orientation, gender, gender identity, transgender, race color, national origin, citizenship status, ancestry, age, marital status, medical condition, mental or physical disability, veteran status, religious or political beliefs, or any other characteristic protected by federal, state, or local law, ordinance or regulation.

Violations of the Township of Middletown's policy of the use of e-mail, voicemail, Internet, complete network systems and Township-issued cell phone or any other Township-issued electronic device will subject the employee to discipline, up to and including immediate termination.

2.11.5 Unauthorized Access

Employees are prohibited from the unauthorized use of the password(s) of other employees to gain access to another employee's messages in the e-mail, voicemail, Internet, or computer network systems, including but not limited to all secured access software that employees may have access to.

2.11.6 Postage Meter

The use of the Township postage meter for personal correspondence is not permitted.

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2.12 VIDEO SURVEILLANCE POLICY

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

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

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

The MIS Department shall be responsible for the maintenance and administration of the video surveillance camera system. That department will be responsible for maintaining a user access log detailing the date and name of individuals who view/access a stored recording.

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

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2.13 GPS SURVEILLANCE POLICY

The Township has installed (and may install) GPS surveillance systems in any vehicle owned by the Township primarily as a deterrent of criminal behavior and for the protection of employees and municipal assets. In implementing these GPS systems, the Township will ensure compliance with federal, state and local laws governing such usage.

These GPS systems are a significant tool to use in improving operational and energy efficiency, allowing more efficient allocation of resources and providing management and the public with more and more accurate information regarding work implementation, especially during storms or other emergencies. Employees are only permitted to use the GPS monitoring systems for a legitimate purpose and with proper authorization. The Administrator or his 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 the Township's GPS surveillance systems or tamper with access, archive, alter, add to, or make copies of any data that has been recorded and stored within any of these systems without (1) a specific legitimate purpose and (2) permission from the Township Administrator.

The MIS Department shall be responsible for the maintenance and administration of the GPS monitoring system. That department will be responsible for maintaining a user access log detailing the date and name of individuals who view/access a stored recording.

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

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2.14 BULLETIN BOARD POLICY

The bulletin boards located in the Township of Middletown's Administrative Building and other facilities are intended for official notices regarding policies, procedures, meetings, and special events. Only personnel authorized by the Township Administrator may post, remove, or alter any notices.

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2.15 SOCIAL MEDIA POLICY

In Middletown Township, we understand that social media can be a fun and rewarding way to share your life and opinions with family, friends and co-workers around the world.

However, use of social media also presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social media, we have established these guidelines for appropriate use of social media.

This policy applies to all employees or contractors who work for Middletown Township.

Guidelines

In the rapidly expanding world of electronic communication, social media can mean many things. Social media includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with Middletown Township, as well as any other form of electronic communication.

The same principles and guidelines found in the Township's policies and procedures with regard to employee conduct on the job apply to your activities online. Ultimately, you are solely responsible for what you post online.

Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow employees or otherwise adversely affects other people who work on behalf of Middletown Township, the public, or the Township's legitimate interests may result in disciplinary action up to and including termination.

Know and follow the rules

Carefully read these guidelines and the Middletown Township Policies and Procedures and ensure your postings are consistent with these policies. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.

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Be respectful

Always be fair and courteous to fellow employees, the public, vendors or people who work on behalf of the Township. Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers or by utilizing our Grievance Procedures or Open Door Policy than by posting complaints to a social media outlet.

Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage members of the public, employees of the Township or vendors, or that might constitute harassment or bullying.

Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or company policy.

Be honest and accurate

Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered.

Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that you know to be false about Middletown Township, fellow employees, members of the public, vendors, or other people working on behalf of the Township.

Post only appropriate and respectful content

- Maintain the confidentiality of Township trade secrets and private or confidential information. Trades secrets may include information regarding the development of systems, processes, products, know-how and technology.
Do not post internal reports, policies, procedures or other internal business-related confidential communications.
- Do not create a link from your blog, website or other social networking site to the Middletown Township website without identifying yourself as a Township employee.
- Express only your personal opinions. Never represent yourself as a spokesperson for Middletown Township. If the Township is a subject of the content you are creating, be clear and open about the fact that you are an employee and make it clear that your views do not represent those of the Township, fellow employees, vendors or people working on behalf of Middletown Township.

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- If you do publish a blog or post online related to the work you do or subjects associated with Middletown Township, make it clear that you are not speaking on behalf of the Township. It is best to include a disclaimer such as "The postings on this site are my own and do not necessarily reflect the views of Middletown Township."

Using social media at work

Refrain from using social media while on work time or on equipment we provide, unless it is work-related as authorized by your manager or consistent Township policy on internet usage.

Do not use Township email addresses to register on social networks, blogs or other online tools utilized for personal use.

Retaliation is prohibited

Middletown Township prohibits taking negative action against any employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

Media contacts

Employees are not authorized to speak to the media on the Township's behalf without contacting either the Public Information Officer or Township Administration and obtaining permission. All media inquiries should be directed to the Public Information Officer and/or Township Administration. If you have questions or need further guidance, please contact Township Administration.

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2.16 TRAVEL AND CONFERENCE POLICY

General Policy

It is the policy of the Township of Middletown to reimburse employees and volunteers for reasonable and necessary expenditures incurred by individuals on official Municipal business. Actual miles traveled will be reimbursed at the approved mileage rate set by the Township. All other allowable expenses are on an actual cost basis. Claims for reimbursement of actual travel expenses, other than for miles, must be accompanied by detailed invoices and/or receipts showing proof of payment with all taxes detailed. All expense claims are subject to strict review and internal audit verification.

Overnight Stays

Authorization

All overnight business trips must be approved in advance, in writing, by the Township Administrator or the Township Committee.

Lodging

All room reservations must be encumbered on a Purchase Order since the Township will not normally make direct reimbursements to employees for hotel reservations in Atlantic City or elsewhere in New Jersey or Florida (in Florida, you must first attain a form from the Florida Department of Taxation and present it to the hotel at the time of check-in).

The Township will reimburse employees and volunteers for registration, transportation to and from, including hotel, parking, and accommodations. Employees or volunteers with Township cell phones should use them whenever possible.

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Spouses may accompany employees in their rooms provided there is no additional charge incurred by the Township, including travel to, from, and while at the event, all meals and any costs associated with events attended.

Meals

The Township will not reimburse employees or volunteers for meals, alcoholic beverages, use of the spa, beauty salon, pay-per view movies, or any other expenses that are not related to Township business. It is suggested that employees settle these expenses with full credits shown on the hotel bill, prior to checking out to avoid any confusion or potential embarrassment.

Mileage Allowance

It is the policy of the Township that Township vehicles shall be used for necessary travel whenever and wherever possible. Utilization of personal vehicles must be approved in advance by Township Administration and is at the employees own risk.

Employees who utilize their personal vehicles on travel assignments will be allowed the approved rate per mile. Each employee or volunteer who drives a private vehicle on Municipal business must have New Jersey minimum liability insurance on said vehicle.

No reimbursement for mileage shall exceed the dollar amount of round trip air fare at the economy rate on a licensed common carrier.

When two or more employees are attending the same seminar, convention, or meeting, car pooling shall be practiced whenever possible. Claimed miles will be based on the approved mileage rate for one vehicle.

If an employee, for personal convenience, travels by an indirect route or interrupts travel by the most economical route, the employee shall bear any extra expense involved. Reimbursement for such travel shall be for only that part of the expense as would have been necessary in order to travel.

Parking Fees

Parking fees will be reimbursed for actual cost when receipts are provided. The Township will not reimburse any Municipal fines assessed for illegally parking.

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Travel Advances

No travel advances will be made to any employee or volunteer. Hotel charges and transportation charges may be paid by the Township directly to the hotel carrier in advance of the trip, provided they are properly encumbered on approved Purchase Orders.

Local Miles

No travel expense will be paid for commuting from an employee's personal residence to the place of work.

Meals

The Township will not reimburse employees for meals under any circumstances including overnight conference or training classes.

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2.17 OUTSIDE EMPLOYMENT POLICY

It is the policy of the Township that an employee's primary responsibility is to the Township of Middletown. Accordingly, employees are allowed to hold outside employment with another organization as long as it does not interfere with their Township responsibilities and the performance of their job. In addition, Township employees may not hold the same job title or job capacity in another Municipality and no modification of an employee's Township work schedule will be permitted for outside employment except with the express written approval of the Township Committee.

All outside employment must be approved annually in January by the Township Administrator given upon the submission by the requesting employee of the appropriate form containing the details about their outside employment and a certification by their Department Head that the outside work will not interfere with their Township duties.

The Township Administrator may request employees to restrict outside employment if the quality of Municipality work diminishes or interferes with the ability to meet the requirements of Middletown Township. If this is determined, the employee may be asked to terminate the outside employment if he/she wishes to remain employed by Middletown Township.

Any employee who holds an interest in, or is employed by, any business doing business with Middletown Township must submit a written notice of these outside interests.

Employees assigned to the Middletown Municipal Court are further bound by the rules of the New Jersey Administrative Office of the Courts concerning employment outside the Municipal Court. Information concerning these rules can be obtained from the Court Administrator.

An employee found to hold outside employment without annual/prior approval or who does not otherwise follow this policy will face the possibility of disciplinary action up to and including dismissal.

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2.18 FIRE DEPARTMENT VOLUNTEERS

Township employees who are volunteer members of the Middletown Fire Department may be released during the hours of their employment with pay to respond to a fire if the call is from their company; or, if it is a structural fire. Township employees, who volunteer, must register their intent to serve in such a capacity in advance with their department heads. Upon returning to work, employees who respond to these emergency calls are required to notify their supervisor of the type of emergency and the length of their absence.

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2.19 RESTRICTED DUTY POLICIES AND PROCEDURES

Policy Statement:

The Township of Middletown understands the hardship incurred by employees during period(s) of medical limitation, and as a result will assist employees in returning to work as quickly as possible after an on the job injury. To do so, the Human Resources Department and management staff will work together to identify employment options and work restricted duties that are consistent with the employee's medical limitations and identified work restrictions.

The Township reserves the right to decide, on a department by department basis, whether to offer restricted duty assignments or not, and reserves the right to change those determinations as circumstances warrant.

Procedure:

1. When an injured employee is cleared by their treating physician to return to work she/he will submit to the Human Resources Department a medical release statement indicating the physician's assessment for work capacity and any specific limitations or work restrictions.
2. This information will be reviewed with the employee's supervisor to determine whether the employee can return to his/her previous position in a light duty capacity, or whether another position within the department would be more suitable.
3. Whenever possible, work will be made available to the employee, accommodating any limitations and/or work restrictions that she/he may have. However, unless the employee can perform the essential duties of their position, or of another available position in their department, with or without a reasonable accommodation for their restrictions, **a job position will not be created for them** to meet their restrictions.
4. Restricted duty assignments will be reviewed as often as necessary. An updated medical release will be necessary to support any changes to restricted duty status.

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5. If an employee believes that the light duty position to which he/she has been assigned is not consistent with the limitations or work restrictions as indicated by his/her physician, then the employee must immediately notify Human Resources. A new medical release will be required before any changes can be made.
6. Any employee who is accommodated in a light duty position is required to submit updated medical information each time he/she is seen by treating physician.
7. An Employee shall not be scheduled to work overtime while working under medical restrictions.
8. Lack of cooperation in any area related to the Return to Work Program may jeopardize an employee's workers' compensation claim and continued employment.

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2.20 CASH HANDLING PROCEDURES

Policy Statement:

Most departments in the Township of Middletown are authorized to receive funds. If your department **is not authorized**, and you come into receipt of funds for any reason, you should contact Finance or Administration **immediately** for instructions on how to dispense with the funds. For those departments that are authorized to receive funds, the following cash handling procedures are established:

1. **ALL** funds **must** be turned over for deposit within **48 hours** of receipt. Anytime your department receives funds, those funds must be turned over for deposit within 48 hours of collection. This may mean that you have to remit funds every day. Please adjust your schedule accordingly.
2. **All funds must be stored in locked cash boxes/drawers, etc.** Cash drawers should be used by one person only. If more than one person uses a cash box/drawer, all parties are responsible for the funds. You should do the following procedures together.
3. If you have an authorized change fund, that should be counted prior to beginning the day. *(If you do not have an authorized change fund, it is **prohibited** for you to “create” one by retaining cash from revenue collected. If you need a change fund, please speak with Finance about that.)* The drawer should be proved out at the end of the day as well. More specifically, you should make sure that when the funds are readied for deposit, the remaining funds (if you have a cash fund) are the same amount that was counted at the beginning of the day. If you count your cash at the beginning of the day and it is short or over, you must document and take appropriate action. An overage should be turned over as “miscellaneous”; a shortage should be reported to the Finance Department for a determination on how to proceed. Please also remember that change funds are to be used to make change for individual transactions only; they should not be used to make change outside of a transaction.

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4. When funds are accepted for payment, a receipt must be issued to the customer. If a customer refuses the receipt, write it anyway and leave all copies in the book marked "receipt refused". If you are not using a software system that issues a receipt directly, you must use the Township standardized pre-numbered triplicate receipts. If you must void a manual receipt, all copies must remain in the book and be marked as void. You are responsible for all pre-numbered receipts that are issued to your department.
5. All receipts must be recorded into an original book of entry, which can be part of a software system, or a manual or electronic spreadsheet. The information included in that book should be date, name, receipt number, amount and purpose/description.
6. When the deposit is made for the day, it should be noted in your cashbook and/or a report should be run from the software system. The amount deposited and the amount posted to the cashbook/computer must be in agreement.
7. The standardized revenue remittal form should be filled out as indicated. That form along with the cash/checks should be placed into the pre-numbered plastic bags and sealed for transport to the Tax Collection/Finance office. The bag should be filled out with the following information: the destination department (Tax Collection or Finance), the originating department, the name of the person that prepared the funds for transmittal, the date of transmittal and the total amount being turned over. The strip that is removed prior to sealing the bag should be filled out in its entirety.
8. The sealed bags should be submitted to the Tax Collection/Finance office for processing. A receipt and/or signed acknowledgment of the amount turned over should be obtained from the Tax Collection/Finance office for that deposit.
9. You should retain the copy of the remittal form, the strip from the plastic transmittal bag, the receipt/signed acknowledgment from the Tax Collection/Finance office, copies of the hand written receipts, and, if applicable, the computer report all together to support the amount turned over.

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10. On a monthly basis, a revenue report will be sent to you for verification. You will need to review the total amounts posted for the month; if in agreement you need to sign and date the report. If there is a discrepancy, you must note it and report it to the Finance Department. If and when the report is signed and dated, signaling that you agree with the final amounts, it should be returned to the Finance Department.

This policy may be updated in writing by the Administrator or the Chief Financial Officer at any time and any such updated interim policy will be followed until the Township Committee is able to vote to approve a permanent update.

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3.1 VACATION, PERSONAL AND SICK TIME POLICY

Administration of this policy will always be in accordance with Federal law, State law, New Jersey Civil Service Regulations and the Township's Collective Bargaining Agreements (CBAs). In any conflict between this policy and those authorities, this policy will defer to the authority. Some contracts outline specific requirements as to the use of paid time off, and those will be followed. This is a general guideline.

Each department may have their own policy when it comes to utilizing vacation time and personal days so long as the policy does not interfere with the department's regular operations. In general, vacation time should be scheduled and approved at least one month in advance. If a conflict arises with regard to utilization of vacation time, the employee who already had their time off scheduled will be given preference. If two employees request the same vacation time and do so before either has been approved, seniority will prevail.

Personal Holidays should be requested and approved at least two days in advance of their use and are not to be used in conjunction with a paid holiday.

Sick time is to be used when an employee is sick or injured, has a doctor's appointment or is undergoing a procedure, is taking prescription medication that prevents them from safely performing the essential duties of their position, or if they are hospitalized. It can also be used to care for an immediate family member who has a medical issue that requires assistance. If an appointment is scheduled in advance, an employee should notify their supervisor as far in advance as possible. If an employee is calling in sick at the beginning of a work day, the employee should NOT leave a voice mail message, but should speak to their supervisor or other appropriate member of management to ensure that management is informed of their pending absence.

Under certain circumstances, management has the right to request confirmation of treatment by a physician or other appropriate care provider. Those general conditions are: if management believes that the employee is abusing sick leave, if an employee has been absent from work on sick leave for five consecutive days or more, or if an employee has been absent on sick leave for a total of fifteen or more sick days during any consecutive twelve month period. Patterns that might indicate abuse would be if sick leave is excessively used on Mondays and Fridays, after or before paid holidays, or after or before certain events like the Super Bowl. The use of a sick day, while a right for each employee, must also be approved by management prior to being paid. A request for the use of a sick day must be submitted and approved by the end of the appropriate pay period.

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3.2 PAID HOLIDAY POLICY

Subject to the terms and conditions of labor and employment contracts, the Township of Middletown will grant Holiday time off to all employees on the Holidays listed below:

New Year's Day (January 1)
Martin Luther Kin, Jr. Day (3rd Monday in January)
Presidents' Day (3rd Monday in February)
Good Friday (Friday before Easter)
Memorial Day (Last Monday in May)
Independence Day (July 4)
Labor Day (1st Monday in September)
Columbus Day (2nd Monday in October)
Election Day (1st Tuesday after a Monday in November)
Veteran's Day (November 11)
Thanksgiving (4th Thursday in November)
Friday after Thanksgiving
Christmas (December 25)

The Township of Middletown will grant paid Holiday time off to all eligible employees immediately upon assignment to an eligible employment classification. Holiday pay will be calculated based on the employee's straight-time pay rate (as of the date of the Holiday) times the number of hours the employee would otherwise have worked on that day. Eligible employee classification(s):

Permanent and provisional full-time employees and permanent part-time employees scheduled to work that day.

A recognized Holiday that falls on a Saturday will be observed on the preceding Friday. A recognized Holiday that falls on a Sunday will be observed on the following Monday.

If a recognized Holiday falls during an eligible employee's paid absence (such as vacation or sick leave) Holiday pay will be provided instead of the paid time-off benefit that would otherwise have applied.

If eligible non-exempt employees work on a recognized Holiday, they will receive overtime pay for the hours worked on the Holiday, subject to any collective bargaining unit and employment contract.

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3.3 LEAVE OF ABSENCE POLICY

Employees may be granted a personal leave of absence at the sole discretion of the Township Administrator with a recommendation of the Department Head if the leave does not cause undue operational disruption. When required by State or Federal Law, the leave must include the use of any accrued 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 that may have been taken will be without pay or seniority credit.

Personal leaves are not granted for the purpose of seeking or accepting employment with another employer or for extended vacation time. Employees on personal leave of absence will not receive Holiday pay and will not accrue personal leave, sick leave, or vacation time for that month. Health benefits may also be impacted. A personal leave is granted with the understanding that the employee intends to return to work for the Township of Middletown. 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 and will be so terminated in accordance with New Jersey Civil Service statutes and regulations.

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3.4 FAMILY AND MEDICAL LEAVE ACT POLICY

Employees may be eligible for an unpaid family and medical leave under the federal Family and Medical Leave Act ("FMLA"). Employees also may be eligible for family and/or medical leave pursuant to the New Jersey Family Leave Act ("FLA"). In order to be eligible for such leave, employees must have: one (1) year of service with the Township; and, at least 1,000 hours of work (for New Jersey leave) and 1,250 hours of work (for Federal leave) during the previous twelve (12) months. Eligible employees may receive up to twelve (12) weeks of leave per year (FMLA) or twelve (12) weeks every twenty-four (24) months (FLA).

During the leave period, the employee's health benefits will be continued on the same conditions as coverage would have been provided had the employee been employed continuously during the entire leave. **If the employee enters a period of unpaid leave, arrangements must be made for the payment of their contribution to their healthcare and other coverages.** The employee will not continue to accrue vacation, sick or personal days for the period of the leave. The employee will receive seniority credit for the time that the employee has been on leave under this section. At the conclusion of the leave period, an eligible employee is entitled to reinstatement to the position the employee previously held or to an equivalent one with the same terms and benefits that existed prior to the exercise of leave.

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

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

Commencing July 1 2009, Family Temporary Disability ("FTD") payments for up to six (6) weeks in a twelve (12) month period will become available for eligible employees who are caring for a seriously ill immediate family member who is incapable of self-care or care of a newborn or adopted child. To be eligible, the employee must have worked at least 20 weeks at

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minimum wage within the last 52 weeks or earned 1000 times the minimum wage. The weekly benefit is 2/3 of weekly compensation up to a maximum of \$524 per week (this amount is subject to change). FTD will run concurrently with FMLA and/or FLA leaves and there is a one week waiting period. Employees may also be required to use accrued sick, vacation or personal leave for up to two weeks.

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

Employees may also be eligible for an unpaid leave for up to twenty-six (26) workweeks in a year to care for a family member on active duty in the military or a covered veteran (a covered veteran is an individual who was discharged or released under conditions other than a dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran) with a serious injury or illness incurred in the line of duty on active duty for which the service member is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, or up to twelve (12) weeks in a year for a qualifying exigency. A qualifying exigency occurs when a military member is called to covered active duty (requires deployment to a foreign country) and a close member of his/her family must attend official ceremonies or family support or assistance meetings, there is a short-notice deployment, to attend to childcare matters, attend to financial and/or legal matters, or counseling. . A serious injury or illness means an injury or illness incurred by a covered service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank, or rating.

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

1. a continuation of a serious injury or illness that was incurred or aggravated when the veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating; or

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2. a physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and the need for military caregiver leave is related to that condition; *or*

3. a physical or mental condition that substantially impairs the veteran's ability to work because of a disability or disabilities related to military service, or would do so absent treatment; *or*

4. an injury that is the basis for the veteran's enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

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

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

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

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

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

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3.5 Domestic Violence Leave

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

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

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

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

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

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

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

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

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3.6 MILITARY LEAVE POLICY

In conjunction with NJAC 4A:6-1.11, when a permanent employee who is a member of the reserve component of any United States Armed Force or the National Guard of any state including the Navel 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 serviced less than one year shall not be entitled to paid leave without loss of time.

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

Pursuant to the Uniformed Services Employment and Reemployment Rights Act, any employee released from active duty under honorable circumstances shall return to work without loss of privileges or seniority within the following time limits:

For service less than 31 calendar days, the employee must return to work on the beginning of the first regularly scheduled work day or eight (8) hours after the end of military duty, with reasonable allowances for commuting;

For service of the 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.

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3.7 DONATED LEAVE PROGRAM

The Township of Middletown recognizes that employees may be in need of donated sick or vacation leave and establishes the following Donated Leave Program in accordance with NJAC 4A:6-1.22:

- (a) A Township employee shall be eligible to receive donated sick or vacation leave if the employee:
 - 1. Has completed at least one year of continuous Township service;
 - 2. Has exhausted all accrued sick, vacation, and administrative leave, all worker's compensation benefits, if any, and all compensatory time off;
 - 3. Has not, in the two-year period immediately preceding the employee's need for donated leave, been disciplined for chronic or excessive lateness or abuse of leave; and
 - 4. Either:
 - Suffers from a catastrophic health condition or injury;
 - Is needed to provide care to a member of the employee's immediate family who is suffering from a catastrophic health condition or injury;
 - Requires absence from work due to the donation of an organ (which shall include, for example, the donation of bone marrow).
- (b) For purposes of this Section, a "catastrophic health condition or injury" shall be defined as follows:
 - 1. With respect to an employee, a "catastrophic health condition or injury" is a life-threatening condition or combination of conditions or a period of disability required by his or her mental or physical health or the health of the employee's fetus and requiring the care of a physician who provides a medical verification of the need for the employee's absence from work for 60 or more work days.

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2. With respect to an employee's immediate family member, "catastrophic health condition or injury" is a life-threatening condition or combination of conditions or a period of disability required by his/her mental or physical health and requiring the care of a physician who provides a medical verification of the need for the family member's care by the employee for 60 or more work days.
- (c) A Township employee may request that Township Administration approve his/her participation in the program as a leave recipient or leave donor. The employee's Supervisor may make such a request on behalf of the employee for his/her participation in the program as a leave recipient.
1. The employee or Supervisor requesting the employee's acceptance as a leave recipient shall submit to Administration verification from a physician or other licensed health care provider concerning the nature and anticipated duration of the disability resulting from either the catastrophic health condition or injury, or the donation of an organ, as the case may be.
 2. When Township Administration has approved an employee as a leave recipient, Administration shall, with the employee's consent, post or circulate the employee's name along with those of other eligible employees in a conspicuous manner to encourage the donation of leave time, and shall provide notice to all union representatives.
 - If the employee is unable to consent to this posting or circulation, the employee's family may consent on his/her behalf.
- (d) A leave recipient must receive at least five (5) sick days or vacation days or a combination thereof from one or more leave donors to participate in the donated leave program. A leave donor shall donate only whole sick days or whole vacation days and may not donate more than 10 such days to a recipient.
1. A leave recipient shall receive no more than 180 sick days or vacation days, and shall not receive any such days on a retroactive basis.
 2. A leave donor shall have remaining at least 20 days of accrued sick leave and at least 12 days of accrued vacation leave if donating vacation leave.
 3. A leave donor shall not revoke the leave donation.
- (e) While using donated leave time, the leave recipient shall accrue sick leave and vacation leave and be entitled to retain such leave upon his/her return to work.

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1. Any unused donated leave shall be returned to the leave donors on a prorated basis upon the leave recipient's return to work, except that if the proration of leave days results in less than one day per donor to be returned, that leave time shall not be returned.
 2. Upon retirement, the leave recipient shall not be granted terminal leave compensation on retirement for any unused sick days which he/she had received through the leave donation program.
- (f) Employees shall be prohibited from threatening or coercing or attempting to threaten or coerce another for the purpose of interfering with rights involving donating, receiving, or using donated leave time. Such prohibited acts shall include, but not be limited to, promising to confer or conferring a benefit such as an appointment or promotion or making a threat to engage in, or engaging in, an act of retaliation against an employee.

Note that this sick leave policy remains unchanged in accordance with the review and approval of the policy granted by the Department of Personnel on October 28, 2004.

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3.8 BEREAVEMENT POLICY

Employees who wish to take time off due to the death of an immediate family member should notify their Supervisor immediately.

Bereavement leave will be provided with pay to employees subject to the terms of the Collective Bargaining Agreements or employment contracts.

Bereavement pay is calculated based on the base pay rate at the time of absence and will not include any special forms of compensation, such as incentives, commissions, bonuses, or shift differentials.

Approval of bereavement leave will occur in the absence of unusual operating requirements. Employees may, with their Supervisor's approval, use any available paid leave for additional time off as necessary.

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3.9 INCLEMENT WEATHER POLICY

Emergency Closings of Township Offices will be authorized by the Township Administrator. When changes in hours of operations are necessary due to emergency situations such as inclement weather or loss of utilities, the Administrator or other appointed person will notify Department Heads. Staff members will be notified by their Department Heads, by information posted on the Township website, by a message left on the administration answering system, or by a reverse 911 call.

If the Township offices remain closed for an entire day because of an emergency situation, all staff scheduled to work that day will be paid for the number of hours they were scheduled to work. If an emergency closing occurs during hours the offices are open, employees will be paid for any remaining hours scheduled.

If the Township offices open late due to an emergency situation, scheduled staff who report to work will receive credit for regular scheduled hours for that day.

When the Township offices are open, but extreme weather conditions make it impossible for an employee to arrive at regular time, reasonable allowances for lateness will be made. If the employee cannot report for work within a reasonable time, he/she can charge the day to vacation/personal holiday or leave without pay equal to their regular work schedule for that day. The employee's immediate Supervisor should be notified as soon as possible.

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3.10 JURY DUTY POLICY

The Township of Middletown encourages employees to fulfill their civic responsibilities by serving jury duty when required. Subject to collective bargaining agreement and in accordance with applicable Federal and State laws, employees in an eligible classification will be paid his/her full, regular base weekly wage for the entire period of the jury duty without deduction for juror's compensation.

Employees must show the jury duty summons to their Supervisor as soon as possible so that the Supervisor may make arrangements to accommodate their absence. To be paid for jury duty, the employees must present to his/her Supervisor attendance records from the court indicating that the employee was present in court for jury duty. Failure to provide the Supervisor with verification of the employee's attendance at court for jury duty will result in the employee losing that day's pay.

Employees are expected to report for work whenever the court schedule permits.

Either the Township of Middletown or the employee may request an excuse from jury duty if, in the Township of Middletown's judgment, the employee's absence would create serious operational difficulties.

The Township of Middletown will continue to provide health insurance benefits for the full term of the jury duty absence.

Vacation, sick leave, and Holiday benefits will continue to accrue during unpaid jury duty leave.

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4.1 COMPENSATION AND EMPLOYEE BENEFITS POLICIES

Eligible employees at the Township of Middletown are provided a wide range of benefits. A number of the programs (such as Social Security, Workers' Compensation, and Unemployment Insurance) cover all employees in the manner prescribed by law. Benefits eligibility is dependent upon a variety of factors, including employee classification. Your supervisor can identify the programs for which you are eligible.

The following Benefit Programs may be available to eligible employees subject to collective bargaining agreements and employment contracts:

- Bereavement Leave
- Deferred Compensation Plan
- Dental Insurance
- Education Financial Assistance
- Family Leave
- Flexible Spending Plan
- Life Insurance
- Temporary Disability
- Medical Insurance
- Pension Plan
- Personal Leave
- Prescription Plan
- Sick Leave Benefits
- Uniform Allowance
- Vacation Benefits

Some Benefit Programs may require contributions from employees, and others may be included in the future. Contact Human Resources for more information.

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4.2 WORKERS' COMPENSATION INSURANCE POLICY

The Township of Middletown provides a worker's compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, worker's compensation insurance provides benefits after a waiting period of 8 days (which becomes compensable if the temporary disability last longer than 8 days), or, if the employee is hospitalized, immediately.

Employees who sustain work-related injuries or illnesses should inform their Supervisor immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported to the employee's immediate Supervisor immediately. In addition, an accident/incident report is to be completed and given to the Department Head who will forward same to the Personnel Office within twenty-four (24) hours. For required forms, see Section Six: Middletown Forms.

Neither the Township of Middletown nor the insurance administrator will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by the Township of Middletown.

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4.3 EMPLOYEE ASSISTANCE PROGRAM POLICY

Recognizing that both job-related and personal problems may adversely affect an employee's well-being, the Township of Middletown provides an employee assistance program (EAP) to provide counseling and other services to Municipal employees and their families. The EAP is designed to assist employees in a wide range of issues.

This service is provided at no cost to the employee. All consultations between an employee and EAP are confidential.

Employees experiencing job-related difficulties that cannot be resolved in the workplace, or personal family problems, are encouraged to use the employee assistance program at toll free: (888) 291-1524 or e-mail drmjxxxx@xxx.xxx.

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4.4 CONTINUING EDUCATION POLICY

Educational Assistance is governed by the collective bargaining agreements. Job-related training may be provided with the approval of the Township Administrator and recommendation of the Department Head.

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Part 5 – Managerial/Supervisory Procedures

5.1 EMPLOYMENT PROCEDURES

Recruitment: Middletown Township is a Civil Service town, which means that all but the highest level and lowest (entry) level positions are filled by the use of a certification list promulgated by the Civil Service Commission for current or newly created positions that are either vacant or have had a provisional employee placed in the position. In all cases candidates will be interviewed by the appropriate supervisor or Department Head, a representative from Human Resources, and a representative from Administration. For most positions, a second interview will be appropriate.

For higher level positions the recruitment process will be decided by the Township Administrator in consultation with the Township Committee.

For entry level positions the Township will usually first consider any internal employees who might be interested in applying for the position by posting the job description and announcement of the opening on the intranet and in each department for at least one work week (as well as providing a copy of the posting to the appropriate union representative). Then, if no qualified internal applicants apply, Human Resources will forward the applications on file from qualified applicants to the Supervisor or Department Head in the department with the opening. If no qualified and desired applicant is found from those sources, the position may be advertised on the Township's website and on other media as necessary.

For those positions that are certified (classified) by the Civil Service Commission, the Township will initially have the choice to make the position a promotional opportunity only, which means that only employees in the department with the opening who are in a lower position classification and who are qualified for the open position may apply. For such a position, the job is posted in that department only. The supervisor or Department Head will choose one of the departmental employees who have applied to be placed in the position as a Provisional Appointment. This provisional appointment will trigger a posting of the position by Civil Service as a promotional opportunity, and departmental applicants will complete the Civil Service application process, which will lead to the promulgation of a certification list by Civil Service. From that list the Department Head must choose one of the top three candidates to fill the position permanently, subject to Civil Service regulations.

For those classified positions where a promotional opportunity is not appropriate, the Township will follow the general procedure outlined for entry level positions above: first the position will be posted internally on the intranet and in each department, then current applications will be

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considered, and finally, the position will be advertised. For these certified positions, however, the candidates must be measured against the Civil Service job description because that is the standard the Commission will utilize when preparing the certification list. Once a candidate has been chosen, that person will be placed in the position as a Provisional Appointment, which will lead to a certification list and a permanent appointment to the position as described above.

The Township retains the right to simply call for a certification list from Civil Service for an open or newly created classified position rather than making a provisional appointment as outlined above. It is important to note that for all certified positions – with the exception of promotional opportunities – all current employees, current applicants and others interested in the position(s) may apply through Civil Service procedures and will be considered equally by the Civil Service Commission in their evaluation and certification process. The Township must first consider and offer the position to the top three candidates on a certification list who do not withdraw their names from consideration without regard to whether those individuals are current employees, current applicants or others who had not expressed interest in the position(s) until the certification list was promulgated.

Applications: All candidates must fully complete an application. This is a confidential document and will not be available to anyone who is not directly involved in the hiring process, except as required by law. Applications for Township employment can be located on the Township website or picked up in HR and, upon completion, must be returned to Human Resources.

Interviews: The Assistant Administrator, Personnel Tech or Department Head will coordinate the interview process, including the scheduling of applicants and the development of interview questions and standards. All questions must be in accordance with the New Jersey Division of Civil Rights Guidelines for Pre-Employment inquiries. The Township of Middletown will make reasonable accommodations to known physical and mental limitations of all applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided the accommodation does not impose an unreasonable hardship on the Township.

Job Offers: The final decision will be made by the Township Administrator after all references and other information has been verified. Every effort shall be made to offer reasonable accommodations to known physical and mental limitations of all 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 an unreasonable hardship on the Township of Middletown. Once the candidate is identified and approved by Administration, the Department Head/Supervisor will advise HR and will be advised to verbally offer the position, contingent upon the successful completion of a pre-employment physical exam. If the external candidate accepts, they will be provided with Meridian's Medical Services Authorization slip, and they will need to call Meridian at (732) 450-2930 to schedule an appointment for a pre-

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employment physical. If an internal candidate is selected, then a transfer date will be determined.

Upon notification from Meridian of the successful completion of the pre-employment physical, the Personnel Tech will contact the Department Head/Supervisor advising that the new employee may begin employment and a start date will be determined, preferably at the start of a pay period.

The Department Head/Supervisor will then contact the new employee and advise them when and where they should report for their first day of employment and have them meet with the Personnel Tech to fill out their new-hire paper work.

Pre-Employment Physical: Pursuant to the Americans with Disabilities Act, after an offer of employment is made and prior to commencing employment, the applicants will be required to pass a physical examination in order to insure that they can perform the duties of their position without injury to a particular position. The Township Administrator may require periodic physical examinations to determine the employee's continued ability to perform the duties of the position. All physical examinations must be performed by a physician chosen by the Township of Middletown at the expense of the Township of Middletown. All medical records of employees and prospective employees are confidential and are to be maintained by the Township Administrator, separate from the employee's official personnel file. Medical exams may include tests for drug and alcohol use.

Acceptances and Rejections: If the first offer is rejected, the Township Administrator will decide to hire another candidate or reopen the position. A "thank you" note should go out to the candidates that were interviewed but not selected.

The new hire will then be entered on the HR system and will be notified when they can go to the Finance Department to have their hand scanned for e-time purposes. Also, if the new hire is eligible for medical benefits, their contact information will be given to the Benefits Administrator and they will then be notified when to come in to go over entitlements.

Record Retention: All applications, notes made during interviews and reference checks, job offers and other documents created during the hiring process must be returned to the Personnel Administrator. Documents related to the successful candidate will be placed in the employee's official personnel file, except medical records including physical examinations must be maintained in a separate file. All records and documents related to other candidates must be retained for at least three years. Records and documents created during the hiring process are confidential and must be retained in a locked cabinet.

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5.2 PERSONNEL ACTIONS

As part of our effort to bring some order and accountability to personnel actions, Middletown Township will utilize a Personnel Action Request form (PAR). The Department Head fills out and signs the request for action and it is forwarded to Administration for approval before being forwarded to the appropriate place for the action to be taken. Supporting documentation should be attached to the request, and the completed form will also be placed in the employee's personnel file. The use of these forms will facilitate accountability and ensure that all personnel actions are documented as to when they were requested, when they were completed, and under whose authority they were taken.

No personnel action, including pay increases, will be taken until and unless a PAR form is completed and signed off on by the appropriate Department Head. Please make sure that MIS is notified when changes that require a change to system access are concerned.

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5.3 EMPLOYMENT VERIFICATION AND REFERENCE PROCEDURES

To ensure that individuals who join the Township of Middletown are well qualified and have strong potential to be productive and successful, it is the policy of the Township of Middletown to check the employment references of all applicants.

Inquiries and written requests for reference or employment verification regarding a current or former employee must be referred to Human Resources.

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5.4 NEPOTISM/HIRING OF RELATIVES

The employment of relatives in the same area of an organization may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried into day-to-day working relationships.

Subject to the requirements of the N.J. Department of Personnel rules and regulations, relatives of persons currently employed by the Township may be hired only if they will not be working directly for or supervising a relative. A Township of Middletown employee cannot be transferred into such a reporting relationship. In an effort to ensure compliance with the Hiring of Relatives Policy, the following will be enforced:

1. No Township Committee member shall hire or cause to be hired any person who is a relative of the Committee member for an unclassified (non-Civil Service) position with the Township over which the Township Committee member shall influence or attempt to influence the hiring, firing, promotion, demotion, or transfer of a relative of the Committee member who is employed or could potentially be employed by the Township.
2. No Department Head shall hire or cause to be hired any person who is a relative of the Department Head for a position with the Township in the Department over which the Department Head has direct oversight. No Department Head shall influence or attempt to influence the hiring, firing, promotion, demotion, or transfer of a relative of the Department Head who is employed by the Township.

For the purposes of this policy, a “relative” shall be defined as a parent, child, sibling, grandparent, grandchild, domestic partner or any person who is related by blood or marriage. If the relative relationship is established after employment, the individuals concerned will decide who is to be transferred, subject to the approval of the Department Head. If the relative relationship involves the Department Head, the transfer will be subject to the approval of the Township Administrator. If that decision is not made within 30 calendar days, management will

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decide. In other cases where conflict or the potential for conflict arises, even if there is no supervisory relationship involved, the parties may be separated by reassignment.

Human Resources shall be responsible for the dissemination of this policy to all employees of the Township. The Township Administrator, as Chief Executive Officer, shall be responsible for the resolution of any issues regarding implementation of the policy. If the Township Administrator should be disqualified due to personal interest in the specific matter, the responsibility for resolving any issue shall pass to the Assistant Administrator.

This policy shall not affect the continuing employment of any person presently employed by the Township. This policy shall not affect or preclude normal consideration as to the employment, promotion, or transfer of any person or employee pursuant to a bonafide Civil Service list of eligibles and process or pursuant to existing Collective Bargaining Agreements and requirements set forth therein. This policy shall also not preclude the routine consideration and hiring of the child of a Township Committee Member or Department Head for a part-time or seasonal temporary position.

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5.5 OPEN PUBLIC MEETINGS ACT CONCERNING PERSONNEL MATTERS

Discussions by the governing body or any official body of the Township of Middletown concerning appointment, termination, terms and conditions of employment, performance evaluation, promotion or discipline of any current or prospective officer or employee shall be in closed session unless the individual requests in writing that the discussion be held in open session. Such request must be granted. Prior to the discussion by the governing body or any official body of the Township of Middletown concerning such matters, the Clerk shall notify the affected person(s) of the meeting date, time and place, the matters to be discussed and the person's right to request that the discussion occur in open session. In the event more than one person is affected by the discussion and one of the affected persons does not request that the discussion be in open session, then the discussion shall be in closed session. If the individual(s) does/do not request that the discussion be held in open session, the governing body or other body of the Township of Middletown may, at its sole discretion, invite the affected individual(s) to attend the applicable portion of the closed session.

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5.6 PROCESSING AND ORIENTATION OF NEW EMPLOYEES PROCEDURE

All new permanent and provisional full-time and permanent part-time employees will be scheduled to meet with the Personnel Officer/EEO, and Department Head for a general orientation. Copies of all forms and acknowledgements must be returned to the Personnel Officer/EEO for inclusion in the employee's official personnel file. The orientation will include:

- A tour of the appropriate facilities to acquaint the new employee with overall operations as they relate to the specific position.
- The completion of all pertinent personnel, payroll, insurance and pension forms.
- A review of the Policy and Procedure Manual/Employee Handbook and acknowledgement of receipt.
- A safety orientation and acknowledgement if applicable.
- Arrangements for the new employee to complete required PEOSHA safety training may be required.

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5.7 WORKING TEST PERIOD

Subject to the provisions of any collective bargaining units and/or the rules and regulations of Civil Service, a 90 day introductory or “working test” period is intended to give new entry level employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The Township of Middletown uses this period to evaluate employee capabilities, work habits, conduct, and overall performance to determine if permanent status is merited.

The Department Head of each Department will prepare a progress report on all new entry level regular appointed employees at the end of two months and a final report at the conclusion of the introductory or working test period. The Department Head will furnish the Township Administrator with each of these progress reports.

During the introductory period, new employees are eligible for those benefits that are required by law, such as Workers’ Compensation Insurance and Social Security. They may also be eligible for other Township of Middletown provided benefits, subject to the terms and conditions of each benefits program and any collective bargaining agreements or employment contracts., Employees should read the information for each specific benefits program for the details on eligibility requirements , except as provided by Civil Service or Collective Bargaining Agreement.

Nothing in the procedure set forth in this section shall alter the Township of Middletown’s employment at will policy. Employment with the Township of Middletown is at will and may be terminated at any time with or without cause or notice by the NJDOP or the employee.

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5.8 POLICIES AND PROCEDURES

Township Policies and Procedures are designed to provide employees of the Township of Middletown with a general understanding of our personnel policies and provide information about working conditions, employee benefits, and some of the policies affecting employment. Employees must read, understand, and comply with all the provisions of the policies and procedures. It describes many responsibilities as an employee and outlines the programs developed by the Township of Middletown to benefit employees. One of our objectives is to provide a work environment that is conducive to both personal and professional growth, and employees will be required to sign an acknowledgement of receipt that will be placed in employees' personnel file.

No Policy and Procedure Manual can anticipate every circumstance or question about policy. This documentation of our policies and procedures is not an employment contract and is not intended to create contractual obligations of any kind. As time passes and circumstances change, the need may arise and the Township of Middletown reserves the right to revise, supplement, or rescind any policies or portion of the manual from time to time as it deems appropriate, in its sole and absolute discretion. Employees will, of course, be notified of such changes to the manual as they occur.

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5.9 EMPLOYEE COMPLAINT PROCEDURE

The Township of Middletown is committed to providing the best possible working conditions for its employees. Part of this commitment is encouraging an open and frank atmosphere in which a problem, complaint, suggestion, or question receives a timely response from the Township of Middletown Supervisors and Management. Employees who wish to complain of any workplace concerns are requested to 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 Township Administrator, the Assistant Township Administrator or the Personnel/EEO Officer. Employees are encouraged to complain 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.

The Administrator will seek the advice of the Township Labor Attorney when planning the investigation of a serious matter. The investigation will be conducted by county prosecutor if it involves potential criminal charges. The investigation should establish the frequency and nature of the alleged conduct and whether the complaint coincides with other employment events such as a poor performance evaluation. The investigation should also determine if other employees were subjected to similar misconduct. It is important to protect the rights of both the person making the complaint and the alleged wrongdoer.

If the validity of a complaint cannot be determined or the complaint is groundless, the complaining employee should be notified in writing. Care should be taken to avoid being too specific, confrontational or accusatory and to avoid any language that might be construed as defamatory. A general statement is usually more appropriate that the claim was thoroughly investigated, but could not be sufficiently documented or confirmed to justify taking formal action. The employee should be assured that future complaints will be investigated and that the Township is committed to eliminating wrongful employment practices when they are found to

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exist. If the investigation reveals that the complainant intentionally and maliciously levied false charges against the alleged wrongdoer, the complainant must be notified of the seriousness of filing a false complaint, and the appropriate disciplinary penalty under the circumstances, up to and including termination.

If the investigation reveals that the complaint is justified and substantiated, Township Administration will formulate with the advice of the Township Labor Attorney a corrective action plan as well as possible disciplinary action. The complaining employee will be notified, in writing that it appears that the complaint was justified and an appropriate response plan has been formulated. A copy of the response plan should be attached to the letter. The response plan should provide for appropriate remedial action to prevent a recurrence of the wrongful act or behavior.

The Township of Middletown strives to ensure fair and honest treatment of all employees. Supervisors, Managers, and employees are expected to treat each other with mutual respect. Employees are encouraged to offer positive and constructive criticism.

No employee will be penalized, formally or informally, for voicing a complaint with the Supervisors of the Township Administration in a reasonable, business-like manner.

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