

ORDINANCE 2018-28

AN ORDINANCE TO AMEND CHAPTER 105, PERSONNEL POLICIES, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF RED BANK

offered the following ordinance and moved its introduction:

WHEREAS, the Borough of Red Bank has adopted Ordinances creating and amending Chapter 105, Personnel Policies of the Code of the Borough of Red Bank, which sets forth certain personnel policies for Borough employees; and

WHEREAS, said Chapter of the Code provides for numerous policies which are included in the Borough's Personnel Policies and Procedures Manual; and

WHEREAS, the Borough desires to amend Chapter 105, Personnel Policies, of the Code of the Borough of Red Bank to avoid duplicative and/or inconsistent policies;

NOW, THEREFORE, be it ordained, by the Borough Council of the Borough of Red Bank, County of Monmouth, State of New Jersey, as follows:

Section 1. Chapter 105. Personnel Policies, of the Code of the Borough of Red Bank is amended as follows:

§ 105-1 to § 105-2 are *repealed*.

§ 105-3. Authority. is *renumbered* as “§ 105-1. Authority.” and is *amended* to read:

“§ 105-1. Authority.

A. The Borough Council shall by resolution adopt and amend from time to time the Borough's personnel policies and procedures, including rules and regulations required to comply with applicable federal and state employment-related law. The personnel policies and procedures adopted pursuant to said resolution(s) shall be included in the Borough of Red Bank Personnel Policies and Procedures Manual and be applicable to all Borough employees. The Borough Council may adopt and amend the personnel policies and procedures through adoption and amendment by resolution of the Policies and Procedures Manual.

B. The Borough Administrator shall be responsible to implement and enforce the personnel policies and procedures adopted by ordinance or resolution authorized pursuant to this article. If there is a conflict between said personnel policies and procedures and any duly adopted and lawful collective bargaining agreement, personal services contract, the Police Department Rules and Regulations for the Governing of the Police Department, or Federal or State law, the terms and conditions of that agreement, contract, rules and regulations, or law shall prevail. In all other cases, the policies and procedures adopted pursuant to this article shall prevail.”

§ 105-3 to § 105-24 are *repealed*.

§ 105-25. Retirement. is *renumbered* as “§ 105-2. Retirement.”

§ 105-25 to § 105-29 are *repealed*.

§ 105-30. Medical Benefits. is *renumbered* as “§ 105-3. Medical Benefits.”

§ 105-30 to § 105-63 are *repealed*.

Section 2. All Ordinances or parts of Ordinances inconsistent herewith are repealed.

Section 3. If any section, subsection, sentence, clause, phrase, or a portion of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Section 4. This Ordinance shall become effective after second reading and publication as required by law.

Seconded by _____ and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilman Taylor	()	()	()	()
Councilman Whelan	()	()	()	()
Councilman Yngstrom	()	()	()	()
Councilman Ballard	()	()	()	()
Councilman Zipprich	()	()	()	()
Councilwoman Horgan	()	()	()	()

Dated: October 24, 2018

BOROUGH OF RED BANK

PERSONNEL

POLICIES AND PROCEDURES

MANUAL

SEPTEMBER 2016

**(October 2017, December 2017 and October 2018
Amendments incorporated)**

IMPORTANT NOTICE

THIS MANUAL IS NOT AN EMPLOYMENT CONTRACT BETWEEN THE BOROUGH OF RED BANK (THE "BOROUGH") AND OUR EMPLOYEES.

THERE ARE NO PROMISES OF ANY KIND BY THE BOROUGH CONTAINED IN THIS MANUAL. REGARDLESS OF WHAT THIS MANUAL SAYS OR PROVIDES, EXCEPT TO THE EXTENT COVERED BY A COLLECTIVE BARGAINING UNIT AGREEMENT OR OTHER EMPLOYMENT CONTRACT, THE BOROUGH PROMISES NOTHING AND RESERVES ITS RIGHT TO CHANGE WAGES AND ANY AND ALL OTHER WORKING CONDITIONS, AND ANY OTHER POLICY OR PROVISION SET OUT IN THIS MANUAL AT ANY TIME, AND WITHOUT HAVING TO CONSULT ANYONE AND WITHOUT ANYONE'S AGREEMENT. EMPLOYEES WITH QUESTIONS REGARDING THE APPLICABILITY OF A PARTICULAR POLICY OR PRACTICE OF THE BOROUGH, OR ANY PROVISION OF THIS MANUAL SHOULD ASK THEIR SUPERVISOR OR THE HUMAN RESOURCES MANAGER.

THE POLICIES, PRACTICES AND PROCEDURES PUBLISHED BY THE BOROUGH AS CONTAINED IN THIS MANUAL ARE NOT IN ANY WAY TO BE INTERPRETED AS AN EMPLOYMENT CONTRACT BETWEEN THE BOROUGH AND ANY OF OUR EMPLOYEES. BOTH THE BOROUGH AND OUR EMPLOYEES HAVE THE RIGHT TO END THE EMPLOYMENT RELATIONSHIP AT ANY TIME, WITH OR WITHOUT CAUSE AND WITH OR WITHOUT PRIOR NOTICE, EXCEPT TO THE EXTENT COVERED BY A COLLECTIVE BARGAINING UNIT AGREEMENT OR OTHER EMPLOYMENT CONTRACT. NOTHING IN THIS MANUAL SHOULD BE INTERPRETED AS IN ANY WAY CHANGING OR MODIFYING YOUR AT WILL EMPLOYMENT OR AS CONSTITUTING A GUARANTEE OF EMPLOYMENT WITH THE BOROUGH FOR ANY SPECIFIC PERIOD OF TIME.

THIS MANUAL SUPERSEDES AND REPLACES ALL PRIOR OR EXISTING HANDBOOKS, MANUALS, WRITTEN POLICIES, MEMOS, E-MAILS, ORAL POLICIES OR PRACTICES IN EFFECT, OR ORAL, WRITTEN OR ELECTRONIC STATEMENTS MADE, PRIOR TO THE MOST RECENT EFFECTIVE DATE PRINTED ON THE COVER OF THIS MANUAL. TO THE EXTENT ANY PROVISION OF THIS MANUAL CONTRADICTS THE TERMS OF ANY COLLECTIVE BARGAINING UNIT AGREEMENT OR OTHER EMPLOYMENT CONTRACT, THE TERMS OF THAT AGREEMENT OR CONTRACT WILL PREVAIL OVER THE TERMS SET OUT IN THIS MANUAL OR ANY POLICY OR PROCEDURE CONTAINED IN THIS MANUAL.

ACKNOWLEDGMENT OF RECEIPT

I, _____, ACKNOWLEDGE RECEIPT OF THE BOROUGH OF RED BANK'S PERSONNEL POLICIES AND PROCEDURES MANUAL WHICH CONTAINS, AMONG OTHER THINGS, THE BOROUGH'S ANTI-DISCRIMINATION AND ANTI-HARASSMENT POLICIES. I HAVE READ THE MANUAL AND UNDERSTAND ITS POLICIES AND PROVISIONS. IF THERE ARE ANY PROVISIONS OF THIS MANUAL I DO NOT UNDERSTAND OR ABOUT WHICH I HAVE QUESTIONS, I WILL CONSULT WITH MY SUPERVISOR

I UNDERSTAND THAT THE BOROUGH OF RED BANK HAS THE RIGHT, AT ITS SOLE DISCRETION, TO REVIEW, CHANGE, OR ELIMINATE ANY OR ALL OF THE POLICIES AND/OR PROVISIONS OF THE MANUAL.

I UNDERSTAND THAT MY EMPLOYMENT WITH THE BOROUGH OF RED BANK IS AT WILL AND THAT THE BOROUGH MAY TERMINATE MY EMPLOYMENT AT ANY TIME AND FOR ANY REASON WITH OR WITHOUT CAUSE AND WITHOUT PRIOR NOTICE. I ALSO UNDERSTAND THAT I CAN RESIGN WITH OR WITHOUT A REASON AT ANY TIME. NO PROCEDURES NEED BE COMPLIED WITH IN ORDER TO END THE EMPLOYMENT RELATIONSHIP UNLESS THAT AT-WILL RELATIONSHIP IS SUBJECT TO EXTERNAL LAW, A COLLECTIVE BARGAINING AGREEMENT, OR THE NEW JERSEY DEPARTMENT OF PERSONNEL REGULATIONS. I UNDERSTAND THAT NOTHING CONTAINED IN THIS EMPLOYEE MANUAL, OR ANY OTHER STATEMENT OF THE BOROUGH OF RED BANK POLICY, CREATES A CONTRACT FOR CONTINUED EMPLOYMENT UNDER ANY PARTICULAR TERMS OR CONDITIONS, OR FOR ANY SPECIFIC TIME PERIOD.

Date

Employee's Name

Department

Employee's Signature

**THIS WILL CERTIFY THAT I, _____ HAVE
BEEN GIVEN A COPY OF THE BOROUGH OF RED BANK'S POLICY ADDRESSING
ALCOHOL AND DRUGS IN THE WORKPLACE AND THAT I FULLY UNDERSTAND
SAID POLICY AND AGREE TO COMPLY WITH ALL TERMS AND
REQUIREMENTS SET FORTH HEREIN.**

EMPLOYEE: _____

DATE: _____

WITNESS: _____

DATE: _____

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GENERAL PERSONNEL POLICY

It is the policy of the Borough of Red Bank to treat employees in a manner consistent with all applicable employment laws and regulations. The personnel policies and procedures of the Borough apply to all employees, volunteers, elected or appointed officials and independent contractors. This manual supersedes the previous Borough of Red Bank Policy and Procedures Manual, and to the extent that any provisions of this manual differ from the prior manual, the provisions of this manual are in effect. In the event there is a conflict between these provisions and any collective bargaining agreement, personal services contract, the Police Department Rules and Regulations for the Governing of the Police Department, or Federal or State law, the terms and conditions of that agreement, contract, rules and regulations, or law shall prevail. If any provision of this manual is deemed invalid, that part of the manual will be suspended, but the remainder of the manual will remain in effect. In all other cases, these policies and procedures shall prevail.

The Business Administrator is designated as the Personnel Officer, and is empowered to appoint all Borough employees subject to law, statute and ordinance. No person shall be employed or promoted unless there exists a position created by an ordinance or resolution adopted by the Mayor and Council, as well as the necessary budget appropriation and salary ordinance.

The Business Administrator and all managerial/supervisory personnel are authorized and responsible for personnel policies and procedures. The Mayor and Council have appointed the Human Resources Manager to assist the Business Administrator in implementing personnel practices. The Business Administrator and Human Resources Manager shall also have access to the Borough Attorney appointed by the Mayor and Council for guidance in personnel matters.

As a general principle, the Borough of Red Bank has a “no tolerance” policy towards workplace wrongdoing. Borough of Red Bank officials, employees and independent contractors are to report anything perceived to be improper to their supervisor or Borough of Red Bank official. The Borough of Red Bank believes strongly in an Open Door Policy and encourages employees to talk with their supervisor, Department Head, Business Administrator, or the Human Resources Manager concerning any problem.

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

To the maximum extent permitted by law, the Borough of Red Bank operates under the legal doctrine known as “employment at will.” Within Federal and State law, and any applicable bargaining unit agreement, the Borough of Red Bank shall have the right to terminate an employee at any time and for any reason, with or without notice, except that the Borough of Red Bank shall comply with all Federal and State Laws regarding termination or dismissal.

SPECIFIC EMPLOYMENT POLICIES AND PROCEDURES

SECTION 1

Policies Relating to Employee Rights and Obligations:

A. Anti-Discrimination Policy/New Jersey Pregnant Worker’s Fairness Act:

The Borough is committed to the principle of equal employment opportunity and anti-discrimination practices pursuant to Title VII of the 1964 Civil Rights Act, as amended by the Equal Opportunity Act of 1972, the Age Discrimination and Employment Act, the Americans with Disabilities Act (“ADA”) and the New Jersey Law Against Discrimination (“NJLAD”) as amended by the New Jersey Pregnant Worker’s Fairness Act and the Diane B. Allen Equal Pay Act. It is the Borough’s policy to prohibit discrimination and/or harassment of an employee by another employee, management representative, supplier, volunteer, or business invitee on the basis of actual or perceived sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, civil union status, gender identity or expression, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), pregnancy (including pregnancy related medical condition), childbirth, liability for service in the United States Armed Forces, and/or any other characteristic protected by law. Decisions regarding hiring, promotion, pay and/or benefits, assignment, training, transfer, discipline, demotion and termination are based solely on the Borough’s requirements, and the qualifications and performance of the employee or prospective employee, and shall never be based upon any discriminatory practice or basis. Any type of harassment, including but not limited to slurs, epithets, directs, derogatory comments, unwelcome jokes, teasing, and other similar verbal or physical conduct based on a protected category is strictly forbidden. If any employee or prospective employee feels they have been treated unfairly based on one of the protected categories, they have the right to address their concern with their supervisor, or if they prefer their Department Head, Human Resources Manager or Business Administrator.

B. Reasonable Accommodation For Individuals with Disabilities and Pregnancy or Related Medical Conditions:

In compliance with the Americans with Disabilities Act (“Act”), the ADA Amendments Act and the NJLAD as amended by the New Jersey Pregnant Worker’s Fairness Act, the Borough of Red Bank does not discriminate against any employee or job applicant with respect to any terms, conditions or privileges of employment on the basis of a known disability, pregnancy, pregnancy related medical condition or childbirth. The Borough of Red Bank 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 Borough to comply with all relevant and applicable provisions of the Americans with Disabilities Act, the ADA Amendments Act and LAD. We will not discriminate against any employee or job applicant with respect to any terms, conditions, or privileges of employment on the basis of a known or perceived disability, pregnancy, childbirth, breastfeeding, or pregnancy related medical condition. We will also make reasonable accommodations to known physical or mental limitations of all employees and applicants with disabilities or pregnant, provided that the individual is otherwise qualified to perform the essential functions of the job, and also provided that the accommodation does not impose undue hardship on the Borough.

Employees should present requests for reasonable accommodation to their supervisor, the Human Resources Manager or the Business Administrator. In response to a request for accommodation, the Business Administrator shall initiate an interactive dialogue with disabled/pregnant employees and prospective employees or their respective health care provider to identify reasonable accommodations that do not create an undue hardship. Accommodations include modifications to facilities, equipment and work procedures, auxiliary aides, services and permanent reassignment to vacant positions. Employees who are reassigned to a different position shall receive the salary of their new position. In the case of an employee breastfeeding her infant child, the accommodation shall include reasonable break time each day to the employee and a suitable room or other location with privacy, other than a toilet stall, in close proximity to her work area for the employee to express breast milk for the child. Accommodations shall not be so expensive, extensive and disruptive or fundamentally alter the nature of the operation so as to be an undue hardship. The law does not require the Borough of Red Bank to offer permanent "light duty", relocate essential functions or provide personal use items such as eyeglasses, hearing aids, wheelchairs, or other personal items. To be eligible for accommodations, individuals must (1) be able to perform the essential function of the position, with or without reasonable accommodations, (2) not create a real safety hazard to themselves, their co-employees or the public, and (3) must otherwise be qualified for the position in that they possess the prerequisites including education, experience, training, skills, licenses or certificates and other job-related requirements. All decisions with respect to accommodations shall be made by the Business Administrator or Mayor and Council as appropriate.

Employee should also offer assistance, to the extent possible, to any member of the public who requests or needs an accommodation when visiting Borough facilities. Any questions concerning proper assistance should be directed to the Business Administrator or his/her designee.

C. Transitional Duty Policy:

The Borough will attempt to bring employees with temporary disabilities back on the job as soon as possible and may assign transitional duty to employees, who temporarily cannot perform the essential functions of their positions because of injury or illness. Transitional duty is not guaranteed and will not exceed 45 workdays. If a department already has one employee on transitional duty, it is unlikely that another employee from that department will be assigned transitional duty.

An employee requesting transitional duty, or, when relevant, the Workers' Compensation Physician, shall notify the Business Administrator as soon as the temporarily disabled employee is aware that he or she will be able to return to work with restrictions. Transitional duty will only be assigned if it is the Borough's expectation that the employee will be able to perform the essential functions of the position after the transitional duty period. The Business Administrator will consult with the employee's supervisor to determine if there is any meaningful work that can be performed consistent with the restrictions. Transitional duty assignments may be made in any department, and are not required to take place in the employee's currently-assigned department. The Business Administrator will decide if it is in the best interest of the Borough to approve a transitional duty request. The Borough reserves the right to terminate the transitional duty assignment at any time without cause or prior notice.

Employees may not refuse transitional duty assignments that are recommended or approved by the Workers' Compensation Physician. Failure to report to work as directed shall constitute immediate grounds for dismissal. If the employee believes that the transitional duty assignment is beyond the employee's abilities, the employee may request a meeting with the Business Administrator who will render a written response within a business day.

Employees on transitional duty will receive their regular salaries and are prohibited from engaging in any outside employment of any kind unless they receive prior written approval from the Business Administrator. If transitional duty is approved, the employee or Workers' Compensation Physician must keep the Business Administrator informed of the employee's medical progress. (Employees assigned to transitional duty will be allotted time off to attend medical or physical therapy appointments upon prior notice of at least 24 hours, but must request leave time for any other reason.) If, at the end of transitional duty period, the employee is not able to return to work without restrictions, the Borough reserves the right, at its sole discretion, to extend the transitional duty or place the employee back on medical leave for Workers' Compensation or temporary disability. This policy does not affect an employee's rights under the Americans with Disabilities Act, the Family and Medical Leave Act, the Fair Labor Standards Act, the Contagious or Life Threatening Illnesses Policy or other Federal or State law.

D. Contagious or Life Threatening Illnesses Policy:

The Borough of Red Bank encourages employees with contagious diseases or life-threatening illnesses, including, but not limited to cancer, heart disease, Hepatitis C and HIV/AIDS, to continue their normal pursuits, including work, to the extent allowed by their condition.

Employees with contagious conditions or life threatening illnesses will only be permitted to perform duties that will not create a risk to themselves, their co-workers or the general public. These individuals will be treated no differently than any other employee. As in the case of other disabilities, the Borough of Red Bank shall make reasonable accommodations in accordance with legal requirements to allow qualified employees with contagious or life-threatening illnesses to perform the essential functions of their jobs so long as they are able to meet acceptable performance standards, and also provided that the accommodation does not impose an undue hardship on the Borough.

- Medical information shall be treated confidentially, and may only be disclosed with the prior written consent of the person who is the subject of the information. Managers and other employees have a responsibility to maintain the confidentiality of employee medical information, and the Borough of Red Bank will take reasonable precautions to protect such information from inappropriate disclosure. Anyone inappropriately disclosing such information shall be subject to disciplinary action, up to and including termination. Information concerning the individual's medical condition, however, may be disclosed without prior consent when required by State and/or Federal law. Information may also 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.

Employees with questions or concerns about contagious or life-threatening illnesses are encouraged to contact the Human Resources Manager.

E. Safety Policy:

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

F. Driver's License Policy

Any employee whose work requires the operation of Borough vehicles must hold a valid and appropriate New Jersey State Driver's License for the vehicle to be operated.

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

Periodic checks of employee's driver's licenses through visual and formal Motor Vehicles Commission review checks shall be made by supervisors. Any employee who does not hold a valid driver's license will not be allowed to operate a Borough vehicle until such time as a valid license is obtained.

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

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

G. Workplace Violence Policy:

The Borough of Red Bank will not tolerate workplace violence. Violent acts or threats made by an employee against another person or property are cause for immediate dismissal and will be prosecuted to the fullest extent of the law. This includes any violence or threats made on Borough of Red Bank property, at Borough of Red Bank events, or under other circumstances that may negatively affect the Borough of Red Bank's ability to conduct business.

Prohibited conduct includes, but is not limited to:

- Causing physical injury to another person;
- Making threatening remarks;
- Aggressive or hostile behavior that creates a reasonable fear of injury in another person or subjects another individual to emotional distress;
- Intentionally damaging employer property or property of another employee;
- Possession of a weapon while on Borough of Red Bank property, or while on Borough of Red Bank business, except with the authority of the Police Chief; and

- Committing acts motivated by, or related to, sexual or other forms of workplace harassment or domestic violence.

Any potentially dangerous situations must be immediately reported.

H. Anti-Harassment Policy:

Unlawful discrimination and/or harassment undermine the integrity of the employment relationship, compromise equal employment opportunities, debilitate morale and interfere with work productivity. The Borough of Red Bank is committed to maintaining and promoting a healthy, productive and non-threatening work environment that is built upon mutual respect and is free from unlawful discrimination and/or harassment. In keeping with this commitment, the Borough has a ZERO TOLERANCE policy toward unlawful discrimination and harassment. Accordingly, unlawful discrimination and harassment of Borough employees by anyone, including any supervisor, co-employee, vendor, contractor, citizen, or patron of the Borough will not be tolerated.

It is Borough's policy to prohibit harassment of an employee by another employee, or by a supervisor, vendor, contractor, citizen or patron, on the basis of actual or perceived sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, civil union status, gender identity or expression, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), pregnancy (including pregnancy related medical condition), childbirth, breastfeeding, liability for service in the United States armed forces, and/or any other characteristic protected by Federal and/or State law. Harassment of any individual, including non-employees, by any employee is strictly prohibited. Harassment is defined as included, but is not limited to: slurs, epithets, threats, derogatory comments, unwelcome jokes, teasing, caricatures or representations of persons using electronically or physically altered photos, drawings or images, and other similar verbal, written, printed, or physical conduct.

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

This policy applies to both conduct which occurs in the workplace, and conduct that occurs at any location which can be reasonably regarded as an extension of the workplace, i.e., any field location, any off-site Borough-related social function, or any facility where Borough business is being conducted and discussed. This policy shall apply to all Borough employees and shall rescind and supersede all prior policies and procedures which may have been used to report, investigate, and remediate unlawful discrimination and/or harassment complaints in the past.

It is a violation of this policy to engage in any employment practice or procedure that treats an individual less favorably based upon any of the above protected categories. This policy pertains to all employment practices including, but not limited to, recruitment, selection, hiring, training, promotion, transfer, assignment, layoff, return from layoff, termination, demotion,

discipline, job assignment, compensation, fringe benefits, working conditions, and career development.

This policy also applies to communications, whether oral or written, by telephone, e-mail, voicemail, or internet usage, including the transmission or forwarding of communications to others, or other graphic images that denigrate individuals on the basis of the protected categories, including sex.

Notification of appropriate personnel of any harassment problem is essential to the success of this policy and the Borough generally. The Borough cannot resolve a harassment problem unless it knows about it. Therefore, it is the responsibility and obligation of all employees to bring those kinds of problems to the attention of the appropriate officials so that steps are taken to correct them. If an employee is witness to, or believes to have experienced, harassment, immediate notification should be made to their supervisor, Human Resources Manager or other appropriate person in authority. (See the Employee Complaint Policy).

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

I. Anti-Sexual Harassment

It is the Borough's policy to prohibit sexual harassment of an employee by another employee, or by a supervisor, vendor, contractor, volunteer, citizen or patron. The Borough prohibits sexual harassment in any form from occurring in the workplace or at any other location at which the Borough sponsored activity takes place. Sexual harassment of non-employees by our employees is also prohibited. The purpose of this policy is not to regulate personal morality or to encroach upon one's personal life, but rather, to demonstrate a strong commitment to maintaining a workplace free of sexual harassment.

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

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

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 person using electronically or physically altered photos, drawings, or images, impeding or blocking movements, touching, assault, notes or invitations; and/or physical conduct.

If any employee is witness to sexual harassment or believes that an employee has experienced sexual harassment, he/she must immediately notify the Human Resources Manager or other appropriate person in authority. (See the Employee Complaint Policy).

Harassment of Borough employees, in connection with their work, by non-employees is also a violation of this policy. Any employee who experiences harassment by a non-employee, or who observes harassment of an employee by a non-employee, should report such harassment to the Human Resources Manager. All such reports will be investigated, and, if founded, appropriate action will be taken against the non-employee.

Notification by employee to appropriate personnel of any harassment problem is essential to the success of this policy and the Borough generally. The Borough cannot resolve a harassment problem unless it is reported. Therefore, it is the responsibility and obligation of all employees to bring these problems and incidents to the attention of management so that steps are necessary to correct them.

The Borough has established procedures which shall be followed for prevention and investigation of all complaints.

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

J. “Whistle Blower” Policy:

Employees have the right under the “Conscientious Employee Protection Act” (“CEPA”) and this policy to complain about any activity, policy or practice that an employee reasonably believes is in violation of a law, rule, or regulation promulgated pursuant to law, without fear of retaliation or reprisal. This right shall be communicated to all employees in an annual notice outlining the specific employee complaint procedure and in a posted notice. A written acknowledgement that the employee received, read, and understood this letter or written notification 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 Policies and Procedures Manual. All complaints will be taken seriously and promptly investigated.

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

- Disclosing or threatening to disclose to a supervisor, other official or to a public body, as defined in the Conscientious Employee Protection Act (N.J.S.A. 34:19-1 *et seq.*), of

an activity, policy or practice that the employee reasonably believes is in violation of a law, a rule or regulation promulgated pursuant to law;

- Providing information to, or testifying before, any public body conducting an investigation, hearing, an inquiry into any alleged violation of law, or a rule or regulation promulgated pursuant to law; or
- Objecting to or refusing to participate in any activity, policy, or practice that the employee reasonably believes is a violation of a law, rule or regulation promulgated pursuant to law; or is fraudulent or criminal; or is incompatible with a clear public policy mandate concerning the public health, safety, or welfare, or the protection of the environment.

In accordance with the CEPA statute, the employee must bring the violation to the attention of the Borough in writing. However, disclosure is not required where (1) the employee is reasonably certain that the violation is known to one or more officials; (2) where the employee reasonably fears physical harm; or (3) the situation is an emergency in nature. Employees are encouraged to complain in writing using the Employee Complaint form. (See Employee Complaint Policy). Under the law, the employee must give the Borough a reasonable opportunity to correct the activity, policy or practice. The administration of whistle blower complaints is not subject to the limitations in the Grievance Policy.

CEPA specifically provides that the rights, privileges or remedies under any other federal or state law or regulation, or under the terms of any collective bargaining agreement, are not diminished. Employees should be cognizant, however, that, in accordance with State law, once an action is instituted under CEPA, the employee's rights and remedies under any other contract, collective bargaining agreement, state law, rule or regulation, or under the common law, will, in many instances, be deemed to have been waived.

K. Employee Complaint Policy and Procedure:

Employees who wish to complain of harassment or any other workplace wrongdoing, or who have any question as to whether a certain behavior constitutes harassment or other wrongdoing, are requested to immediately report the matter to their supervisor, or, if they prefer, to their Department Head, the Business Administrator, or the Human Resources Manager. Employees are encouraged to complain in writing using the Employee Complaint form, but may make an oral complaint at their discretion. No retaliatory measures will be taken against any employee who complains, in good faith, of workplace wrongdoing, even if the complaint is ultimately deemed unfounded. The Borough of Red Bank will, to the maximum extent feasible, maintain the confidentiality of such complaints, reveal such complaints only on a "need-to-know" basis, and undertake a prompt investigation of the matter. Note that it is possible that investigation of the complaints may require disclosure to the accused party and other witnesses in order to gather pertinent facts.

- **Reporting:** Employees are encouraged to report complaints in writing utilizing the Employee Complaint form. However, employees are not restricted to report a

complaint in this manner, but may do so orally at their option. Verbal complaints shall be immediately documented by the receiving party (e.g. human resources manager, supervisor or administrator) upon being notified of same.

- **Identification/Screening:** The Human Resources Manager, supervisor, or Department Head, must report all written or verbal complaints to the Business Administrator, unless the complaint is against the Business Administrator, then the complaints go to the chairs of the personnel committee of the Borough Council. Upon receipt, the Business Administrator will determine if the complaint was made pursuant to the General Anti-Harassment Policy, the Anti-Sexual Harassment Policy, the Whistle Blower Policy, a grievance procedure, or is another form of complaint. A file will be established including the written complaint, the investigation procedure followed, and the response action plan. As soon as possible, but no later than ten (10) days after receiving the complaint, the Investigator appointed by the Business Administrator, will interview the employee. If the employee is reluctant to sign a written complaint, the Investigator will prepare written notes of the date, time and place of the complaint and the specific allegations. These notes will be read back to the employee who will be asked to affirm, preferably in writing, the information's accuracy.
- **Investigation:** The Business Administrator will seek the advice of the Borough Attorney when planning the investigation. The investigation should be conducted by the Borough Attorney or outside counsel or the County Prosecutor, if the complaint alleges potential criminal activity. The investigation will be undertaken in as confidential a manner as possible under the particular circumstances. 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, observed or aware of similar misconduct by the accused. It is important to protect the rights of both the person making the complaint and the alleged wrongdoer.
- **Response Plan – No Corrective Action Required:** The Business Administrator will discuss the conclusions of the investigation with the Borough Attorney and render a decision within fourteen (14) days after the investigation is complete. If the validity of a complaint cannot be determined or the complaint is groundless, the complaining employee will be notified in writing. A general statement will be made 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 Borough of Red Bank is committed to eliminating wrongful employment practices when they are found to exist. If the investigation reveals that the complainant intentionally and maliciously levied false charges against the alleged wrongdoer, the complainant will be notified of the seriousness of filing a false complaint, and the appropriate disciplinary penalty under the circumstances, up to and including termination.
- **Response Plan – Corrective Action Required:** If the investigation reveals that the complaint is justified and substantiated, the Business Administrator will formulate, with

the advice of the Borough 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. The response plan should provide for appropriate remedial action to prevent a recurrence of the wrongful act or behavior. The accused also will be notified in writing that the complaint was sustained and an appropriate response plan will be formulated and will be implemented.

L. Grievance Policy and Procedure:

A grievance is any formal dispute concerning the interpretation, application and enforcement of any personnel policy or procedure of the Borough of Red Bank. Grievances from union employees will be handled pursuant to the terms of the applicable bargaining unit agreement. All grievances from non-union employees must be presented within five (5) working days after arising and failure to report a grievance within such time shall be deemed as a waiver of the grievance. In order to initiate a grievance, the following procedure should be followed:

- **Step One:** Any employee or group of employees with a grievance shall orally communicate the grievance to the supervisor who will discuss the matter with the Department Head. In the absence of an immediate supervisor, the employee should communicate directly with the Department Head. The supervisor or Department Head will communicate their decision to the employee within five (5) business days.
- **Step Two:** If the employee is not satisfied with the decision, the employee must submit a written grievance to the Department Head detailing the facts and the relief requested. The decision in Step One will be deemed final if the employee fails to submit a written grievance within five (5) business days following the Step One decision. In the event that a written grievance is submitted, the Department Head, or designated representative, shall meet within five (5) business days with the employee, unless such a meeting is waived by both parties in writing, and shall respond in writing within ten (10) business days following the close of this meeting.
- **Step Three:** If the employee is not satisfied with the Step Two decision, the employee must submit an appeal in writing to the Business Administrator within five (5) business days of the Step Two decision. The appeal shall include copies of all previous correspondence relating to this matter. After consulting the Human Resources Manager and the Borough Attorney, as appropriate, the Business Administrator will conduct an informal hearing within five (5) business days and shall render a written decision to the employee within five (5) business days after said informal hearing.

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

M. Access to Personnel Files Policy:

The official personnel file for each employee shall be maintained by the Human Resources Manager. 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. In accordance with Federal law, records relating to any medical condition will be maintained in a separate file and will not be included in the Personnel File. Electronic personnel and medical records must be protected from unauthorized access. Any employee may review their own file in the presence of the Human Resources Manager, upon reasonable notice.

The Borough endeavors to maintain the privacy of personnel records. There are limited circumstances in which the Borough will release information contained in personnel or medical records to persons outside the Borough. 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 Borough's compliance with applicable law;
- To the Borough's agents, Business Administrator or his/her designees, and attorneys, when necessary;
- In a lawsuit administrative proceeding, grievance, or arbitration in which the employee and the Borough are parties;
- In a workers' compensation proceeding;
- To administer benefit plans and claims;
- To an authorized health care provider;
- To first aid or safety personnel, when necessary; and
- To a potential future employer or other persons requesting a verification of your employment, provided the employee has signed a document authorizing the release of the records and information.

N. Conflict of Interest Policy:

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

The Borough recognizes the right of employees to engage in outside activities that are private in nature and unrelated to Borough of Red Bank business. However, business dealings that appear to create a conflict between the employee's personal interests and the Borough of Red Bank's interests are unlawful under the New Jersey Local Government Ethics Act (the "Act"). Whenever an employee believes that such a conflict will, or may, occur, the employee should immediately disclose the potential conflict to his/her supervisor, the Business Administrator, or Borough Attorney. Under the Act, certain employees and officials are required to annually file with the Borough of Red Bank Clerk a state mandated disclosure form. The Borough of Red

Bank Clerk will notify employees and Borough of Red Bank officials subject to the filing requirements of the Act.

One form of potential or actual conflict of interest occurs whenever an employee, including a Borough of Red Bank official, is in a position to influence a Borough of Red Bank decision that may result in a personal gain for the employee or an employee's immediate relatives, including a spouse, domestic partner, civil union partner 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 all possible conflicts so that the Borough of Red Bank may assess and prevent potential conflicts. If there are any questions as to whether an action or proposed course of conduct would create a conflict of interest, immediately contact the Business Administrator to obtain clarification.

Employees are allowed to hold outside employment as long as it does not interfere with their Borough of Red Bank responsibilities. Outside employment with respect to members and employees of the Police Department is governed by PR:108(4) of the Rules and Regulations for the Governing of the Police Department. Employees are prohibited from engaging in outside employment and outside business activities while on the job and from using Borough of Red Bank time, supplies or equipment in any outside employment or any outside business activities. The Business Administrator may request employees to restrict outside employment if the quality of their Borough of Red Bank work diminishes. Any employees who holds an interest in, or is employed by, any entity doing business with the Borough of Red Bank must submit a written notice of these outside interests to the Business Administrator.

Employees may not accept donations, gratuities, contributions or gifts that could be interpreted as affecting their Borough of Red Bank duties. Under no circumstances may an employee accept donations, gratuities, contributions or gifts from a vendor doing business with or seeking to do business with the Borough of Red Bank or any person or firm seeking to influence Borough of Red Bank decisions. Meals and other entertainment paid for or provided by any individual or entity and valued in excess of \$150 are also prohibited. Employees are required to report to the Business Administrator any offer of a donation, gratuity, contribution or gift including meals and entertainment that is in violation of this policy.

O. 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 are prohibited from using Borough of Red Bank time, supplies or equipment in any political activity. Any violation of this policy must be reported to the supervisor, Department Head, Business Administrator, or Human Resources Manager.

P. Employee Evaluation Policy and Procedure:

Periodic evaluations are critical to create a formal record of an employee's performance over time and establish a foundation for personnel actions such as promotion and termination. In addition to day-to-day feedback to the employee, a performance evaluation by the employee's supervisor must be conducted at least annually for all employees. The completed appraisal becomes part of an employee's permanent record.

Performance discussions must also provide employees with guidance regarding their ability to meet job standards. Extraordinary skills or abilities should be recognized, and areas in need of employee improvement addressed. Supervisors should review the employee's future training needs and career planning. The reviewing supervisor should also encourage the employee to make suggestions about how the Borough can improve. In their review, the supervisor should ask employees for feedback regarding the employee's skills as they relate to communication, team building, delegation, and sensitivity to needs of subordinates.

It is crucial that all reviewers complete the evaluation forms with care and with complete candor. Although reviewers are encouraged to set forth areas of strength and utilize tact in presenting criticism, it is important that all performance issues of any significance be addressed thoroughly and in unambiguous terms in the evaluation form, and verbally with the employee. Self-assessment should be part of the evaluation process.

After completing the evaluation, the employee should sign the evaluation, acknowledging that he/she has read and discussed it with the supervisor. The employee's signature does not necessarily indicate agreement with the evaluation. The employee can write comments on the form or submit to the evaluator a rebuttal to the evaluation if he/she does not agree with it. The reviewer will return the form(s) with the signed acknowledgement to the Business Administrator. After review by the Business Administrator, the form(s) and any rebuttal will be included in the employee's official personnel file. As a part of the evaluation, employees have the right to request a conference with the Department Head and/or Business Administrator.

Q. Employee Discipline and Termination Policy and Procedure:

An employee may be subject to discipline for a variety of reasons. Major disciplinary action includes disciplinary demotion or suspension or fine exceeding five working days or termination. Minor discipline includes a formal, written reprimand or a suspension or fine of five working days or less. Employees who object to the terms and/or conditions of the discipline are entitled to a hearing under the applicable grievance procedure. In every case involving employee discipline, employees will be provided with an opportunity to respond to charges.

In general, in cases of employee misconduct, the Borough believes in corrective action to correct and change any undesirable behavior and to prevent a recurrence of undesirable behavior or misconduct. The corrective action taken will be related to the gravity of the situation, the number and kind of previous infractions by that employee, and other relevant

circumstances. In every case, employees will be given an opportunity to state their view of the situation, which will be given due consideration.

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

This manual, the employee discipline and termination policy and procedure, or any other Borough guidelines, policies or practices does not create an employment contract. Employment with the Borough may be terminated at any time with or without cause or reason by the employee or by the Borough, subject to any limitations contained in any collective bargaining unit agreement.

Many of the types of behaviors that may result in disciplinary action have been addressed in other sections of this manual. Since disciplinary action results from specific circumstances, it is not possible to create a comprehensive list. Such actions that will result in disciplinary action being taken against an employee include, but are not limited to: any illegal or unethical activity, being under the influence of intoxicants, any form of harassment and/or discrimination, insubordination, failure to perform work assignments and job functions or substandard performance of work assignments and job functions, excessive or unscheduled absences, chronic tardiness, violation of safety rules, destruction of Borough property, unauthorized use of Borough equipment, including computers and phones, and any other sufficient good cause.

The following are forms of discipline that may be used. The Borough reserves the right to use any form of discipline in any order.

- **Verbal Warning:** Depending on the circumstances, the supervisor may verbally notify the employee that the employee's actions have been improper and warn the employee against further occurrences. The supervisor will prepare a record of the verbal reprimand including the date, time and what was discussed with the employee. This record must be forwarded to the Human Resources Manager and placed in the employee's official personnel file.
- **Written Reprimand:** When a supervisor determines that a written reprimand is appropriate, the situation must be discussed with the Department Head. In the event that it is the Department Head writing the reprimand, the situation must be discussed with the Business Administrator. The reprimand should clearly identify the problem and outline a course of corrective action within a specific time frame. The employee should clearly understand both the corrective action and the consequence that will result if the problem is not corrected or reoccurs. The employee should acknowledge receipt of the warning and may include additional comments. A copy of the written reprimand with the signed acknowledgement and comments must be forwarded to the Human Resources Manager for inclusion in the employee's official personnel file.

- **Suspension:** Department Heads are authorized to suspend employees for up to two (2) days. Employees suspended by Department Heads may contest the suspension through the grievance procedure. Whenever an employee is recommended for suspension for greater than two (2) days, the Business Administrator will make the decision and may seek the advice of the Borough Attorney, if appropriate.
- **Dismissal:** Whenever an employee is recommended for dismissal, the Business Administrator will make the decision only after seeking the advice of the Borough Attorney or Labor Counsel. There must be a complete review of the employee's personnel file and all other facts to determine if there is sufficient cause for the dismissal.

R. Resignation Policy:

An employee who intends to resign in good standing must notify the Department Head in writing at least two (2) weeks in advance. The submission of a written resignation is a final act and is considered accepted by the Borough upon submission to the Department Head and cannot be withdrawn under any circumstances.

Oral resignation shall be deemed binding, but shall not be considered resignation in good standing unless followed by a written confirmation which adheres to these policies and procedures.

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

SECTION 2

Drugs and Alcohol Policy:

The Borough of Red Bank recognizes that the possession or use of unlawful drugs and the abuse of alcohol pose a threat to the health and safety of all employees. Any employee who is

observed to be intoxicated or under the influence of alcohol or drugs during working hours, or is under the reasonable suspicion of being intoxicated or under the influence of alcohol or drugs, shall be immediately tested and, if the test results are positive, the employee is subject to discipline, up to and including termination. Supervisors and other employees should immediately report any reasonable suspicions, as defined below in the “Reasonable Suspicion Testing” section of this manual, to the employee’s supervisor or the Business Administrator.

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

The manufacturing, distribution, dispensation, possession, and use of alcohol or unlawful drugs on Borough premises, or during work hours, by an employee are strictly prohibited.

Employees must notify their supervisor within five (5) days of conviction for a drug or alcohol related violation, whether or not the violation occurred in the workplace. Notification of a conviction for an alcohol related violation is required under this paragraph if the conviction has the potential to impact the employee’s ability to perform his or her job duties.

Employees who are required to maintain a Commercial Driver’s License (CDL) or who are in other safety-sensitive positions are subject to random drug testing. Specific federal requirements and procedures for random drug testing of CDL holders shall be followed. Borough personnel who hold a Commercial Driver’s License (CDL) are subject to the provisions of the Commercial Driver’s Licenses Drug and Alcohol Testing Policy.

Employees using prescription drugs that may affect job performance or safety must be mindful of those affects and not engage in work if it would create a significant risk of harm to the employee, other employees, or the public. In such event, employees may notify their supervisor, who is required to maintain the confidentiality of any information regarding an employee’s medical condition in accordance with the Health Insurance Portability and Protection Act. A program to assist employees who may have a drug/alcohol problem is provided through the Borough of Red Bank’s Employee Assistance Program.

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

A. Pre-Employment Testing:

All applicants for employment offered a position with the Borough will be required to undergo a pre-employment test for the presence of alcohol and illicit drugs. The offer of employment is conditioned upon receipt of a negative test result for illicit drugs. Employees who test positive for illicit drugs will be disqualified for employment at that time and the offer of employment will be withdrawn. A positive alcohol test may result in the withdrawal of the offer of employment.

Failure to keep an appointment with the Agent for the Borough assigned to administer the test, which was previously agreed to by both the prospective employee and the Agent, will be viewed as an attempt to elude the testing or alter its results. No further consideration for employment will be given the prospective employee at that time and the offer of employment will be withdrawn.

B. Random Testing:

All employees holding CDLs or who are in safety-sensitive positions will be subject to random, unannounced alcohol and drug testing. Selection criteria, number of tests, and test frequency will be determined by the language of FHWA regulations and will be communicated to employees.

Upon notification of selection, the employee will report to the designated collection center within one hour. Failure to report will be viewed as an attempt to elude the test or alter its results and could result in disciplinary action up to and including termination.

C. Reasonable Suspicion Testing:

All employees are subject to a fitness for duty evaluation, to include urine and breath testing, when there is reason to believe that alcohol or drug use is affecting, or will adversely affect, job performance. A reasonable cause referral for testing will be made on the basis of documented, objective facts and circumstances which are consistent with the long and short term effects of substance abuse.

Examples of reasonable suspicion include, but are not limited to, the following:

- Adequate documentation of unsatisfactory work performance or on-the-job behavior.
- Physical signs and symptoms consistent with substance abuse.
- Evidence of the manufacture, distribution, dispensing, possession, or use of controlled substances, alcohol, or drugs.
- Fights, assaults, or flagrant disregard or violations of established safety, security, or operating procedures.

A reasonable suspicion testing determination will be made by a supervisor or Borough Official who is trained to detect the signs and symptoms of drug and alcohol use and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to substance abuse. If another supervisor or Borough Official is immediately available, he/she will verify whether or not there is reasonable cause before the employee is transported to the agent's facility. At no time will this determination be made on the basis of third party reports without verification.

Employees are cautioned that various over-the-counter and prescribed medications can adversely affect an individual's ability to operate vehicles and other equipment. It is the employee's responsibility to report to work each day fit for his or her duties.

Employees who are deemed to require a fitness for duty evaluation based on reasonable cause will be sent to a health facility of the Borough's choice. The attending physician will make every attempt to determine the cause of the observed behavior, including authorizing, when his/her medical opinion dictates, an additional alcohol or drug test which is more comprehensive than that required by FHWA, state or contractual requirements. Employees will be placed on an unpaid medical leave of absence until the results of the examination are received by the Borough. Receipt of a negative drug test result, and/or doctor's statement, that the employee is fit for duty is required prior to continued employment. Employees who are returned to duty by this means will be reinstated without prejudice.

Employees who are medically determined to be temporarily unfit to perform their duties, but who test negatively for alcohol or drugs, will be returned to duty when they obtain the original examining doctor's written statement that they are fit for duty.

D. Post-Accident Testing:

Any employee involved in an accident, including a motor vehicle accident, will be required to submit to a post-accident alcohol and drug test if instructed to do so by a police officer, or a Supervisor of the Borough, or if:

- 1) The driver's performance either contributed to an accident or cannot be discounted as a contributing factor to the accident.
- 2) The driver involved in an accident receives a citation for a moving violation.
- 3) There is a fatality as a result of an accident.
- 4) The accident meets the Department of Transportation criteria for an accident that requires such testing.

When a post-accident test is indicated, the Borough will make every effort to have the test performed within two hours of notification of the accident. At no time will a period of more than eight hours transpire between notification and testing. Documentation of the entire post-

accident procedure should be made by all personnel involved in the notification and testing process.

If an employee tests positive for alcohol or drugs, post-accident, receipt by the Borough of a subsequent negative alcohol and drug test result is required prior to return-to-duty. A positive test result during return to duty testing will disqualify an employee from further employment or reinstatement at that time or any time in the future. Refusal to comply with the testing process will be considered insubordination and will carry the same disciplinary action as a positive test result.

E. Disciplinary Action:

(This Section Applies only to those who Test Positive during Random, Post-Accident or Reasonable Suspicion Testing.)

Alcohol Testing Positives:

.02 – .039% Blood Alcohol Concentration

Employees who test positive during alcohol breath testing for the first time in the range of .02% to .039% blood alcohol concentration will be suspended from work without pay for a minimum of 24 hours and will be required to pass a return-to-duty breath alcohol test before returning to work. (All return-to-duty testing is done at the employee's expense). The employee may also be subject to additional discipline at the discretion of the Borough.

Employees who test positive during alcohol breath testing for a second time in the range of .02% to .039% blood alcohol concentration will be suspended from work for a minimum of 5 days without pay and until:

- 1) The employee is evaluated by a Substance Abuse Professional. This professional must meet the criteria outlined in the Department of Transportation's Alcohol and Drug Rules for Substance Abuse Professionals.
- 2) The employee complies and completes all recommendations made by the Substance Abuse Professional, and is able to document that all such recommendations have been met.
- 3) The employee submits to a return-to-duty drug test and proof of a negative test result is received by the Borough.

In addition to other discipline that may be imposed on the employee, the employee will be subject to follow-up testing, for up to sixty (60) months. A minimum of six (6) follow-up tests must be performed within the first twelve (12) months after the employee has returned to duty. (All follow-up testing is done at the employee's expense).

Employees who test positive during alcohol breath testing in the range of .02% to .039% blood alcohol concentration for a third time will be terminated.

.04% or Higher Blood Alcohol Concentration

Employees who test positive during alcohol breath-testing (1st offense) in the range of .04% or higher blood alcohol concentration will be suspended from work for a minimum of 5 days without pay and until:

- 1) The employee is evaluated by a Substance Abuse Professional. This professional must meet the criteria outlined in the Department of Transportation's Alcohol and Drug Rules for Substance Abuse Professionals.
- 2) The employee complies and completes all recommendations made by the Substance Abuse Professional and be able to document that all such recommendations have been met.
- 3) The employee submits to a return-to-duty drug test and proof of a negative test result must be received by the Borough. (All follow-up testing is done at the employee's expense).

In addition to other discipline that may be imposed on the employee, the employee will be subject to follow-up testing, for up to sixty (60) months. A minimum of six (6) follow-up tests must be performed within the first twelve (12) months. (All follow-up testing is done at the employee's expense).

Employees who test positive a second time for any level of alcohol after testing positive between .04% and higher blood alcohol concentration will be terminated.

Drug Testing Positives:

Employees who test positive during drug testing for the first time, in addition to other discipline which may be imposed by the Borough, will be suspended from work without pay until:

- 1) The employee is evaluated by a Substance Abuse Professional. This professional must meet the criteria outlined in the Department of Transportation's Alcohol and Drug Rules for Substance Abuse Professionals.
- 2) The employee complies with and completes all recommendations made by the Substance Abuse Professional and be able to document same.
- 3) The employee submits to a return-to-duty drug test and proof of a negative test result must be received by the Borough. (All follow-up testing is done at the employee's expense).

The employee will be subject to follow-up testing, for up to sixty (60) months. A minimum of six (6) follow-up tests must be performed within the first twelve (12) months after the employee has returned to duty. (All follow-up testing is done at the employee's expense).

Employees who test positive during drug testing for a second time will be terminated.

In any case where an employee who tests positive during a random or reasonable suspicion test and is required to remain out of work for a period of more than two (2) weeks, the Borough reserves the right to fill that position. Once the employee completes all required elements outlined above, they will be eligible for re-instatement in the first available opening.

Drug & Alcohol Positives:

Any employee who tests positive during a drug test and had previously tested positive for alcohol will be terminated.

Any employee who tests positive for alcohol and had previously tested positive during a drug test will be terminated.

Return-to-Duty Testing:

All return-to-duty testing is done at the employee's expense.

When the employee is cleared to return to work after a positive random, post-accident or reasonable suspicion test, he/she will be required to pass an alcohol and drug test. Upon receipt of a negative finding the Borough will review the employee's employment, and will then determine whether or not the employee will be allowed to return to work. If an employee is allowed to return to work, he/she will be subject to follow-up testing, as determined by the Borough.

Follow Up Testing:

All follow-up testing is done at the employee's expense.

Any employee returning to work with the Borough after being suspended for a positive alcohol or drug test, or returning to work after a leave of absence for voluntary substance abuse treatment, will be subject to random follow-up testing. The employee will be tested at least six (6) times in the first twelve (12) months after returning to duty and may be subject to follow-up testing for up to sixty (60) months.

Any employee who tests positive for drugs or alcohol during the follow-up testing process will be terminated.

F. Confidentiality of Test Results:

The results of any drug test will be reported and recorded in a confidential manner. Communication of medical or test results will be allowed only in accordance with guidelines established in 49 CFR, Part 40. The results will not be reported to any additional parties without the employee's written authorization, except as outlined in 49 CFR, Part 40. A copy of the individual's test results will be available to the individual upon request.

G. Quality Assurance of Testing Program:

The Borough, through its drug and alcohol testing Agent, will take steps in its arrangements for testing, to ensure that the laboratory is certified by SAMHSA and meets the requirements of the U.S. Department of Transportation (DOT).

The chain of custody for any urine sample shall be maintained at all times. If the chain of custody is broken after the tamperproof seal is applied, the employees shall be re-tested at the Borough's expense.

Any employee who receives a positive test result will have the right to ask the Borough's Medical Review Officer (MRO) to re-test the sample at a NIDA certified laboratory, of the employee's choice, at the employee's expense.

The Borough, through its Agent, will make every effort to ensure that the equipment being used for alcohol breath testing meets all the requirements of the Department of Transportation and all testing will be performed by a qualified Breath Alcohol Technician.

H. Substance Abuse Related Behavior:

Any employee engaging in the manufacture, distribution, dispensing, possession, or use of alcohol or illicit substances, including the illegal possession or abuse of prescription drugs, on Borough premises, in Borough vehicles, or while on Borough business, will be immediately discharged. Any manufacture, distribution, dispensing, possession, or use of alcohol or illicit substances, by any employee, in any manner, which affects the employee's job performance, or which may cause the public or a government or corporate body, to lose confidence in the Borough's ability to perform its responsibilities will result in disciplinary action up to and including termination of employment. Law enforcement officials will be notified, as appropriate, where criminal activity is suspected. Any employee convicted of violating a criminal drug statute will notify the designated Borough Representative within five (5) days of such conviction. Failure to provide such notification subjects the employee to disciplinary action up to and including termination of employment.

I. Refusal to Test:

Any employee who refuses to comply with a request for alcohol and drug testing during random, post-accident, and reasonable suspicion shall be considered as having produced a positive test result and will be discharged. Any employee who provides false information in

connection with a test, or who attempts to falsify test results through tampering, contamination, adulteration, or substitution, shall be terminated for insubordination. In the event that the laboratory detects any substance which has been added to the sample to interfere with the normal testing process, it will be considered a “refusal to test” and the same sanctions will apply.

J. Controlled Substances on Site:

The Borough reserves the right to inspect, investigate and search for controlled substances and alcohol at any time, with or without prior notice, on or in any and all Borough premises and vehicles. Refusal to cooperate with any inspection, investigation, or search that is authorized by Borough Representative shall result in termination for insubordination.

K. Prescription Drugs and Over the Counter (OTC) Drugs:

Employees of the Borough shall not take any medication which may diminish their alertness or impair their senses prior to or after reporting for duty unless directed by a physician. When employees are required to take any prescription medication or any non-prescription medication which may diminish their alertness or impair their senses, the employee be mindful of the effects and not engage in work if it would create a significant risk of harm to the employee, other employees, or the public. In such event, employees may notify their supervisor that they are taking prescription medication and of the potential effects of that medication. This notification shall be by the prescribing physician. If the medication is a non-prescription drug the employee shall make this notification. The required notification shall be made prior to the employee reporting for duty. This information so provided shall be confidential.

L. Applicability:

This policy applies to all Borough employees. Borough visitors, vendors, and contractors are also governed by this policy while on Borough property or providing services to or for the Borough. Failure on the part of vendors or contractors to adhere to this policy will cause the Borough to cease to do business with them.

M. Reasonable Accommodation:

Employees Voluntarily Seeking Help:

The Borough strongly encourages an employee with a drug/alcohol abuse problem to voluntarily step forward to tell the Borough.

The Borough will assist in referring the employee to Community Assistance Programs. An unpaid leave of absence may be granted for a reasonable period for treatment. The Borough will make every effort to hold the employee’s position during the rehabilitation process, but the Borough cannot guarantee that the employee shall retain his/her position.

If an employee fails to remain drug or alcohol free after the first voluntary rehabilitation, he/she will be disciplined in accordance with this policy, up to and including termination.

N. Employees Testing Positive for Alcohol/Drug Abuse:

If a substance abuse problem is disclosed to the Borough only after there has been (1) a positive drug or alcohol test, (2) a violation of a Borough rule or standard, (3) a violation of law, or (4) a violation of this policy, it shall be counted as a positive test. However, in addition to counting as a positive test, if the employee tests positive for drugs or alcohol and is determined by a physician to be an alcoholic or addicted to drugs, the Borough will assist in referring the employee to Community Assistance Programs. An unpaid leave of absence may be granted for a reasonable period for treatment. The Borough will make every effort to hold the employee's position during the rehabilitation process, but the Borough cannot guarantee that the employee shall retain his/her position.

O. Training:

In an effort to educate employees about the dangers of drug use and the Borough's commitment to keeping drugs out of the workplace, each employee will receive information covering the dangers of substance abuse, the Borough's commitment to an alcohol and drug free workplace, and the penalties for violation of this policy.

Supervisory employees will receive at least one hour of training on identifying those individuals who might be impaired by the use of drugs.

P. Employee Acknowledgement:

Each employee or prospective employee shall be given a copy of this policy. He/she must acknowledge receipt and understanding of the policy as a condition of employment.

SECTION 3

Workplace Policies:

A. Job Description Policy:

A job description including qualifications shall be maintained for each position. All job descriptions must be approved by the Business Administrator. The Human Resources Manager will make copies available upon request.

B. Attendance Policy:

All employees are expected to be at work and ready to assume their duties at the beginning of the scheduled workday. Lateness and absence will be tolerated only in emergencies or when

the employee's supervisor gives prior approval. All absences must be reported to the supervisor prior to the start of the normal workday. The normal working hours for administrative departments are 9:00 AM to 5:00 PM. The normal working hours for the Municipal Court is 8:00 AM to 4:00 PM. The normal working hours for the Building Department and the Department of Public Works is 8:00 AM to 5:00 PM. The normal work week administrative, office, and technical employees shall consist of five (5) day, thirty-five (35) hour weeks, exclusive of a one-hour meal break. The work week for all other employees shall consist of five (5) day, forty (40) hour weeks, exclusive of a one-hour meal break.

C. Early Closing and Delayed Opening Policy:

In the event of unsafe conditions, the Business Administrator may authorize Department Heads to close operations earlier than the normal working hours. If such conditions exist prior to scheduled openings, the Business Administrator shall notify Department Heads of a delayed opening and a new opening time. Each Department will have a calling system in place. If the employee chooses not to report to work on a work day with a delayed opening, a full vacation day or compensatory time will be charged. Sick time will only be charged for a legitimate illness. If work is called off for the day, no time will be charged for the day. This provision does not apply to the Department of Public Works or Police or any personnel who may be required to assist in an emergency.

D. Breaks:

Full-time employees are entitled to a one (1) hour unpaid lunch that is to be arranged by their supervisor so that offices and departments continue to function. All employees may take a 15-minute break in the morning and in the afternoon as scheduled by the supervisor.

E. Dress Code Policy:

Dress, grooming and personal hygiene must be appropriate for the employee's position. Uniforms are required for certain jobs and are to be worn in accordance with applicable departmental standards. Uniforms are to be worn only while performing employment duties for the Borough and may be worn traveling to and from work. All other employees are required to dress in a manner that is normally acceptable in similar business establishments and consistent with applicable safety standards. Employees shall not wear suggestive attire, jeans, athletic clothing, shorts, sneakers, sandals, T-shirts, novelty buttons, baseball hats and similar items of casual attire that do not present a businesslike appearance unless specifically approved by the appropriate Department Head and/or Business Administrator. Hair, sideburns, moustaches and beards must be clean, combed and neatly trimmed. Unkempt hair is not permissible regardless of length. Body piercings, other than on the ear, may not be visible. With the advance approval of the Business Administrator, the Borough of Red Bank will make reasonable religious accommodations that do not violate safety standards. Employees violating this policy shall be required to take corrective action or will be sent home without pay.

F. No Smoking Policy:

In accordance with State law, the Borough has adopted a smoke-free policy for all buildings. The New Jersey Legislature has declared that in all governmental buildings the rights of non-smokers to breathe clean air supersedes the rights of smokers. Borough facilities shall be smoke-free and no employee or visitor will be permitted to smoke anywhere in any Borough building. Employees are permitted to smoke outside of Borough buildings only in such locations that will not allow the re-entry of smoke into building entrances. Smoking inside vehicles owned by the Borough and near equipment that may be sensitive to smoke is also prohibited. This policy shall be strictly enforced and any employee found in violation will be subject to disciplinary action.

G. Use of Vehicles Policy:

Borough of Red Bank owned vehicles shall be used only on official business. (An employee who is also employed by another governmental entity may use a Borough of Red Bank vehicle for that employment only if the employment is pursuant to an inter-local agreement between the Borough of Red Bank and the other jurisdiction) and all passengers must be on Borough business. The Borough provides these vehicles to employees in its sole discretion, and the Borough reserves the right to alter the list of employees who are provided Borough vehicles (subject to contractual obligations). No unauthorized individuals are permitted to drive a municipal vehicle at any time. Any violation of this policy constitutes cause for disciplinary action. Use of Borough vehicles shall be further defined and established as follows:

Class A

As an exception to the above policy, Class A Municipal Vehicles are permitted for any use, twenty-four (24) hours a day, seven (7) days a week, provided that the employee using the vehicle is available to respond to any and all appropriate Borough business or emergency that requires the presence of the employee.

Job titles designated and assigned Class A Vehicles are: Police Chief, Deputy Police Chief/Captains as approved by the Police Chief, Fire Chief, Deputy Fire Chiefs (2), Fire Marshal, Deputy Fire Marshal, Fire Sub-code Official, Emergency Management Coordinator, and Public Utilities Director.

Class B

Class B municipal vehicle is permitted only for transportation to and from the employee's home and the employee's regular Borough work location. The vehicle may be used at any and all times to conduct Borough business and/or to respond to an emergency that requires the presence of said employee.

Job Titles designated and assigned Class B Vehicles are: Public Utilities Supervisors, Public Utilities Foreman, Construction Official, Building Sub-code Official, Animal Control Officer, and Code Enforcement Officer.

Class C

Class C municipal vehicles may be provided for use by Borough employee at location of employment. Vehicles may be used in the performance of an employee's official duties in accordance with established policies and procedures for such use.

Nothing contained in this section shall prevent employees from utilizing a municipal vehicle in the performance of official government business. This shall include transportation to and return from a location at which the official business occurs.

Employees authorized to use Borough vehicles for commuting to and from work shall have a fringe benefit value added to the gross income reported on the employee's W-2 (unless the vehicle meets the "qualified non-personal vehicle" criteria specified by the IRS).

The Personnel Committee of the Governing Body will review and may recommend changes to this policy at the time of changes in personnel.

H. Telephone Usage Policy:

Borough of Red Bank telephones are for official business and employees are to limit personal use of Borough telephones, but may make a personal call to inform their family of unexpected overtime. Charges for all other personal calls must be reimbursed to the Borough of Red Bank. Use of hand-held cell phones while driving is prohibited by State law, and, as such, the use of hand-held cell phones while driving Borough of Red Bank vehicles or while driving on Borough of Red Bank business is strictly prohibited. Personal cell phones may not be used while conducting Borough business.

I. Use of Computers and Related Equipment Policy

The following policies are to ensure the security and support of all systems connected to the Borough of Red Bank Computer System:

All equipment is to be used solely for Borough-related functions. Specifically designated Borough personnel or designated Borough contractors (also known as "MIS") are responsible for the installation, support and maintenance of the Borough's computers and computer systems. Prior approval is required by MIS for the installation of any software application. All downloads and installation of software and or peripheral equipment must be performed or supervised by MIS personnel.

All data contained on Borough computers, including text, memos, letters, scanned images, digital photos, faxes and E-mail are considered Borough property and are subject to the provisions of NJ records retention and disposition schedule pursuant to N.J.S.A. 47:3-15, et seq. (Destruction of Public Records Act).

Any text or images with implied or explicit improper content, as defined in the Borough harassment training and policies, is strictly prohibited.

All software used on Red Bank computing equipment must comply with copyright compliance. Under no circumstances will exceptions to this policy be authorized or permitted.

Any persons abusing equipment will be held responsible for that cost of that equipment, or the cost of its repair. Any equipment removed from Borough property must be done with approval of management. All equipment, including laptop computers assigned to specific individuals, who are removed from Borough property for business purposes must be returned on a periodic basis for inspection and inventory control.

J. Bring Your Own Device Policy:

INTRODUCTION

The use of a smart device owned by the Employee in connection with Borough business is a privilege granted to the Employee by the approval of management of the Borough. The Borough has the discretion to determine which employees will be eligible for this privilege and reserves the right to revoke the privilege granted herein if the employee does not abide by the terms set forth below. The policies referenced herein are aimed to protect the integrity of data belonging to the Borough and ensure the data remains secure. Each employee who desires to use a smart device owned by employee in connection with employment with the Borough must execute the attached Agreement.

DEFINITIONS

Smart Device: When used in this Policy and the Agreement, a smart device is defined as a personal computing device that connects directly to the Borough network services including but not limited to email and calendar services. This definition includes, without limitation, smart phones, PDAs, and tablets.

Nonpublic Information: Nonpublic information is information that the employee gains during their employment with the Borough that the employee knows, or reasonably should know, has not been made available to the public. It includes information that the employee knows, or reasonably should know:

- Is designated by the Borough as nonpublic information or contains markings such as “Confidential”, “Sensitive”, “Personal”, or similar language;
- Contains Protected Health Information (PHI) or similar nonpublic personal information;
- Is provided to the Borough by customers or third parties under agreement and with the understanding that it will be treated as confidential, nonpublic information; or
- Contains information related to the internal Borough capabilities and operations that is not available to the public or that an individual could use to negotiate or otherwise circumvent security controls.

ELIGIBILITY

The Borough reserves the right, without prior notice to the employee, to disable or disconnect some or all services related to connection of a personal smart device to the Borough network. The following criteria will be considered by the Borough, initially and on a continuing basis, to

determine if the employee is eligible to connect a personal smart device to the Borough network:

- Sensitivity of data the employee can access;
- Legislation or regulations prohibiting or limiting the use of a personal smart device for Borough business;
- The personal smart device hardware and operating system version must be supported by the Borough's relevant provider(s);
- The employee's adherence to the terms of this policy and the corresponding Agreement; and
- Any technical limitations and other eligibility criteria deemed relevant by the Borough.

REIMBURSEMENT CONSIDERATIONS

The Employee is personally liable for the smart device and carrier service costs and is not eligible for expense reimbursement for hardware or carrier services, except that the Borough will provide a monthly stipend of \$20 to eligible employees. Accordingly, the Borough will NOT reimburse employees for any loss, cost or expense associated with the use or connection of a personal smart device to the Borough network, including but not limited to:

- Expenses for voice minutes used to perform Borough business;
- Data charges related to the use of Borough data services;
- Expenses related to text or other messaging;
- Cost of handheld devices, components, parts, or data plans;
- Cost of replacement handheld devices in case of malfunction whether or not the malfunction was caused by using applications or services sponsored or provided by the Borough;
- Loss related to unavailability of, disconnection from or disabling the connection of a smart device to the Borough network; and
- Loss resulting from compliance with this Policy or applicable laws, rules or policies.

SECURITY CONSIDERATIONS

Compliance by an employee with this Policy and the Borough "Communication Media Policy", below, is a prerequisite to and continuing condition of an employee's privilege to connect a personal smart device to the Borough network servers. Additional considerations include but are not limited to:

ACCEPTABLE USE

Employees will use the personal smart device in an ethical manner and will not use the personal smart device in a way not designed or intended by the manufacturer including "jailbreaking" or any other use that could circumvent any controls that separate Borough data from personal information. Use of the personal smart device to remove sensitive information from Borough networks, attack Borough assets or circumvent current security settings and policies or violation of any applicable Borough policy related to the subject matter of Policy may result in the Borough removing all Borough data from the device.

MANAGEMENT CONTROLS

The Borough maintains the right to exercise and enforce a range of security, privacy, and management controls on an employee's smart device including, but not limited to the mandatory use of device passwords; timeouts; device and media encryption; geo-location tracking; and, remote deletion of Borough applications and data. Employees are required to cooperate with the Borough to satisfy legitimate internal or external investigations, or legitimate discovery requests arising out of administrative, civil or criminal proceedings, which could result in the surrendering of the personal smart device assigned to an Employee. The Borough maintains the right to monitor or inspect Borough applications and data. In doing so, the Borough could inadvertently access personal information on the personal mobile device. As such, Employee should not have any expectation of privacy related to the use of a smart device connected to the Borough network.

EMPLOYEE RESPONSIBILITIES

When the use of personally owned smart devices is necessary to conduct Borough business, an appropriately authorized employee assumes certain responsibilities and shall:

- Follow all relevant elements of the Borough's security/privacy policies and standards when accessing Borough-provided mobile applications and data;
- Abide by all federal, state and local laws concerning the use of mobile devices when driving and strict prohibition against using messaging functionality including text messaging, calendar or email functions while operating a motor vehicle or engaging in other activities when the concurrent use of the device could result in the harm of the user or others;
- Ensure timely payment of all fees, taxes, and surcharges associated with the use of employee-owned devices to connect to and access Borough-provided systems and data;
- Maintain the device in accordance with manufacturer or carrier recommendations including the prompt implementation of recommended operating system and software upgrades;
- Not "jail break" the device or otherwise install or modify the software that allows the user to alter or bypass standard built-in security features and controls;
- Not enable potentially dangerous mobile services while accessing Borough information services that can export or transmit nonpublic information to unauthorized devices without the user's knowledge (for example serving as a mobile hotspot or enabling Bluetooth or Near Field Communications (NFC) network services without using PINs and other recommended safeguards that prevent unauthorized devices from connecting while connected to Borough information services);
- Not modify or disable security features implemented by the Borough through its mobile device management system(s) (for example geo-location services, password controls and device/media card encryption);
- Not share or otherwise allow access to the device by others;
- Not transfer or allow the transfer of nonpublic information from the smart device to any device not specifically authorized by the Borough to receive such information including the use of unapproved cloud-based storage locations or synchronization of Borough data between participating smart devices and other personal computing devices;

- Cooperate with the Borough in deleting from the approved personal smart device of all Borough applications and data upon termination of employment or the termination of the employee's participation in the BYOD program; and
- Cooperate with the Borough to satisfy legitimate discovery requests arising out of administrative, civil or criminal proceedings or Open Public Record Act Requests.

K. Communication Media Policy:

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

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

The Borough respects the individual privacy of its employees. However, employee communications transmitted by the Borough's Communication Media are not private to the individual. All Communication Media and all communications and stored information transmitted, received, or contained in or through such media, including employees' internet usage, may be monitored by the Borough. The Borough reserves the absolute right to access, review, audit and disclose all matters entered into, sent over, placed in storage in the Borough's Communication Media. By using the Borough's equipment and/or Communication Media, employees consent to have such use monitored at any time, with or without notice, by Borough personnel. In addition, the Borough has the right to restrict access to specific types of prohibited content through the use of a content filtering system. The existence of passwords does not restrict or eliminate the Borough's ability or right to access electronic communications. However, the Borough cannot require the employee to provide its password to his/her personal account.

All email, voicemail and Internet messages (including any technology-based messaging) are official documents subject to the provisions of the Open Public Records Act (N.J.S.A. 47:1A-1). Employees of the Borough are required to use the assigned municipal email account for ALL Borough business and correspondence. The use of private email accounts for ANY Borough business or during business hours is strictly prohibited.

Employees can only use the Borough's Communication Media for legitimate business purposes. Employees may not use the Borough's Communication Media in any way that is defamatory, discriminatory, obscene, or harassing or in violation of any Borough rules or policy. Examples of forbidden transmissions or downloads include sexually-explicit messages;

unwelcome propositions; ethnic or racial slurs; or any other message that can be construed to be harassment or disparaging to others based on their actual or perceived age, race, religion, sex, sexual orientation, gender identity or expression, genetic information, disability, national origin, ethnicity, citizenship, marital status or any other legally recognized protected basis under federal, state or local laws, regulations or ordinances.

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

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

Acceptable Usage:

The acceptable use of the global Internet, the Borough of Red Bank Local Area Network, and any connected Local Area Network (LAN) server, or workstation, and system components including Email, is solely for Borough of Red Bank business purposes. As such, the access to and use of the variety of Internet, Local Area Network, and Email services, both internal and external to the Borough, are considered a business privilege and should be treated as such by all users.

Unacceptable Usage:

By example, the Borough of Red Bank characterizes as unethical and unacceptable any activity which purposely:

1. Seeks to use Internet services for private or personal business;
2. Seeks to gain unauthorized access to any resources within or outside of Red Bank;
3. Disrupts the intended use of the Red Bank Computer System and/or the global Internet;
4. Wastes resources through such action;
5. Destroys the integrity of or misuses any host/server information assets;
6. Compromises the privacy of any users or other departments;
7. Does not comply with applicable local and national laws;
8. Compromises Borough proprietary or otherwise-sensitive information;
9. Does not comply with other Borough policies or procedures.

Any users found in violation of the above Acceptable Use Policy may be subject to, at minimum, denial of access, up to termination of employment and/or criminal prosecution.

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

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

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

On an annual basis, all users of the Borough of Red Bank Computer Systems, Internet and/or Email are required to read the above, sign a copy of this policy on the form provided, and return to the appropriate manager. Failure to sign this document may lead to denial of access to the Borough of Red Bank Computer System.

L. Social Media Policy

A. Purpose

- a. The intended purpose behind establishing the Borough of Red Bank social media sites is for the sole purpose of disseminating information from the Borough, about the Borough, to its residents, employees and visitors. The Borough understands that social networking and internet services have become a common form of communication in the workplace and among citizens. Social networks are online communities of people or organizations that share interests or activities and use a wide variety of Internet technology to make the interaction a rich and robust experience.

For purposes of this policy, "social media" is understood to be content created by individuals, using accessible, expandable, and upgradable publishing technologies, through and on the Internet, to include notification services. Examples of social

media and notification services include, but are not limited to, Facebook, blogs, RSS, YouTube, Twitter, LinkedIn, Flickr, Instagram, Nixle, CodeRed, mass e-mails, newsletters and all others that may be in existence or created hereafter. For purposes of this policy, “comments” include text, information, articles, links, video and other multimedia, graphics and pictures.

This Social Media Policy (the “Policy”) sets forth guidelines for the establishment and use by the Borough of Red Bank ("the Borough") of all social media sites as a means of conveying Borough-related information to its residents, employees and visitors. The purpose of this policy is to communicate the Borough’s policies regarding the use of social media sites and establish processes for authorization and use of social media sites by Borough employees and departments and offices. This policy is meant to provide clear and concise guidelines for the proper use of social media by its employees, residents and visitors.

B. Scope

- a. This policy shall apply to any and all employees, individuals, volunteers, agencies, departments, officials, committee and/or governing body members who are now or hereinafter permitted as authorized users by the Borough to post content on the Borough’s social media sites, including, but not limited to, members of the public that are permitted to comment on Borough social media posts or tag photos in Borough social media posts. The Borough’s social media sites encompassed by this Policy include all sites and accounts authorized and/or created by the Borough and any of its departments, agencies, boards, commissions and authorities. References to “comments” or “commenting” in this Policy shall also encompass tweets directed at a Borough Twitter account, social media posts that “tag” a Borough social media account, and any post or comment that may appear on the home page of any Borough social media site.

The Borough shall identify employees, including but not limited to the Business Administrator and/or his/her designees, who are authorized to engage in social media activities on the behalf of the Borough for the limited purpose of discussing Borough programs, activities and services.

Anyone who participates in social media on behalf of the Borough, whether on or off duty, is expected to understand and follow these policies and guidelines.

These policies and guidelines are subject to change as new technologies and social networking tools emerge.

C. General Policy

- a. Because the Borough of Red Bank has an overriding interest and expectation in deciding who may “speak” and what is “spoken” on behalf of the Borough of Red Bank on social media sites, this policy is established for the use of all social media.

The Borough of Red Bank shall have a single presence on social media sites deemed appropriate for use by the Administrator. Individual departments, agencies, boards, commissions and authorities of the Borough may maintain a separate social media presence when deemed appropriate and confirmed in writing by the Administrator. Any request by a Borough department, agency, board, commission or authority to maintain a social media presence shall be made in writing to the Administrator for consideration. Such request shall contain enough information for the Administrator to assess the need for such social media presence, its purpose, and its compliance with this policy. The request shall also set forth the person or persons (designee) recommended to be responsible for and authorized to post content on such sites and accounts. Any social media site created by the Borough remains the property of the Borough, including all the followers and friends generated by the site. If the person who created the site is no longer an employee, official, or volunteer of the Borough, they must relinquish everything related to the site including user names, passwords and/or access codes or information. The Borough, through the Administrator and/or his/her designees, may at any time choose to revoke permission previously given to individual departments, agencies, boards, commissions and authorities of the Borough for separate media presence.

No Borough of Red Bank social media site, including those maintained by departments, agencies, boards, commissions and authorities of the Borough, shall be established without prior approval of the Administrator as set forth above. All Borough social media sites shall be administered by permissible users which shall be the Administrator and/or designee. Where a department, agency, board, commission or authority of the Borough maintains its own social media presence, such department, agency, board, commission or authority shall designate, with approval from the Administrator, a person or persons responsible for and authorized to post content on such sites and accounts.

Designees must comply with government records retention policies, the Open Public Records Act, and ensure adherence to this policy, including appropriate use, messaging, and branding that is consistent with the interests, goals, and objectives of the Borough. The designee will be responsible for the content they may create or post.

The designated person must provide a copy of all social media account passwords to the Administrator. No personal email addresses may be used to set up a Borough social media account. Email addresses for all social media accounts must be obtained from the Administrator. A “designee” or a person appointed by the Business Administrator is never to be allowed to transfer his/her social media account information or allow someone access to his/her account on their behalf without prior written authorization from the Business Administrator.

Any and all permissible users of any social media site shall be provided with a copy of this policy and sign an Acknowledgment of Use (attached hereto) prior to managing or posting to any Borough social media sites.

The Business Administrator will provide guidance on the engagement of Borough personnel in social media to ensure the portrayal of a consistent and accurate message and branding of the Borough of Red Bank via online media outlets. The Business Administrator will oversee the coordination of social media activity for the Borough of Red Bank and its departments.

The Borough social media sites shall clearly set forth that they are maintained by the Borough and that the sites follow this Social Media Policy.

Wherever possible, the Borough social media sites should link back to the official Borough website for forms, documents, online services and other information necessary to conduct business with the Borough of Red Bank. The Borough of Red Bank Website (currently located at <http://www.redbanknj.org>) will remain the Borough's primary and predominant Internet presence.

The Borough of Red Bank social media sites are intended to be informational only and are not intended to be used as an open public forum for making comments, including any official communications to the Borough; for example, reporting crimes or misconduct, reporting dangerous conditions, giving notice required by any statute, ordinance or regulations such as but not limited to notices of claim. Prominent notice of this paragraph shall be displayed on every Borough social media site, along with the appropriate contact information for submitting official communications.

This Policy and the Borough's Terms of Use Disclosure (attached hereto) shall be placed on the Borough of Red Bank Website, and displayed to social media users or made available by hyperlink on each of the Borough's social media sites, including those maintained by a department, agency, board, commission or authority of the Borough.

The Borough's social media sites and this Policy are subject to all applicable federal and New Jersey State laws and regulations, as well as applicable record retention requirements. This includes adherence to established laws and policies regarding copyright, records retention, Freedom of Information Act (FOIA), Open Public Records Act (OPRA), First Amendment, privacy laws, sunshine laws and information security policies established by the Borough of Red Bank, its departments, agencies, boards, commissions and authorities.

All Borough of Red Bank social media sites covered under this Policy remain the property of the Borough, including the list of all the followers and friends generated by each of the Borough's social media sites. If a person appointed to maintain a social media site no longer serves in such capacity, for any reason, he/she must relinquish and return to the Administrator or his/her designee everything related to the site including user names, passwords and/or access codes or information.

D. Post/Comment Policy

- a. As a public entity the Borough must abide by certain standards to serve all its constituents in a civil and unbiased manner.

When a post, comment, link, photograph, or other notification is made by an authorized designee on behalf of the Borough of Red Bank, the authorized designee shall not share personal information about himself or herself, or other Borough of Red Bank employees and or officials.

The Borough Government Website does not allow for any public comments whatsoever. It is reserved for the Borough government to engage in its own expressive conduct to promote its own message and disseminate information. From time to time, the Borough may post surveys on its website which may allow for comments or the reporting of information. Commenting shall be limited to those surveys and the topics thereof and shall not make it a public forum. Borough social media sites shall disable public comment and messaging if possible. The Borough does not police comments made by the public related to Borough activities.

A comment posted by a member of the public on any Borough social media site is the opinion of the commentator or poster only, and publication of a comment does not imply endorsement of, or agreement by, the Borough, nor do such comments necessarily reflect the opinions or policies of the Borough. If commenting or messaging cannot be disabled, comments or messages by the general public may not be edited or removed, in whole or in part, regardless of whether it is favorable or unfavorable to the Borough.

Any attempt to hack or otherwise compromise the Borough's Internet or social media sites will be reported to law enforcement.

The Borough of Red Bank may not deny access to its social media sites for any individual.

All members of the public who choose to comment on Borough social media sites are advised that such posts, comments, tweets, etc. may be subject to OPRA, FOIA, and other records retention laws.

Employees who are authorized by the Borough to participate in social networks as a representative of the Borough shall adhere to the following guidelines:

- Protect your privacy, the privacy of citizens, and the Borough's confidential information when engaging in social media activities. Follow all privacy protection laws, i.e., HIPPA, and protect sensitive and confidential Borough information. For purposes of this policy, "confidential information" refers to any information that is not publically known, that is not otherwise available through New Jersey's Open Public Records Act, N.J.S.A. 47:1A-1, ("OPRA"), or that is considered private information pursuant to federal, state or local law. It does not include any

information that is subject to disclosure by OPRA or is otherwise disclosable pursuant to the Employer-Employee Relations Act.

- Follow all copyright laws, open public records laws, document retention laws, fair use and financial disclosure laws and any other laws that might apply when engaging in social media activities.
- Do not tag vendors, suppliers, clients, citizens, co-workers or other stakeholders without their express prior approval.
- Do not use ethnic slurs, profanity, personal insults, or engage in any conduct that would not be acceptable in the Borough's workplace.
- Do not engage in political activity. Political activity is activity directed toward the success or failure of a political party, candidate for political office, or political group.
- Posts or comments that demonstrate unfair preference, bias or partiality or that have the appearance of such are prohibited.
- Add value to the Borough through your interaction. Provide worthwhile information and perspective.
- All Borough information that is considered non-public and that is not disclosable under OPRA or the Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., must be protected. Respect and maintain the confidentiality entrusted to you. Do not divulge or discuss proprietary information, personal details about other employees or other confidential material.

E. Links / Posts By or About Non-Municipal Groups

- a. From time to time, the Borough (or a department, agency, board, commission or authority thereof) may find it necessary or beneficial to the public to post on its social media sites about groups unaffiliated with the Borough. Such content shall be limited to those that promote the health, safety, and well-being of Borough residents and those groups must be other government departments, agencies, boards, commissions, authorities or registered non-profits. Such posts will be requested via written application and made at the discretion of the person or persons designated to maintain such social media site. Such posts will be made at the discretion of the person or persons designated to maintain such social media site.

F. Personal Social Media Use

- a. The Borough recognizes that employees have the right to use and maintain personal Web sites or to engage in social networking. However, the line between public and private activity has been blurred by these social networking tools, which is the primary reason these guidelines have been promulgated. Information from your personal Facebook page, blog entries and tweets – even if they are intended as personal messages between family and friends – can easily reach beyond your intended audience and represent you and the Borough to the outside world. For that

reason, the Borough's policies, rules, regulations, code of conduct and ethics, its equal employment opportunity, anti-harassment policy and disciplinary policy, and other sections of this Social Media Policy should be your guides when you use these tools.

To the extent that employees use social media outside of their employment and in so doing employees identify themselves as Borough employees, or if they discuss matters related to the Borough on a social media site, employees must add a disclaimer on the front page, stating that it does not express the views of the Borough, and the employee is expressing only their personal views. For example: **"The views expressed on this website/web log are mine alone and do not necessarily reflect the views of my employer."** The disclaimer shall be placed in a prominent position and repeated for each posting that is expressing an opinion related to the Borough or the Borough's business. Employees must keep in mind that, if they post information on a social media site that is in violation of Borough policy and/or federal, state or local laws, the disclaimer will not shield them from disciplinary action.

Here are some additional guidelines for employees' personal social networking sites:

- Recognize that everything you post or receive on a social media site is public. Anyone with access to the web can get access to your activity on social media sites. You are solely responsible for the content you post.
- Remember that your personal and professional lives overlap in your online activity and that as a public employee you can be disciplined for inappropriate off-duty activity and conduct.
- Before posting, consider how your comment or behavior would be received if it appeared in the mass media.
- Use privacy settings to keep items you share with friends and family separate from what you share with your work-related "friends."
- The foregoing provisions are not intended to interfere with any employee's rights pursuant to the First Amendment of the United States Constitution or Article I Section 6 of New Jersey's Constitution. Likewise, this policy is not intended to restrict the right of any employee to engage in protected concerted activities as defined by the Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., and as recognized by the National Labor Relations Board. This policy shall not be construed as prohibiting a bargaining-unit member's protected right to discuss wages or working conditions with fellow employees and engaged in other protected concerted activities. Any person who believes their right to engage in such activities has been or is being violated by this policy should contact the Business Administrator's Office. The Business Administrator shall address such concerns after consulting with legal counsel.

G. Legal

- a. The Borough reserves the right to report any violation of a social media site's Rules, Terms and Conditions, Rights and Responsibilities, etc., to that site with the intent of that site taking appropriate and reasonable responsive action. All Borough of Red Bank policies are applicable to interactions on social media sites when acting in an official capacity and representing the Borough.

All of the Borough's policies, rules, regulations, and code of conduct and ethics including, but not limited to, its equal employment opportunity, anti-harassment policy, Information Systems Policies and Guidelines Policies on the Use of Borough Information Systems and disciplinary policy, apply to employees who engage in social networking activities while conducting Borough business. Use of your Borough e-mail address and communicating in your official capacity will constitute conducting Borough business.

K. Bulletin Board Policy:

The bulletin boards located in the Borough of Red Bank administrative building and other facilities are intended for official notices regarding policies, procedures, meetings and special events. Only personnel authorized by the Business Administrator may post, remove, or alter any notice. Space on the bulletin boards will be provided for the recognized employee bargaining units.

L. Employee Dating Policy:

The Borough of Red Bank recognizes the right of employees to engage in social relationships with each other, including relationships of a romantic or intimate nature. However, the municipality also recognizes that such relationships can be a problem in the workplace. They may result in favoritism, discrimination, unfair treatment, friction among coworkers, or the perception that they generate such problems.

To try to achieve a balance between employee rights and workplace needs, the Borough of Red Bank has adopted the following policy on the subject of supervisor/subordinate dating. If such a relationship exists or develops, both parties involved shall report the fact to A) their immediate supervisor or B) human resources.

For the purposes of this policy, a supervisor/subordinate status means a situation where one employee, irrespective of job title, makes or has the authority to make decisions or to take action concerning another employee's compensation, promotion, demotion, discipline, daily tasks, or any other terms, conditions or privileges of employment with the Borough.

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

In addition, management reserves the right to address any workplace issues that may result from that relationship in the manner it deems appropriate.

Any employee who violates this policy will be subject to disciplinary action, up to and including discharge. The Borough regards a violation of this policy as particularly serious because such workplace relationships can cause favoritism, discrimination, unfair treatment for other interference with municipal operations.

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

SECTION 4

Paid and Unpaid Time-Off Policies:

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

A. Paid Holiday Policy:

Employees are entitled to the following fourteen (14) paid holidays:

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

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

B. Vacation Policy:

Vacation is an accrued benefit for full-time employees based on the following schedule (for employees hired prior to January 1, 2014):

- During the first calendar year of appointment, an employee will earn one-half (1/2) day for each full month of service.
- During the first full calendar year after appointment, the employee will be credited with ten (10) days' vacation on January 1.
- Ten (10) days for the second (2nd) through fifth (5th) year.
- Fifteen (15) days for the sixth (6th) through tenth (10th) years.
- Twenty (20) days for the eleventh (11th) through fifteenth (15th) years.
- Twenty-five (25) days for the sixteenth (16th) through twenty-ninth (29th) years.

- Thirty (30) days from the thirtieth (30th) year on.

Employees hired between January 1, 2014 and December 31, 2017 will receive vacation based upon the following schedule:

1. During the calendar year of appointment, an employee will earn one-half (1/2) day for each month worked.
2. During the calendar year after appointment, the employee will be credited with ten (10) days' vacation on January 1, but the vacation shall not be taken prior to June 1.
3. After the first full calendar year and through the fifth (5th) year: ten (10) days of vacation.
4. From the sixth (6th) year up through the twelfth (12th) year: fifteen (15) days of vacation.
5. Beginning with the thirteenth (13th) year: twenty (20) days of vacation.

Employees hired on or after January 1, 2018 will receive vacation based on the following schedule:

- During the calendar year of appointment, an employee will earn one (1) day for each month worked not to exceed ten (10) days.
- During the calendar year after appointment, the employee will be credited with ten (10) days' vacation on January 1, but the vacation shall not be taken prior to June 1.
- After the first full calendar year and through the fifth (5th) year: ten days of vacation.
- From the sixth (6th) year up through the twelfth (12th) year: fifteen (15) days of vacation.
- Beginning with the thirteenth (13th) year: twenty (20) days of vacation.

All vacations must be scheduled and approved by Department Heads. Employees must receive their supervisor's approval at least five (5) days in advance of the first vacation day. Employees seeking to take more than five (5) consecutive vacation days shall provide their Department Head with at least thirty (30) calendar days' written notice of their intention to do so. Approval of vacation shall not be arbitrarily denied, and approval will only be withheld for articulated valid business purposes.

Vacation may not be accumulated year to year, except that an employee may carry over up to five (5) days of vacation into the ensuing year. The employee must notify his/her respective Department Head of a request to carry over any vacation time. Approval in writing must be obtained from the Department Head or Business Administrator. Any carried over vacation days must be taken during the ensuing year.

Vacation time will be charged on an hourly basis.

Permanent part-time employees will receive five (5) days paid vacation after one (1) full year of service.

If an official holiday falls during an employee's vacation period, an additional day of vacation will be granted.

It is assumed that an employee shall remain in the service of the Borough for the calendar year and the total number of vacation days shall be pro-rated and credited to the employee. If separation occurs before the end of the year and the employee has taken more vacation leave than that to which the employee is entitled, that employee shall be assessed the per diem rate of pay for the excess vacation leave, and same shall be deducted from final pay.

Employees who leave the employ of the Borough will be paid for any unused, accrued vacation time within the parameters of accrual of vacation time as set forth above.

C. Personal Days Policy:

Full-time employees are entitled to four (4) personal days per year. Any unused days are forfeited at the end of each calendar year. Personal days are earned *pro-rata* on the basis of one (1) personal day for each three (3) months worked. Personal time is charged on an hourly basis. An employee wishing to take a personal day must obtain approval from his/her Department Head.

D. Sick Days Policy:

Full-time employees are entitled to fifteen (15) working sick days per calendar year. However, during the first calendar year of service, a full-time employee shall earn one (1) working sick day for each month of service, but no more than five (5) days during that first calendar year of service, unless inconsistent with the New Jersey Paid Sick Leave Act. Sick time is charged on an hourly basis. Part-time employees will accrue one (1) hour of sick time for every hour of work up to a maximum of forty (40) hours of sick time in any calendar year.

Sick time may be used for the following:

- (1) time needed for diagnosis, care, or treatment of, or recovery from, an employee's mental or physical illness, injury or other adverse health condition, or for preventive medical care for the employee;
- (2) time needed for the employee to aid or care for a family member of the employee during diagnosis, care, or treatment of, or recovery from, the family member's mental or physical illness, injury or other adverse health condition, or during preventive medical care for the family member;
- (3) absence necessary due to circumstances resulting from the employee, or a family member of the employee being a victim of domestic or sexual violence, if the leave is to allow the employee to obtain for the employee or the family member: medical attention needed to recover from physical or psychological injury or disability caused by domestic or sexual violence; services from a designated domestic violence agency or other victim services organization; psychological or other counseling; relocation; or legal services, including obtaining a restraining order or

preparing for, or participating in, any civil or criminal legal proceeding related to the domestic or sexual violence;

(4) time during which the employee is not able to work because of a closure of the employee's workplace, or the school or place of care of a child of the employee, by order of a public official due to an epidemic or other public health emergency, or because of the issuance by a public health authority of a determination that the presence in the community of the employee, or a member of the employee's family in need of care by the employee, would jeopardize the health of others; or

(5) time needed by the employee in connection with a child of the employee to attend a school-related conference, meeting, function or other event requested or required by a school administrator, teacher, or other professional staff member responsible for the child's education, or to attend a meeting regarding care provided to the child in connection with the child's health conditions or disability.

For purposes of this section, "family member" shall mean a child, grandchild, sibling, spouse, domestic partner, civil union partner, parent, or grandparent of an employee, or a spouse, domestic partner, or civil union partner of a parent or grandparent of the employee, or a sibling of a spouse, domestic partner, or civil union partner of the employee, or any other individual related by blood to the employee or whose close association with the employee is the equivalent of a family relationship.

Verification for sick days may be requested at any time, irrespective of the number of days an employee is out sick. A doctor's note is required for any employee who is out sick for more than three (3) days.

Abuse of sick time is grounds for disciplinary action. Employees who need to call out sick leave must notify their Department Head no later than thirty (30) minutes before their scheduled starting time each day of the required absence.

At the end of each calendar year, an employee's unused sick time is added to the allotment for the following year. Any employee that uses no sick time within a calendar year shall be granted one (1) additional personal day in the following calendar year.

E. Workers' Compensation Policy:

Employees who suffer job related injuries and illnesses may be entitled to medical expenses, lost income and other compensation pursuant to the New Jersey Workers' Compensation Act. Any occupational injury or illness must be immediately reported to the supervisor or Department Head. All required medical treatment must be performed by a Workers' Compensation Physician appointed by the Borough's insurance carrier or the Borough. Payment for unauthorized medical treatment may not be covered pursuant to the Act.

An employee injured on the job will receive his/her full salary from the Borough of Red Bank for thirty (30) days after the injury. After that time, the employee may utilize any accrued sick time to make up the difference between the employee's salary and Workers' Compensation benefits in order to receive full compensation. After thirty (30) days, time credited toward the pension will cease until the employee returns to work. Health insurance benefits, however, will

continue pursuant to state and federal law on the same conditions as coverage is otherwise provided, including the employee's payment of his/her share of the cost of coverage. All employee rights and responsibilities while out of work on Workers' Compensation shall be defined and administered in accordance with the provisions of the New Jersey Workers' Compensation Act.

Before an employee who has been out on Workers' Compensation is permitted to return to work, a medical release must be submitted to the Business Administrator for approval.

F. 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 Borough; and, at least 1,000 hours of work (for New Jersey FLA leave) and 1,250 hours of work (for Federal FMLA leave) during the previous twelve (12) months.

FLMA applies to both the employee and his/her immediate family members. FLA leave applies exclusively to immediate family members. For the purpose of these Acts, "immediate family" means spouse, domestic partner or civil union partner, child, step-child, foster child, or other individuals residing in the employee's household, or mother or father. Upon written notice of eligibility, employees are entitled to a family or medical leave to care for a newly born or adopted child or a seriously ill immediate family member, or for the employee's own serious health condition that makes the employee unable to perform the functions of the employee's position. If the leave is for the care of an immediate family member, the two forms of leave may run concurrently.

FLMA/FLA pertains to job protection and continuation of health benefits during the applicable period of leave. FMLA/FLA is distinct from an employee's sick, personal or vacation time, and runs concurrently with the utilization of accrued paid time off from work. Employees with accrued sick, vacation and personal days must use all accrued available sick, vacation and personal days during the leave period and will continue to be paid to the extent of their accrued time. The use of any accrued time, however, does not extend the leave period. After exhausting accrued time, the employee will no longer be paid for the remainder of the leave, except an employee may qualify for paid family leave insurance, as discussed below.

Eligible employees who are out sick for more than five (5) consecutive work days should apply for FLMA/FLA. Any employee anticipating that they may be required to take a Leave of Absence under FMLA and/or FLA, should immediately notify and meet with the Human Resources Manager to obtain further information and fill out and sign the required application forms, irrespective of whether or not they have accumulated sick, vacation and personal days. Although an employee should apply for FMLA/FLA leave if an applicable situation exists, it is the responsibility of the Borough to place an employee on FMLA/FLA leave if the Borough has sufficient information to make a decision that the employee or employee's immediate family member is seriously ill and that the employee is out of work for this reason.

Eligible employees may receive up to twelve (12) weeks of leave per year under FMLA, or twelve (12) weeks every twenty-four (24) months under FLA. The method to calculate the aforementioned twelve (12) or twenty-four (24) month periods shall be the “rolling back method,” which uses a “rolling” 12- or 24-month period, as applicable, measured backward from the date an employee uses any FMLA and/or FLA leave to determine one’s eligibility for leave.

During the leave period, the employee’s health benefits will be continued on the same conditions as coverage is otherwise provided to the employee when not on said leave. The employee will not accrue vacation, sick or personal days for the unpaid portion of 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 position with the same terms and benefits that existed prior to the exercise of leave.

The period of medical leave or leave to care for a sick family member must be supported by a Medical Certification from a physician or other licensed health care provider. If an employee on FMLA/FLA cannot return to work at the end of the twelve (12) week period, but can provide a reasonable date of return, supported by medical verification, the employee’s job will be reinstated as set forth above. Prior to the return to work, the Borough of Red Bank may require an employee to be examined by a physician designated by the Borough to verify fitness to return to normal duties. An employee will not be permitted to return to work until the verification is received.

Paid Family Leave Insurance (“FLI”) benefits for up to six (6) weeks in a twelve (12) month period are available from the State of New Jersey for eligible employees who are absent on an approved family leave to care 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 earning at least minimum wage within the last 52 weeks or earned 1000 times the minimum wage. The weekly benefit is two-thirds (2/3) of weekly compensation up to a maximum per week as determined by law. FLI benefits will run concurrently with FMLA and/or FLA family 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 before receiving any FLI benefits.

Employees taking paid family leave in connection with a family member’s serious health condition may take leave intermittently or consecutively or on a reduced work schedule. 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 any family leave is required to provide the Borough with 15 days’ notice unless an emergency or other unforeseen circumstance precludes prior notice. The employee seeking intermittent family leave shall make a reasonable attempt to schedule leave in a non-disruptive manner. Employees requesting such leave shall provide the Borough with a regular schedule of days for intermittent leave.

G. Leave of Absence Policy:

Apart from FMLA/FLA/FLI leave, employees may be granted a personal leave of absence of up to 12 weeks at the sole discretion of the Business Administrator, for a period of time to be determined by the Business Administrator, if the leave does not cause undue operational disruption. The leave must include the use of any accrued vacation, personal and sick leave time, regardless of the length of leave requested. In situations where FMLA, and/or FLA is applicable, FMLA/FLA leave must be utilized and exhausted prior to the employee making a request for a personal leave of absence.

The portion of any leave of absence that runs beyond the exhaustion of vacation, personal and sick leave will be without pay or longevity credit. In exceptional circumstances, the Business Administrator may extend a leave of absence beyond the aforementioned 12 week period, if such extension is deemed by the Borough to be in the best interest of the Borough of Red Bank.

An employee who has exhausted his/her paid sick leave, vacation and personal days, and time out of work pursuant to the FMLA and/or FLA may, at the sole discretion of the Borough of Red Bank, be granted an additional unpaid sick leave of absence, during which time health benefits shall continue to be paid by the Borough, with the employee paying his/her share of the benefits. If, at the end of the leave of absence approved by the Borough, the employee is unable to return to work, he/she will be terminated from employment.

Personal leaves are not granted for the purpose of seeking or accepting employment with another employer, or for extended vacation time. Employees on personal leave of absence for more than two weeks in any month will not receive holiday pay, and will not accrue personal leave, sick leave or vacation time for that month. A personal leave is granted with the understanding that the employee intends to return to work for the Borough of Red Bank. 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.

H. Bereavement Leave Policy:

Employees are entitled to five (5) day's leave of absence for each death of an employee's immediate relative. "Immediate relative" includes spouse, domestic partner, civil union partner or significant other, child, parent, stepparent, stepchild, foster child, sibling, grandparents, daughter-in-law, son-in-law, parents-in-law, grandchildren, or any person residing in an employee's household who is not a tenant. Employees are entitled to three (3) day's leave in the event of the death of a relative not a member of the employee's immediate family or household. All requests must be approved by the Department Head. Employees are paid for all working days during the Bereavement Leave. Any additional leave must be approved by the employee's Department Head and charged against vacation, sick, or personal leave. Reasonable proof of death and relationship may be required.

I. Jury Duty Policy:

An employee required to render jury service shall be entitled to be absent from work during that service and will be paid the employee's regular salary. If an employee is released early from jury duty, he/she shall contact the Department Head to determine whether his/her services are required for the remainder of that day. The employee must submit appropriate documentation from the court to the Human Resources Manager confirming his/her jury duty service prior to receiving his/her next paycheck.

J. 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 up 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 Borough for at least twelve (12) 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 a restraining order, letter from a prosecutor, proof of conviction, medical documentation or a certification from an agency or professional involved in assisting the employee.

In certain circumstances, the basis for the leave may also qualify under the federal Family and Medical Leave Act and/or the New Jersey Family Leave Act. If so, the Borough 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 Borough 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 Borough shall not retaliate, harass or discriminate against any employee exercising his/her right to take the leave provided by this policy.

K. Military Leave Policy:

The Borough of Red Bank shall comply with the provisions of the Uniformed Services Employment and Reemployment Rights Act ("USERRA"). When a full-time employee (either permanent or temporary) who is a member of the reserve component of any United States armed force or the National Guard of any state including the Naval Militia and Air National Guard is required to engage in field training or is called for active duty, the employee will be granted a military leave of absence for the duration of the service. The first thirty (30) workdays of the leave shall be with full pay except that a member of the New Jersey National Guard shall receive full pay for the first ninety (90) days. Thereafter, the employee shall be paid the difference between military salary and the employee's regular salary for a period not to exceed 180 days. The paid leave will not be counted against any available time off including but not limited to vacation, sick or personal time. A full-time temporary employee who has served less than one (1) year shall not be entitled to paid leave but shall be granted non-paid military leave without loss of time.

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

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

SECTION 5

Compensation & Employee Benefits Policies:

The policies within this section cover non-union employees. They also cover union employees to the extent that their collective bargaining agreements do not address these issues.

A. Payroll Policy:

Salary ranges and/or rates of pay are established by ordinance and/or applicable collective bargaining agreements. Employees are paid semi-monthly on the 15th and last day of each month. If payday date falls on a Saturday, Sunday or holiday, paychecks will be dated and distributed on the last business day preceding the regular issue date. Overtime will be paid in the pay period subsequent to the reporting of the overtime hours. Employees who are going on vacation and would like their checks in advance must make a written request to the Human Resources Manager at least two weeks in advance of the vacation. Any questions or discrepancies relating to paychecks should be addressed to the Human Resources Manager.

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

B. Overtime Compensation Policy:

Under the Federal Fair Labor Standards Act, certain employees in managerial, supervisory, administrative or professional positions are exempt from the overtime provisions of the Act. The Human Resources Manager shall notify all Exempt employees of their status under the Act. Exempt employees are not eligible to receive overtime compensation and are required to work the normal workweek and any additional hours needed to fulfill their responsibilities.

All other employees are classified as Non-Exempt and are subject to the overtime provisions of the Act. Non-Exempt Employees work up to forty (40) hours in a week, unless paid overtime is approved. Overtime must be budgeted and approved by the Department Head, the Chief Financial Officer and the Business Administrator. Non-Exempt employees working overtime without prior approval will be subject to disciplinary action.

Non-Exempt employees approved to work overtime will receive overtime compensation for hours worked in excess of forty (40) hours at one and one-half times (1.5) their regularly scheduled rate in a weekly period. Employees may choose overtime compensation in the form of overtime pay or compensatory time off (91.5 hours for each over-time hour worked). The maximum number of hours that an employee may accrue for future compensatory time off is sixty (60) hours. Once this maximum has been accumulated, all additional hours will be compensated by overtime pay. Accrued and taken overtime compensatory hours must be noted on the employee's time sheet.

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

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

C. Reimbursements for Out-of-Pocket Expenses:

Employees who must use their personal vehicles as a condition of employment are entitled to a vehicle maintenance allowance at a rate to be determined at the adoption of the annual budget. The total annual reimbursement shall in no case exceed the amount appropriated in the current year's departmental budget unless authorized by the Chief Financial Officer.

An employee who has received approval to expend cash for Borough supplies or to attend a meeting/conference on Borough business will be reimbursed for legitimate expenses, provided they are supported by a detailed voucher and appropriate receipts.

Requests for reimbursements shall be submitted to and approved by Department Heads.

D. Educational Benefits, Conference and Seminar Policy:

Requests to attend an educational course, conference or seminar must be approved by the Department Head and the Business Administrator. Requests shall be made sufficiently in advance to take advantage of discounts for early registration, and must be submitted to the Department Head at least thirty (30) days before the event. Requests must be in writing, including the conference schedule, registration information and estimated costs. The Department Head is responsible to detail all training requests during the budget formulation process. Approval of any conference or seminar request is conditioned upon the availability of funds.

E. Years of Service Policy

Years of service is defined as uninterrupted full-time employment with the Borough of Red Bank. Employees who leave the Borough in good standing and return will be granted credit for prior service with the Borough upon the completion of five (5) years employment after their return. Permanent part-time employees who become full-time may be granted pro-rated service credit based upon their part-time hours of work as a percentage of full-time hours for that position.

All returning employees shall receive benefits applicable at the time of their return and not based upon when they initially started with the Borough. For example, all returning employees will now contribute towards their health insurance. Employees who retired from the Borough and are subsequently rehired by the Borough in a different position from which they retired are not eligible for service credit for the years of employment prior to said retirement.

F. Seniority Policy

Seniority is defined as an employee's continuous length of service with the Borough, beginning with the employee's latest date of hire.

G. Health Insurance Policy:

Employees regularly scheduled to work thirty (30) hours or more per week and their immediate family members are provided medical, hospital, dental and co-pay prescription insurance coverage commencing the first day of the month following the date of hire. The complete benefit plan is on file in the Human Resource Manager's office and a Summary Plan Description will be provided to all eligible employees. All employees hired on or after January 1, 2018, will be enrolled in 3-Tier Health Plan options and Step Therapy/Generic Prescription plans. Benefit plans for eligible non-unionized employees are subject to change at the discretion of the Borough of Red Bank.

All eligible non-Union Employees will contribute at Tier 4 level in 2017, Tier 3 level in 2018 and Tier 2 level in 2019/2020 and thereafter. However, all employee health insurance contributions will comply with the provisions of Chapter 78, P.L. 2011, including the provisions for minimum employee contribution for health benefits as required by State law.

Employees hired after January 1, 2018 shall not be entitled to retiree health benefits.

Health insurance coverage for eligible employees on a leave of absence or who cease Borough of Red Bank employment will terminate at the end of the month in which the leave begins or employment is terminated unless otherwise agreed between the Borough and the employee. Coverage will continue for up to twelve (12) weeks for employees on leave pursuant to the Family and Medical Leave Act and/or Family Leave Act, and up to thirty (30) weeks for employees on Military Leave. Upon termination of coverage, employees may extend health insurance coverage for themselves and/or their dependents by taking advantage of the COBRA provision for a period of up to eighteen months. For more information, consult the Human Resources Manager.

Eligible employees and their immediate family members are provided medical, hospital, dental and co-pay prescription insurance coverage commencing the first day of the month following the date of hire. The complete benefit plan is on file in the Human Resource Manager's office and a Summary Plan Description will be provided to all employees. All employees hired on or after January 1, 2018, will be enrolled in 3-Tier Health Plan options and Step Therapy/Generic Prescription plans. Benefit plans for non-unionized employees are subject to change at the discretion of the Borough of Red Bank.

All eligible non-Union Employees will contribute at Tier 4 level in 2017, Tier 3 level in 2018 and Tier 2 level in 2019/2020 and thereafter. However, all employee health insurance contributions will comply with the provisions of Chapter 78, P.L. 2011, including the provisions for minimum employee contribution for health benefits as required by State law.

Employees hired after January 1, 2018 shall not be entitled to retiree health benefits.

Health insurance coverage for employees on a leave of absence or who cease Borough of Red Bank employment will terminate at the end of the month in which the leave begins or employment is terminated unless otherwise agreed between the Borough and the employee.

Coverage will continue for up to twelve weeks for employees on leave pursuant to the Family and Medical Leave Act and up to thirty weeks for employees on Military Leave. Upon termination of coverage, employees may extend health insurance coverage for themselves and/or their dependents by taking advantage of the COBRA provision for a period of up to eighteen months. For more information, consult the Human Resources Manager.

In accordance with N.J.S.A. 40A:10-23, the Borough will provide paid medical benefits for the retiring employee and spouse for those employees hired prior to January 1, 2018 as follows:

- Retire on a disability pension approved by the Public Employees Retirement System;
- Retire with twenty-five years (25) of service credit in the Public Employees Retirement System with the last twenty (20) consecutive years of employment with the Borough at the time of retirement;
- Upon reaching the age of sixty-two (62) years of age or older with the last twenty (20) years of service credit in the Public Employees Retirement System with the last fifteen (15) years of service with the Borough at the time of retirement;
- If the retiree is eligible for free insurance through other employment, the Borough will not carry him/her. The retiree would be required to sign an affidavit stating that he/she does not have other coverage. This shall apply to those who retire after January 1, 1982;
- Any other full-time employee may continue on a full contributory basis;
- Part-time employees who have participated in the Borough's Group Health Plan during employment may continue in the plan on a full contributory basis upon retirement.

H. Retirement Policy:

Under State law, all employees must enroll in the New Jersey Public Employees Retirement System or the Police and Fire Fighters Retirement System, as applicable. The employee's contribution to the Plan will be deducted from the employee's pay. An employee who has completed the required number of years and who has reached the required age under the Plan may retire. Employees planning to retire should first notify the Department Head in writing. The State retirement plans request six months advance notice to process the application. Anything to do with the employee's pension should be addressed to the Division of Pensions. After giving notice of retirement, employees are expected to assist their supervisor and co-employees by providing information concerning their current projects and help in the training of a replacement. The Department Head will prepare an Employee Action form showing any pay or other money owed the employee. The Human Resources Manager will conduct a confidential exit interview to discuss benefits including COBRA options, appropriate retirement issues and

pay due. A COBRA notification letter will be sent to the employee's home address. The exit interview will also include an open discussion with the employee.

On the last day of work, the employee must return the Employee Identification Card, all keys and equipment and pay any money owed to the Borough. At this time, the employee will sign the termination memo designating all money owed and this memo will be retained in the official personnel file.

Upon retirement, employees hired before January 1, 1994 shall be paid for up to 260 days of accumulated unused sick time. Employees hired after January 1, 1994 shall be paid, upon retirement, for half of their total accumulated unused sick time or \$15,000, whichever is less.

Employees hired after January 1, 2018 shall not be entitled to paid accumulated unused sick time retirement benefits.

Upon retirement, employees shall also be paid for any unused accrued vacation time in accordance with the provisions of the Vacation Policy.

I. Retirement Policy:

A. Policy.

(1) All permanent employees who have not yet attained their 60th birthday will be enrolled in the Public Employees Retirement System Life Insurance Program. This coverage consists of 1 1/2 times their annual salary on a noncontributory basis, and 1 1/2 times their annual salary on a contributory basis, for a total of three times their annual salary. Employees are required to participate in the contributory enrollment plan for a period of one year. After the completion of one year, they may elect to continue or cancel this contributory coverage. Those who have attained age 60 must provide proof of insurability before this coverage can be effective.

(2) For further information, please refer to the Public Employees Retirement System brochure, which fully describes this coverage.

(3) All police officers and fire fighters enrolled in the New Jersey Police and Firemen's Retirement Plan will have life insurance coverage amounting to 3 1/2 times their annual salary on a noncontributory basis.

(4) For further information, please refer to the Police and Firemen's Retirement Plan brochure.

B. Procedure. Enrollment will be completed by the Human Resources Department at the time application is completed for membership in the pension plan. Appointed and elected officials are eligible for enrollment immediately upon their appointment to a Borough position.

J. Workplace Democracy Enhancement Act:

The Borough of Red Bank shall comply with its duties under the provisions of the Workplace Democracy Enhancement Act and any regulations promulgated thereunder.

SECTION 6

Managerial/Supervisory Procedures:

A. Employment Procedure:

- **Recruitment:** The Business Administrator, in conjunction with the Human Resources Manager, will coordinate the employment recruitment process for all vacancies to ensure compliance with contractual, legal, and equal opportunity requirements. When a vacancy occurs, it is the responsibility of the Department Head to notify the Business Administrator who will distribute notification of the vacancy to all departments. The Business Administrator will undertake to recruit qualified applicants in accordance with applicable Federal and State law. Where positions are advertised, the media or other periodical utilized must have as wide circulation as possible to encourage applications from candidates from diverse backgrounds and must prominently state that the Borough of Red Bank is an equal opportunity employer.
- **Applications:** All candidates must fully complete an application form. A resume will not be considered as a substitute for this form. The application 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.
- **Interviews:** The Business Administrator or Department Head will coordinate the interview process including the scheduling of applicants, development of interview questions and standards to measure candidate responses. All questions must be in accordance with the New Jersey Division of Civil Rights Guidelines for Pre-Employment Inquiries. Reasonable accommodations must be made for disabled applicants provided that the applicant is otherwise qualified to perform the essential functions of the job and also provided that the accommodation does not impose an unreasonable hardship on the Borough.
- **Physical Examinations:** Offers of employment are made subject to the applicant meeting the physical requirements of the specific position sought. The Business Administrator shall require prospective employees, prior to employment, to successfully pass a physical examination consistent with the Americans with Disabilities Act, to assure that the person is medically qualified to perform the essential functions of the position without reasonable accommodations to meet the requirements of the position. The Business 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 Borough of Red Bank at

the expense of the Borough of Red Bank. All medical records of employees and prospective employees are confidential and are to be maintained by the Human Resources Manager separate from the employee's official personnel file.

- **Job Offers:** The final decision as to hiring will be made, pursuant to Borough Ordinance, by the Business Administrator, subject to the approval of the Mayor and Council, after all references and other information has been verified. Every effort shall be made to offer reasonable accommodations pursuant the Americans with Disabilities Act and the New Jersey Law Against Discrimination, as requested by the candidate, provided that the candidate 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 Borough. The employment offer must be made in a letter to the candidate outlining all terms and conditions of the offer. The letter will also establish a deadline for acceptance. The letter will state that this offer is contingent upon the candidate passing any required drug/alcohol test and physical examination that may be required for the position.
- **Acceptances and Rejections:** If the first offer is rejected, the Business Administrator will decide either to hire another candidate or re-open the position. Once a candidate accepts the employment offer, all other candidates will be notified in writing that they were not accepted for the position.
- **Employability Proof:** Within the first three (3) days of employment, all new employees shall be required to fill out an Employment Eligibility Verification Form I-9 and to provide acceptable proof of identity right to work in the United States.
- **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 Human Resources Manager. Documents related to the successful candidate will be placed in the employee's official personnel file, except medical records, including records of physical examinations, must be maintained in a separate file. All records documents related to other candidates must be retained for at least one year. Records and documents created during the hiring process are confidential and must be retained in a locked cabinet.

Background Checks and Procedures for Candidates, Employees and Volunteers:

- **Background checks required:** Background checks are required of all candidates, whether for paid or volunteer positions, working directly or indirectly with children/youth/minors, as a condition of the job offer. Background checks will also be administered for each employee or volunteer, that works directly or indirectly with children/youth/minors, every three (3) years.

The Borough will perform or initiate criminal background checks and be the recipient of reports from outside agencies or contractors. These reports shall include, but are not limited, to court

records; police department and corrections agency records; registries or watch lists; state criminal record repositories; and the Interstate Identification Index maintained by the FBI. The Human Resources Manager will discuss potentially disqualifying information received with the employee's or volunteer's Department Head, and a determination that the information is disqualifying shall be made based on whether the disqualification is job-related for the position and is consistent with business necessity. Written information received as a result of a "Request for Criminal History Record Information for a Noncriminal Justice Purpose" will be destroyed immediately after it has served its authorized purpose, as required by the State Police. Such information will be kept confidential and will not be published or disclosed in any manner not consistent with the procedures listed herein. Such information will not be deemed a public record under P.L. 1963, c.73 (c:47:1a-1, et seq.) as amended and supplemented by P.L. 2001, c.404 (c:47:1a-5, et seq.).

When a disqualification decision has been made as a result of the Borough's "targeted screening process" described below, the Human Resources Manager will inform the candidate or employee, in writing, of any information that would disqualify the person from working with children/youth. If the Borough contracts with an outside vendor to process the background checks, that contractor may be authorized to inform the person in writing of any information that would disqualify the person from working with children/youth/minors. In addition, the individual shall be advised that he/she has the opportunity to appeal the disqualification, pursuant to the Appeal Process set forth below, to explain the criminal record and to demonstrate why the exclusion based on the Borough's targeted screening process should not apply to him/her under the circumstances.

- **Conditions Under Which An Employee Will Be Disqualified From Working With Children/Youth:** A candidate, volunteer, or employee may be disqualified from employment in a position that works with children/youth/minors if that person's criminal record history background check reveals a record of conviction of any of the following crimes and disorderly persons offenses as defined by New Jersey law or by analogous laws in other States:
 - Homicide (N.J.S.A. 2C:11)
 - Assault, reckless endangerment, threats, stalking (N.J.S.A. 2C:12)
 - Kidnapping (N.J.S.A. 2C:13)
 - Sexual Offenses (N.J.S.A. 2C:14)
 - Offenses Against the Family, Children and Incompetents (N.J.S.A. 2C:24)
 - Controlled Dangerous Substances (N.J.S.A. 2C:35 except for 2C:35-10(a)4)
 - Robbery (N.J.S.A. 2C:15)
 - Theft (N.J.S.A. 2C:20)

A disqualification from any position will be based only on a conviction for one or more of the above disqualifying crimes and offenses. An acquittal, a dismissal, successful completion of Pre-Trial Intervention (PTI), or an expungement of a criminal offense, including a disqualifying criminal offense, is not a disqualifying conviction.

- **Appeal Process:** The Appeals Committee will be comprised of the Business Administrator, Police Chief and Human Resources Manager.

Once a candidate, employee or volunteer has been notified of a disqualifying conviction, the employee has fourteen (14) calendar days to file a Notice of Appeal with the Borough. Such Notice of Appeal must be sent in writing to the Human Resources Manager. The Notice of Appeal shall include a Notice of Rehabilitation and/or a Notice that the information is inaccurate or incorrect, pursuant to N.J.A.C. 13:59-1.6.

During the 14-day period listed above, and until the issuance of the decision of the Appeals Committee, an employee will be on a suspension with pay, pending the outcome of the Notice of Appeal.

In making a determination on the appeal, the following information will be considered:

1. The nature and responsibility of the position which the convicted individual would hold, has held, or currently holds, as the case may be.
2. The nature and seriousness of the crime or offense.
3. The circumstances under which the crime or offense occurred.
4. The date of the crime or offense.
5. The age of the individual when the crime or offense was committed.
6. Whether the crime or offense was an isolated or a repeated incident.
7. Any social conditions which may have contributed to the commission of the crime or offense.
8. Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received.
9. Acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of those who have had the individual under their supervision.

The Borough will issue a written determination on the employee's appeal of their disqualifying conviction, setting forth the reasons for the determination.

B. Open Public Meetings Act Procedure Concerning Personnel Matters:

Discussions by the governing body or any public body of the Borough of Red Bank concerning appointment, termination, terms and conditions of employment, performance evaluation, promotion or discipline of any current or prospective officer or employee may be held in closed

session, unless the affected employee submits a timely request that discussions regarding his/her employment be conducted in a public session. Ultimately, the guidance as to notification of employees and the right to have the discussion in executive or the open session should be discussed with and be based upon the guidance and advice of the Legal Counsel for the Borough and recent court decisions.

C. Processing and Orientation of New Employees Procedure:

All new full-time and part-time employees will be scheduled to meet with the Business Administrator, Human Resources Manager and Department Head on their first day for a general orientation. Copies of all forms and acknowledgements must be returned to the Human Resources Manager 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 Personnel Policies and Procedures Manual and acknowledgement of receipt;
- The Employee Complaint Policy letter and acknowledgement;
- A safety orientation and acknowledgement; and
- Arrangements for the new employee to complete required PEOSHA safety training.

D. Initial Employment Period Procedure:

Except where State requirements or contracts direct otherwise, new employees (or present employees transferring to new positions) will be hired subject to an initial employment period of ninety (90) working days. During this initial employment period, the new employee or transferee will be provided with training and guidance from the supervisor. At the end of the initial employment period, the supervisor will conduct an employee evaluation. New employees may be discharged at any time during this period without recourse to any grievance procedures or rights to appeal, if the Business Administrator concludes that the employee is not progressing or performing satisfactorily. Under appropriate circumstances, the Business Administrator may extend the initial employment period. Newly hired employees are not eligible for payment of paid time off except holidays until the successful completion of their initial employment period.

Nothing in the procedure set forth in this section shall alter the Borough's employment at will policy.

E. Personnel Policies and Procedure Manual:

Copies of this Personnel Policies and Procedures Manual will be distributed (in lieu of an Employee Handbook) to all employees and elected officials of the Borough. Employees will be required to sign an acknowledgement of receipt that will be placed in the official personnel file. The Manual will be revised and re-distributed whenever there is a significant change in personnel practice or at the Borough's discretion.

F. Personnel File Procedure:

The official personnel files shall be maintained by the Human Resources Manager and employee medical information will be maintained in a separate file. At least annually, the Manager will review files to make sure they are up-to-date and will follow-up with the Department Heads as necessary. Employees are responsible to notify the Manager any changes in vital information.

The Official file shall include at least the following:

- The original application signed by the employee;
- Notes from any pre-employment interview and reference check;
- The original letter detailing an offer of employment and any additional correspondence concerning the employee's hiring;
- A signed acknowledgement that the employee received a copy of the Employee Complaint Policy letter;
- A signed acknowledgement that the employee has received the Personnel Policies and Procedures Manual;
- A signed acknowledgement that the employee received the safety orientation;
- Annual written performance evaluations including documentation that the evaluation was reviewed with the employee;
- Counseling Action Plans;
- Records relating to on-the-job accidents;
- Disciplinary actions including an acknowledgement that the employee was notified of the proposed disciplinary action and was given an opportunity to respond;
- Records relating to any other employment actions including promotions, demotions, transfers, resignations, leaves, etc.;

- Educational transcripts; and
- Any other pertinent information.

G. Requests for Employment Verification and Reference Procedure:

Inquiries and written requests for references or employment verification regarding a current or former employee must be referred to the Human Resources Manager. No employee may issue a reference letter without the permission of the Human Resources Manager or Business Administrator. Under no circumstances should any information be released over the phone.

In response to a request for information, the Human Resources Manager will only verify an employee's name, dates of employment, job title, department and final salary. No other data or information will be furnished unless; (1) the Borough of Red Bank is required to release the information by law, or (2) the employee or former employee authorizes the Borough of Red Bank in writing to furnish this information and releases the Borough of Red Bank from liability.

H. Continuing Education Procedure:

The Human Resources Manager will arrange for employment practices seminars at least annually to train all managerial/supervisory personnel.

The Borough of Red Bank will also offer non-mandatory training to all other employees with special emphasis on employee rights and protections under various Federal and State laws as well as Borough of Red Bank employment practices. Records will be maintained in the official personnel files of all employees trained under this procedure.

Managerial and supervisory personnel will also update employees periodically by department meetings and memos that should address specific problems and concerns that may arise. Every effort will be made to encourage employee suggestions about ways to avoid employer-employee disputes and violations of employment rights.

APPENDIX:

Model Forms

- Notice of Personnel Discussion
- Employee Letter Concerning Employee Complaint Procedure
- Employee Complaint Form
- Application for Employment
- Sample Notices Concerning Whistleblower Act
- FMLA/FLA Request for Family and Medical Leave (Self or Family Member)
- FMLA/FLA Certification of Health Care Provider Forms (Self or Family Member)
- Bring Your Own Device Agreement
- Receipt of Social Media Policy Form
- Social Media Policy Terms of Disclosure

NOTE: Forms provided herein may be revised from time to time and the Borough reserves the right to utilize updated current versions of these forms and shall make such updated forms available to all employees.

Borough of Red Bank

NOTICE OF PERSONNEL DISCUSSION

Certified and regular mail

To: _____

Address: _____

This letter serves as notice to you that the terms and conditions of your employment with The Borough of Red Bank will be discussed at the regularly scheduled meeting of the Borough Council.

Date of Meeting(s): _____

Time: _____

Location: _____

The discussion will be in closed session, not open to the public, unless at least 24 hours before the meeting the Borough Clerk receives a request, in writing, in which you request that the discussion be held in public. If the discussion will affect other employees or potential employees, it may be closed to the public unless all such affected persons submit such signed requests. You are not required to attend this meeting. If you have any questions about this matter, please contact me.

Notice Date: _____ Signed: _____ (title) _____

Form PD - 1

Borough of Red Bank Employee Complaint Procedure

The Borough of Red Bank has a “no tolerance” policy towards workplace wrongdoing. Under Federal and State law, you have a right to formally or informally report any statement, act, or behavior by a co-employee, supervisor, elected official or visitor that you perceive to be improper, including harassment of any kind, violence or threat of violence, retaliation, wrongful termination, breach of an employment agreement, failure to promote, wrongful demotion, violation of any employment protection law or regulation, discrimination of any nature, misrepresentation, defamation, or any other statements, acts, or behaviors that violate employment rights.

You also have the right to:

Disclose to a supervisor, Department Head, the Business Administrator, the Human Resources Manager, or to member of the governing body or to a public body, as defined in the Employment Protection Act (N.J.S.A. 34:19) an activity, policy or practice that you reasonably believe is in violation of a law, a rule or regulation promulgated pursuant to law; or

Provide information to, or testify before any public body conducting an investigation, hearing, an inquiry into any violation of law, or a rule or regulation promulgated pursuant to law; or

Object to or refuse to participate in any activity, policy, or practice that you reasonably believe is a violation of a law, rule or regulation promulgated pursuant to law; is fraudulent or criminal; or is incompatible with a clear mandate of public policy concerning the public health, safety, or welfare; or

Participate in political activities or join political organizations, as long as you do so on your own time and maintain a clear separation between your official responsibilities and your political affiliations.

Immediately report any wrongdoing to your supervisor, or, if you prefer your Department Head, the Business Administrator, the Human Resources Manager, or the Borough Attorney. No retaliatory measures will be taken against any employee who, in good faith, complains of wrongdoing or harassment. To the maximum extent feasible, the confidentiality of all such complaints will be maintained on a need-to-know basis. However, investigation of such complaints may require disclosure to the accused party and other witnesses in order to gather pertinent facts.

I, hereby acknowledge receipt of a copy of this letter.

Name _____

Date _____

Signature _____

The original signed copy of this letter must be filed in the employee’s personnel folder

Form ECP -1

Borough of Red Bank Employee Complaint Form

Date_____

Attach additional sheets if necessary to fully complete all questions

NAME: _____ DEPARTMENT: _____

TITLE: _____ SUPERVISOR: _____

Time period covered by this complaint: _____

Individuals who allegedly committed the acts being complained of:

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

Identify all persons with knowledge of the complained conduct:

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

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

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

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

What is your requested remedy for this complaint?

ACKNOWLEDGMENT

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

BY: _____ DATE: _____

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

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

BY: _____ DATE: _____

Borough of Red Bank

Date: _____

Employment Application:

Applicant Information:

Name (Last, First, Middle): _____

Address: _____

City/Town: _____

Phone (Work): () _____ (Home): () _____

Social Security Number: _____ - _____ - _____

Position applied for: _____

Have you ever applied to the Borough of Red Bank before: ____ Yes ____ No If yes, give date. _____

Date you can start: _____ Salary desired: _____

Are you available to work: ____ Full time ____ Part time ____ Shift work ____ Temporary

Are you currently employed: ____ Yes ____ No May we contact you at work: ____ Yes ____ No

May we contact your current employer: ____ Yes ____ No

Have you ever been fired: ____ Yes ____ No

If so, state the reason:

Are you currently on layoff status and subject to recall: ____ Yes ____ No

Do you possess a current driver's license: ____ Yes ____ No

Do you possess a current commercial driver's license: ____ Yes ____ No

Please list any endorsements: _____

If you are under eighteen years of age, can you provide proof of eligibility to work: ____ Yes ____ No

Are you legally eligible to work in the United States of America: ____Yes ____ No

EA-1

Pursuant to Federal Law, proof of US Citizenship or immigration status will be required if you are hired.

Employment is conditional upon the results of the criminal background check. An answer of “Yes” may disqualify you from employment depending upon the circumstances involved. If “Yes”, please explain below.

EA-2

The Borough of Red Bank is an Equal Opportunity Employer M/F

Employment History: This section must be completed even if you attach a resume. List your last four employers, major assignments within the same employer. Begin with the most recent. Include any military service. Explain any gaps in employment in the space on this form marked comments located on the bottom of this page.

Employer:	Date started:	Date left:	Work performed/ responsibilities:
Address:	Starting Salary:		
Job Title:	Final Salary:		
Reason for leaving:			
Supervisor's name and phone number:			
May we contact for a reference: ___ Yes ___ No			
Employer:	Date started:	Date left:	Work performed/ responsibilities:
Address:	Starting Salary:		
Job Title:	Final Salary:		
Reason for leaving:			
Supervisor's name and phone number:			
May we contact for a reference: ___ Yes ___ No			
Employer:	Date started:	Date left:	Work performed/ responsibilities:
Address:	Starting Salary:		
Job Title:	Final Salary:		
Reason for leaving:			
Supervisor's name and phone number:			
May we contact for a reference: ___ Yes ___ No			
Employer:	Date started:	Date left:	Work performed/ responsibilities:
Address:	Starting Salary:		
Job Title:	Final Salary:		
Reason for leaving:			
Supervisor's name and phone number:			
May we contact for a reference: ___ Yes ___ No			

Comments:

EA-3

Education: Provide information on your formal schooling and education. Include elementary, secondary, and post-secondary education, if any. Include any formal vocational or professional education. For high school and post-secondary education, indicate any major or specialty, such as Academic, Business, or Trade.

School:	Years completed: (Circle)	Graduated: (Circle)	Major Field:
Elementary:	5 6 7 8	Yes No	N/A
High:	1 2 3 4	Yes No	
College:	1 2 3 4	Yes No	
Other:	1 2 3 4	Yes No	

Languages: List any foreign languages you know and indicate your level of proficiency.

Language:	Speak Some:	Speak Fluently:	Read:	Write:

Special Skills & Experience: State any special skills, experience, training, licenses, certifications or other factors that make you especially qualified for the position for which you are applying.

Comments & Additional Information: Is there any additional information about you we should consider?

References: Provide the names, addresses and phone numbers of three people whom we may contact as a reference. They should not be relatives or former supervisors.

Name & Address:	Phone Number:	Years Known:

Understandings and Agreements:

AS AN APPLICANT FOR A POSITION WITH THE BOROUGH OF RED BANK, I UNDERSTAND AND AGREE THAT I MUST PROVIDE TRUTHFUL AND ACCURATE INFORMATION IN THIS APPLICATION. I UNDERSTAND THAT MY APPLICATION MAY BE REJECTED IF ANY INFORMATION IS NOT COMPLETE, TRUE AND ACCURATE. IF HIRED, I UNDERSTAND THAT I MAY BE SEPARATED FROM EMPLOYMENT IF THE BOROUGH OF RED BANK LATER DISCOVERS THAT INFORMATION ON THIS FORM WAS INCOMPLETE, UNTRUE, OR INACCURATE. I GIVE THE BOROUGH OF RED BANK THE RIGHT TO INVESTIGATE THE INFORMATION I HAVE PROVIDED, TALK WITH FORMER EMPLOYERS (EXCEPT WHERE I HAVE INDICATED THEY MAY NOT BE CONTACTED). I GIVE THE BOROUGH OF RED BANK THE RIGHT TO SECURE ADDITIONAL JOB-RELATED INFORMATION ABOUT ME. I RELEASE THE BOROUGH OF RED BANK AND ITS REPRESENTATIVES FROM ALL LIABILITY FOR SEEKING SUCH INFORMATION. I UNDERSTAND THAT THE BOROUGH OF RED BANK IS AN EQUAL-OPPORTUNITY EMPLOYER AND DOES NOT DISCRIMINATE IN ITS HIRING PRACTICES. I UNDERSTAND THAT THE BOROUGH OF RED BANK WILL MAKE REASONABLE ACCOMMODATIONS AS REQUIRED BY THE AMERICANS WITH DISABILITIES ACT. I UNDERSTAND THAT IF I AM OFFERED EMPLOYMENT WITH THE BOROUGH OF RED BANK, SUCH AN OFFER DOES NOT CONSTITUTE AN EMPLOYMENT CONTRACT, AND IF EMPLOYED, SUCH EMPLOYMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT. I MAY RESIGN AT ANY TIME AND THE BOROUGH OF RED BANK MAY TERMINATE ME AT ANY TIME IN ACCORDANCE WITH ITS ESTABLISHED POLICIES AND PROCEDURES. NO REPRESENTATIVES OF THE BOROUGH OF RED BANK MAY MAKE ANY ASSURANCES TO THE CONTRARY. I UNDERSTAND THAT ANY OFFER OF EMPLOYMENT MAY BE SUBJECT TO JOB-RELATED MEDICAL, PHYSICAL, DRUG, OR PSYCHOLOGICAL TESTS. I ALSO UNDERSTAND THAT SOME POSITIONS MAY INVOLVE COMPLETE BACKGROUND AND CRIMINAL CHECKS.

Applicant's Signature _____ Date _____

Conditions of Employment:

Please be advised that all offers of employment are conditional on the applicant passing a mandatory criminal background check and drug test. A pre-employment physical may also be required. Pursuant to our personnel policy, all job applicants are required to sign a consent form for drug testing and if the test results are positive and are not accounted for by the legal use of prescription or non-prescription drugs the applicant shall be ineligible for hire unless they can establish a legal basis for the use of the drug or controlled substance for which they test positive. *For your application to be considered, you must sign and date below.*

Applicant's Signature _____ Date _____

Voluntary Affirmative Action Information

You are not required to provide this information. Provide only if you wish.

If you provide information on this page, it will be filed separately from the job application. This information will be used only for purposes of the affirmative action program

Applicant Information:

Name: _____

Address: _____

City/town: _____

Phone: () _____

Position Applied For: _____

How did you learn about this position? __Advertisement Employment Agency
__Friend __Relative __Walk-in __Other (Explain)_____

Information Regarding Status:

Gender:

____ Male

____ Female

Equal Employment Opportunity identification groups:

____ White

____ African-American (non-Hispanic)

____ Hispanic

____ American Indian/Alaskan native

____ Asian/Pacific Islander

____ Other _____

For Borough of Red Bank use only

Hired: __Yes __No Position _____ Date _____

Which EEO job classification best describes the position for which the applicant applied?

1. Officials and Managers

4. Sales workers

7. Operators(semi-skilled)

2. Professionals

5. Office and clerical workers

8. Laborers (unskilled)

3. Technicians

6. Craft workers (skilled)

9. Service workers

Borough of Red Bank Official _____

Date _____

EA-7

This page for Borough of Red Bank use only!
Results of interview

Interviewer: _____

Date: _____ **Time:** _____

Conscientious Employee Protection Act “Whistleblower Act”

Employer retaliatory action; protected employee actions; employee responsibilities

1. New Jersey law prohibits an employer from taking any retaliatory action against an employee because the employee does any of the following:
 - a. Discloses, or threatens to disclose, to a supervisor or to a public body an activity, policy or practice of the employer or another employer, with whom there is a business relationship, that the employee reasonably believes is in violation of a law, or a rule or regulation issued under the law, or, in the case of an employee who is a licensed or certified health care professional, reasonably believes constitutes improper quality of patient care;
 - b. Provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any violation of law, or a rule or regulation issued under the law by the employer or another employer, with whom there is a business relationship, or, in the case of an employee who is a licensed or certified health care professional, provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into quality of patient care; or
 - c. Provides information involving deception of, or misrepresentation to, any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity.
 - d. Provides information regarding any perceived criminal or fraudulent activity, policy or practice of deception or misrepresentation which the employee reasonably believes may defraud any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity.
 - e. Objects to, or refuses to participate in, any activity, policy or practice which the employee reasonably believes:
 - (1) is in violation of a law, or a rule or regulation issued under the law or, if the employee is a licensed or certified health care professional, constitutes improper quality of patient care;
 - (2) is fraudulent or criminal; or
 - (3) is incompatible with a clear mandate of public policy concerning the public health, safety or welfare or protection of the environment. N.J.S.A. 34:19-3.
2. The protection against retaliation, when a disclosure is made to a public body, does not apply unless the employee has brought the activity, policy or practice to the attention of a supervisor of the employee by written notice and given the employer a reasonable opportunity to correct the activity, policy or practice. However, disclosure is not required where the employee reasonably believes that the activity, policy or practice is known to one or more supervisors of the employer or where the employee fears physical harm as a result of the disclosure, provided that the situation is emergency in nature.

CONTACT INFORMATION

Your employer has designated the following contact person to receive written notifications, pursuant to paragraph 2 above (N.J.S.A. 34:19-4):

Name: _____

Address: _____

Telephone Number: _____

This notice must be conspicuously displayed.

Once each year, employers with 10 or more employees must distribute notice of this law to their employees. If you need this document in a language other than English or Spanish, please call (609) 292-7832.



AD-270 (8/11)

La Ley de protección al empleado consciente

“Ley de protección del denunciante”

Acciones de represalia del empleador; protección de las acciones del empleado

1. La ley de New Jersey prohíbe que los empleadores tomen medidas de represalia contra todo empleado que haga lo siguiente:
 - a. Divulgue o amenace con divulgar, ya sea a un supervisor o a una agencia pública toda actividad, directriz o norma del empleador o de cualquier otro empleador con el que exista una relación de negocios y que el empleado tiene motivos fundados para pensar que violan alguna ley, o en el caso de un trabajador licenciado o certificado de la salud y que tiene motivos fundados para pensar que se trata de una manera inadecuada de atención al paciente;
 - b. Facilite información o preste testimonio ante cualquier agencia pública que conduzca una investigación, audiencia o indagación sobre la violación de alguna ley, regla o reglamento que el empleador o algún otro empleador con el que exista una relación de negocios; o en el caso de un trabajador licenciado o certificado de la salud que facilite información o preste testimonio ante cualquier agencia pública que conduzca una investigación, audiencia o indagación sobre la calidad de la atención al paciente; o
 - c. Ofrece información concerniente al engaño o la tergiversación con accionistas, inversionistas, usuarios, pacientes, clientes, empleados, ex empleados, retirados o pensionados del empleador o de cualquier agencia gubernamental.
 - d. Ofrece información con respecto a toda actividad que se pueda percibir como delictiva o fraudulenta, toda directiva o práctica engañosa o de tergiversación que el empleado tenga motivos fundados para pensar que pudieran estafar a accionistas, inversionistas, usuarios, pacientes, clientes, empleados, ex empleados, retirados o pensionados del empleador o de cualquier agencia gubernamental.
 - e. Se opone o se niega a participar en alguna actividad, directriz o práctica que el empleado tiene motivos fundados para pensar que:
 - (1) viola alguna ley, o regla o reglamento que dicta la ley o en el caso de un empleado licenciado o certificado en cuidado de la salud que tiene motivos fundados para pensar que constituya atención inadecuada al paciente;
 - (2) es fraudulenta o delictiva; o
 - (3) es incompatible con algún mandato establecido por las directrices públicas relacionadas con la salud pública, la seguridad o el bienestar o la protección del medio ambiente. Artículo 34:19-3 de las Leyes comentadas de New Jersey de protección del empleado consciente (N.J.S.A., por sus siglas en inglés)
2. No se puede acoger a la protección contra la represalia, cuando se hace una divulgación a un organismo público, a no ser que el empleado le informe al empleador de tal actividad, política o norma a través de un aviso por escrito y le haya dado al empleador una oportunidad razonable para corregir tal actividad, política o norma. Sin embargo, no es necesaria la divulgación en los casos en que el empleado tenga indicios razonables para creer que un supervisor o más de un supervisor del empleador tienen conocimiento de tal actividad, política o norma o en los casos en los que el empleado teme que tal divulgación pueda traer como consecuencia daños físicos a su persona siempre y cuando la naturaleza de la situación sea la de una situación de emergencia.

Información del Contacto

Su empleador ha designado a la siguiente persona para recibir notificaciones de acuerdo al párrafo 2, de la ley (N.J.S.A. 34:19-4):

Nombre: _____

Dirección: _____

Número de teléfono: _____

Este aviso se debe exponer a la vista de todos.

Anualmente, patronos con 10 o más empleados, deberán distribuir notificación de esta ley a todos sus empleados. Si necesita este documento en algún otro idioma que no sea inglés o español, sírvase llamar al (609) 292-7832.



**Borough of Red Bank
90 MONMOUTH STREET
RED BANK, NEW JERSEY 07701**

FAMILY MEDICAL LEAVE (FMLA/FLA) REQUEST FORM

USE THIS FORM WHEN REQUESTING LEAVE FOR SELF

Date: _____

To: Ziad Andrew Shehady / Business Administrator

Name: _____

Department: _____

Position: _____

I, _____, would like to request my use of FMLA for
(Print Employee Name)

the following reason:

A. Reason for requesting an extended leave of absence;

☐ Birth of a son or daughter and in order to care for such child

☐ Placement of a child with me for adoption or foster care

Date of birth or placement (if applicable): _____

☐ To care for my child, parent, parent-in-law or spouse, who has a serious health condition

☐ I am unable to perform the functions of my position due to a serious health condition

Date FMLA starts: _____ FMLA Ends: _____

B. If request is for intermittent or reduced leave:

Date(s) _____

Describe adjustment in schedule which would be required:

C. ☐ Physician Certification (Form WH-380-E)

***(THIS FORM MUST BE COMPLETED BY YOUR PHYSICIAN AND ATTACHED FOR
ANY CONTINUANCE OF LEAVE TO BE CONSIDERED)***

Date

Employee signature

**PLEASE BE SURE TO RETURN FORMS TO THE BOROUGH OF RED BANK
90 MONMOUTH ST., RED BANK, NJ 07701
ATTENTION: E. BIVIANO / HUMAN RESOURCE DEPARTMENT**

**Borough of Red Bank
90 MONMOUTH STREET
RED BANK, NEW JERSEY 07701**

FAMILY MEDICAL LEAVE (FMLA/FLA) REQUEST FORM
USE THIS REQUEST FORM WHEN REQUESTING LEAVE FOR FAMILY MEMBER

Date: _____

To: Ziad Andrew Shehady / Business Administrator

Name: _____

Department: _____

Position: _____

I, _____, would like to request my use of FMLA for
(Print Employee Name)

the following reason:

A. Reason for requesting an extended leave of absence;

☐ Birth of a son or daughter and in order to care for such child

☐ Placement of a child with me for adoption or foster care

Date of birth or placement (if applicable): _____

☐ To care for my child, parent, parent-in-law or spouse, who has a serious health condition

☐ I am unable to perform the functions of my position due to a serious health condition

Date FMLA starts: _____ FMLA Ends: _____

B. If request is for intermittent or reduced leave:

Date(s) _____

Describe adjustment in schedule which would be required:

C. ☐ Physician Certification (Form WH-380-F)

**(THIS FORM MUST BE COMPLETED BY YOUR FAMILY MEMBER'S PHYSICIAN AND
ATTACHED FOR ANY CONTINUANCE OF LEAVE TO BE CONSIDERED)**

Date

Employee signature

**PLEASE BE SURE TO RETURN FORMS TO THE BOROUGH OF RED BANK
90 MONMOUTH ST., RED BANK, NJ 07701
ATTENTION: E. BIVIANO / HUMAN RESOURCE DEPARTMENT**

Certification of Health Care Provider for
Employee's Serious Health Condition
Leave Act)

U.S. Department of Labor
Wage and Hour Division (Family and Medical



OMB Control Number: 1235-0003
Expires: 5/31/2018

SECTION I: For Completion by the EMPLOYER

INSTRUCTIONS to the EMPLOYER: The Family and Medical Leave Act (FMLA) provides that an employer may require an employee seeking FMLA protections because of a need for leave due to a serious health condition to submit a medical certification issued by the employee's health care provider. Please complete Section I before giving this form to your employee. Your response is voluntary. While you are not required to use this form, you may not ask the employee to provide more information than allowed under the FMLA regulations, 29 C.F.R. §§ 825.306-825.308. Employers must generally maintain records and documents relating to medical certifications, recertifications, or medical histories of employees created for FMLA purposes as confidential medical records in separate files/records from the usual personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies, and in accordance with 29 C.F.R. § 1635.9, if the Genetic Information Nondiscrimination Act applies.

Employer name and contact:

Employee's job title: _____ Regular work schedule: _____
Employee's essential job functions:

Check if job description is attached: _____

SECTION II: For Completion by the EMPLOYEE

INSTRUCTIONS to the EMPLOYEE: Please complete Section II before giving this form to your medical provider. The FMLA permits an employer to require that you submit a timely, complete, and sufficient medical certification to support a request for FMLA leave due to your own serious health condition. If requested by your employer, your response is required to obtain or retain the benefit of FMLA protections. 29 U.S.C. §§ 2613, 2614(c)(3). Failure to provide a complete and sufficient medical certification may result in a denial of your FMLA request. 29 C.F.R. § 825.313. Your employer must give you at least 15 calendar days to return this form. 29 C.F.R. § 825.305(b).

Your name:

First

Middle

Last

SECTION III: For Completion by the HEALTH CARE PROVIDER

INSTRUCTIONS to the HEALTH CARE PROVIDER:

Your patient has requested leave under the FMLA.

Answer, fully and completely, all applicable parts. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be your best estimate based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as "lifetime," "unknown," or "indeterminate" may not be sufficient to determine FMLA coverage. Limit your responses to the condition for which the employee is seeking leave. Do not provide information about genetic tests, as defined in 29 C.F.R. § 1635.3(f), genetic services, as defined in 29 C.F.R. § 1635.3(e), or the manifestation of disease or disorder in the employee's family members, 29 C.F.R. § 1635.3(b). Please be sure to sign the form on the last page.

Provider's name and business address:

_____ Type of practice /

Medical specialty: _____

Telephone: (_____) _____ Fax: (_____) _____

PART A: MEDICAL FACTS

1. Approximate date condition commenced: _____

Probable duration of condition:

Mark below as applicable:

Was the patient admitted for an overnight stay in a hospital, hospice, or residential medical care facility? ___No ___Yes. If so, dates of admission:

Date(s) you treated the patient for condition:

Will the patient need to have treatment visits at least twice per year due to the condition?
___No ___Yes.

Was medication, other than over-the-counter medication, prescribed? ___No ___Yes.

Was the patient referred to other health care provider(s) for evaluation or treatment (e.g., physical therapist)? ___No ___Yes. If so, state the nature of such treatments and expected duration of treatment:

2. Is the medical condition pregnancy? ___No ___Yes. If so, expected delivery date: _____

3. Use the information provided by the employer in Section I to answer this question. If the employer fails to provide a list of the employee's essential functions or a job description, answer these questions based upon the employee's own description of his/her job functions.

Is the employee unable to perform any of his/her job functions due to the condition:

___No ___Yes.

If so, identify the job functions the employee is unable to perform:

4. Describe other relevant medical facts, if any, related to the condition for which the employee seeks leave (such medical facts may include symptoms, diagnosis, or any regimen of continuing treatment such as the use of specialized equipment):

PART B: AMOUNT OF LEAVE NEEDED

5. Will the employee be incapacitated for a single continuous period of time due to his/her medical condition, including any time for treatment and recovery? ___No ___Yes.

If so, estimate the beginning and ending dates for the period of incapacity:

6. Will the employee need to attend follow-up treatment appointments or work part-time or on a reduced schedule because of the employee's medical condition? ___No ___Yes.

If so, are the treatments or the reduced number of hours of work medically necessary? ___No ___Yes.

Estimate treatment schedule, if any, including the dates of any scheduled appointments and the time required for each appointment, including any recovery period:

_____ Estimate the part-time or reduced work schedule the employee needs, if any:

_____ hour(s) per day; _____ days per week from _____ through _____

7. Will the condition cause episodic flare-ups periodically preventing the employee from performing his/her job functions? ___No ___Yes.

Is it medically necessary for the employee to be absent from work during the flare-ups?

___ No ___ Yes. If so, explain:

Based upon the patient's medical history and your knowledge of the medical condition, estimate the frequency of flare-ups and the duration of related incapacity that the patient may have over the next 6 months (e.g., 1 episode every 3 months lasting 1-2 days):

Frequency: _____ times per _____ week(s) _____ month(s)

Duration: _____ hours or _____ day(s) per episode

[illegible]

Date

If submitted, it is mandatory for employers to retain a copy of this disclosure in their records for three years. 29 U.S.C. § 2616; 29 C.F.R. § 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 20 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Ave., NW, Washington, DC 20210.

DO NOT SEND COMPLETED FORM TO THE DEPARTMENT OF LABOR; RETURN TO THE PATIENT.

Certification of Health Care Provider for U.S. Department of Labor
Family Member's Serious Health Condition Wage and Hour
Division (Family and Medical Leave Act)



DO NOT SEND COMPLETED FORM TO THE DEPARTMENT OF LABOR; RETURN TO THE PATIENT.

OMB Control Number: 1235-0003
Expires: 5/31/2018

SECTION I: For Completion by the EMPLOYER

INSTRUCTIONS to the EMPLOYER: The Family and Medical Leave Act (FMLA) provides that an employer may require an employee seeking FMLA protections because of a need for leave to care for a covered family member with a serious health condition to submit a medical certification issued by the health care provider of the covered family member. Please complete Section I before giving this form to your employee. Your response is voluntary. While you are not required to use this form, you may not ask the employee to provide more information than allowed under the FMLA regulations, 29 C.F.R. §§ 825.306-825.308. Employers must generally maintain records and documents relating to medical certifications, recertification's, or medical histories of employees' family members, created for FMLA purposes as confidential medical records in separate files/records from the usual personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies, and in accordance with 29 C.F.R. § 1635.9, if the Genetic Information Nondiscrimination Act applies.
Employer name and contact:

SECTION II: For Completion by the EMPLOYEE

INSTRUCTIONS to the EMPLOYEE: Please complete Section II before giving this form to your family member or his/her medical provider. The FMLA permits an employer to require that you submit a timely, complete, and sufficient medical certification to support a request for FMLA leave to care for a covered family member with a serious health condition. If requested by your employer, your response is required to obtain or retain the benefit of FMLA protections. 29 U.S.C. §§ 2613, 2614(c)(3). Failure to provide a complete and sufficient medical certification may result in a denial of your FMLA request. 29 C.F.R. § 825.313. Your employer must give you at least 15 calendar days to return this form to your employer. 29 C.F.R. § 825.305.

Your name: _____

First

Middle

Last

Name of family member for whom you will provide care:

First

Middle

Last

Relationship of family member to you:

If family member is your son or daughter, date of birth: _____

Describe care you will provide to your family member and estimate leave needed to provide care:

Was the patient referred to other health care provider(s) for evaluation or treatment (e.g., physical therapist)? ____ No ____ Yes. If so, state the nature of such treatments and expected duration of treatment:

2. Is the medical condition pregnancy? ____No ____Yes. If so, expected delivery date:

3. Describe other relevant medical facts, if any, related to the condition for which the patient needs care (such medical facts may include symptoms, diagnosis, or any regimen of continuing treatment such as the use of specialized equipment):

PART B: AMOUNT OF CARE NEEDED: When answering these questions, keep in mind that your patient's need for care by the employee seeking leave may include assistance with basic medical, hygienic, nutritional, safety or transportation needs, or the provision of physical or psychological care:

4. Will the patient be incapacitated for a single continuous period of time, including any time for treatment and recovery? ____No ____Yes.

Estimate the beginning and ending dates for the period of incapacity:

_____ During this time, will the patient need care? ____

No ____ Yes.

Explain the care needed by the patient and why such care is medically necessary:

5. Will the patient require follow-up treatments, including any time for recovery? ____No ____Yes.

Estimate treatment schedule, if any, including the dates of any scheduled appointments and the time required for each appointment, including any recovery period:

Explain the care needed by the patient, and why such care is medically necessary:

6. Will the patient require care on an intermittent or reduced schedule basis, including any time for recovery?

___ No ___ Yes.

Estimate the hours the patient needs care on an intermittent basis, if any:

_____ hour(s) per day; ___ days per week from _____ through _____

Explain the care needed by the patient, and why such care is medically

necessary:

7. Will the condition cause episodic flare-ups periodically preventing the patient from participating in normal daily activities? ___ No ___ Yes.

Based upon the patient's medical history and your knowledge of the medical condition, estimate the frequency of flare-ups and the duration of related incapacity that the patient may have over the next 6 months (e.g., 1 episode every 3 months lasting 1-2 days):

Frequency: ___ times per ___ week(s) ___ month(s)

Duration: ___ hours or ___ day(s) per episode

Does the patient need care during these flare-ups? ___ No ___ Yes.

Explain the care needed by the patient, and why such care is medically necessary:

CONTINUED ON NEXT PAGE

ADDITIONAL INFORMATION: IDENTIFY QUESTION NUMBER WITH YOUR ADDITIONAL ANSWER.

Signature of Health Care Provider

Date

PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT

If submitted, it is mandatory for employers to retain a copy of this disclosure in their records for three years. 29 U.S.C. § 2616; 29 C.F.R. § 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 20 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Ave., NW, Washington, DC 20210.

DO NOT SEND COMPLETED FORM TO THE DEPARTMENT OF LABOR; RETURN TO THE PATIENT.

**BOROUGH OF RED BANK
BRING YOUR OWN DEVICE AGREEMENT**

THIS WILL CERTIFY THAT I, _____, (THE “EMPLOYEE”) HAVE BEEN GIVEN A COPY OF THE BOROUGH OF RED BANK’S BRING YOUR OWN DEVICE POLICY (“BYOD POLICY”) AND THAT I FULLY UNDERSTAND SAID POLICY AND AGREE TO COMPLY WITH ALL TERMS AND REQUIREMENTS SET FORTH THEREIN AND HEREIN. THIS INCLUDES, BUT IS NOT LIMITED TO, MY ACKNOWLEDGEMENT AND CONSENT THAT:

- The Borough has the discretion to determine which employees will be eligible for this privilege and reserves the right to revoke the privilege granted herein if the Employee does not abide by the terms set forth in the Borough’s BYOD Policy and this Agreement.
- The Borough reserves the right, without prior notice to the Employee, to disable or disconnect some or all services related to connection of a personal smart device to the Borough network.
- The Borough maintains the right to exercise and enforce a range of security, privacy, and management controls on Employee’s smart device including, but not limited to the mandatory use of device passwords; timeouts; device and media encryption; geo-location tracking; and, remote or non-remote deletion of Borough applications and data.
- Employees are required to cooperate with the Borough to satisfy legitimate internal or external investigations, or legitimate discovery requests arising out of administrative, civil or criminal proceedings, which could result in the surrendering of the personal smart device assigned to the Employee.
- The Borough maintains the right to monitor or inspect Borough applications and data. In doing so, the Borough could inadvertently access personal information on the personal mobile device. As such, Employee should not have any expectation of privacy related to the use of a smart device connected to the Borough network.
- The Employee has the responsibility to report the loss, theft, or destruction of the Employee’s enrolled personal mobile device to the Borough and to report an upgrade, repair, or trade-ins 48 hours in advance.
- Compliance by the Employee with the BYOD Policy, the Borough “Communication Media Policy”, and this Agreement is a prerequisite to and continuing condition of the Employee’s privilege to connect a personal smart device to the Borough network servers.
- The Employee acknowledges that violation of the BYOD Policy and/or this Agreement may be cause for disciplinary action, up to and including termination.
- The Borough expressly disclaims, and the Employee releases the Borough from all liability for any loss, cost or expense of any nature whatsoever sustained by the Employee in connection with the privilege afforded the Employee under the terms of this Agreement and the Borough expressly reserves the right to delete data or applications from the smart device as set forth in the BYOD Policy or herein.

EMPLOYEE: _____ DATE: _____

WITNESS: _____ DATE: _____

Borough of Red Bank
Receipt of Social Media Policy

I, _____, acknowledge that:

A. I received a copy of the Borough of Red Bank's Social Media Policy on _____;
Date

B. I have been given an opportunity to ask questions about said Policy and I have been provided with satisfactory information in response to my questions;

C. I understand the language used in this Policy;

D. I acknowledge that the Borough reserves the right to add, amend or discontinue any of the provisions of this policy for any reason or none at all, in whole or in part, at any time, with or without notice;

E. I acknowledge that I understand this Policy and I agree that I will comply with all of its provisions. If there is any policy or provision in the Handbook that I do not understand, I will seek clarification from my supervisor, Department Head or Business Administrator.

F. No supervisor or other representative of the Borough of Red Bank has the authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the above. I understand that nothing contained in the Handbook may be construed as creating a promise of future benefits or binding contract with Borough of Red Bank for benefits or for any other purpose. I also understand that these policies are continually evaluated and may be amended, modified or terminated at any time.

G. For employees who are members of the various bargaining units, this does not supersede your respective contracts. It is being distributed to advise you of Borough policies that are not addressed in those agreements.

Date

Signature

Terms of Use Disclosure
(To be posted on all Borough of Red Bank Social Media Sites)

A. Information Disclaimer

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Checklist for Members with Currently Approved Risk Control Plans

2019-2020 MEL EMPLOYMENT PRACTICES RISK CONTROL UPDATE CHECKLIST

Name of Municipality or Authority: Borough of Red Bank

- ☐ Retain Employment Attorney/Advisor: (name) Mark Tabakin
- ☐ Update and distribute to managerial/supervisory employees the Personnel Policies and Procedures Manual: (Not necessary to attach)
- ☐ Distribute a notice concerning the Conscientious Employee Protection Act to all personnel:
- ☐ Update and distribute the Employee Handbook: (Not necessary to attach)
- ☐ Adopt the model civil rights resolution (municipalities only).
- ☐ Train managerial and supervisory personnel:
- ☐ Have Police Chief, Deputy Chief, Public Safety Director, Captains & Lieutenants complete the special EPL training course:
- ☐ Offer Anti-Harassment training to all other personnel:
- ☐ Sign up with NJ MEL Helpline for Employment Practices.

I, Mark Tabakin, the (check ☐ General Counsel or ☒ Employment Attorney) of (member name) Borough of Red Bank hereby certify that the member has verified to me that the above actions have been completed and that I have read the updated Personnel Policies and Procedures Manual and the updated Employee Handbook.

Signature: _____

Date: _____ Telephone: _____

To qualify for the Employment Practices Liability policy deductible, this checklist should be returned to the MEL Fund Office (9 Campus Drive, Suite 216, Parsippany, NJ 07054 as soon as possible. Members submitting this form by October 1, 2018 will qualify or continue to qualify for the deductible effective to January 1, 2019. Members submitting this form after the deadline will become eligible for the deductible incentive upon approval of the application, but not retroactively.



Municipal Excess Liability Joint Insurance Fund

9 Campus Drive – Suite 216
Parsippany, NJ 07054
Tel (201) 881-7632
Fax (201) 881-7633

To: Members - Municipal Excess Liability Joint Insurance Fund
(Municipalities and Utility Authorities)

From: David N. Grubb, Executive Director

Date: April 2018

Re: 2019-2020 Employment Practices Liability (EPL) Program

95% of MEL members have adopted the MEL's model employment practices risk control program and are eligible for lower deductibles. These programs must be updated every two years to remain eligible. **PLEASE VISIT THE MEL WEBPAGE – NJMEL.ORG – FOR A COPY OF THE REVISED MODEL.** Attached is a memorandum synopsis of the changes.

Members with updated loss control programs receive the standard EPL deductible of \$20,000 per claim plus a 20% co-pay capped at \$50,000 and may be eligible to buy down deductibles and co-insurance caps (See note below concerning members with adverse EPL claims experience).

To qualify for the lower deductibles, have your General Counsel or Employment Attorney complete the one page form checking the minimum requirements for updating the plan. It is not necessary to attach any further documentation. Mail the completed form to MEL Fund Office, 9 Campus Drive, Suite 216, Parsippany, NJ 07054.

Members that did not qualify for the 2017-2018 incentive must adopt the EPL loss control plan and submit to the MEL for review. Have your General Counsel or Employment Attorney complete the two-page form checking the minimum requirements for the plan. The following must be attached to this form: (1) the Personnel Policies and Procedures Manual, (2) the resolution adopting this manual, and (3) the Employee Handbook. Mail the completed form and attachments to the MEL Fund Office, 9 Campus Drive, Suite 216, Parsippany, NJ 07054.

Members submitting the required form by October 1, 2018 will qualify or continue to qualify for the deductible incentives effective January 1, 2019. Members submitting this form after the deadline will become eligible for the deductible incentive upon approval of the application, but not retroactively.

Members without updated loss control programs will have a deductible of \$100,000 per claim plus a 20% co-pay with no cap. (See note below concerning members with adverse EPL claims experience).

Members with adverse EPL claims experience: Members with adverse loss experience will have a deductible of \$75,000 if they have an updated loss control plan and \$150,000 if they do not – in addition to the co-pay (as outlined above). In a few cases, the insurance carrier will establish higher deductibles for members due to exceptionally poor experience.

Public Official's Training Credit: The MEL is continuing the public officials training throughout the state for elected public officials and authority commissioners. Sessions have already been given at the League Convention and the AEA Convention in Atlantic City. The MEL will reduce each member's 2018 MEL premium by \$250 for each municipal elected official and authority commissioner who completes the course. The credit is also extended to the member's CEO (i.e. municipal manager/administrator or authority executive director). The maximum credit is capped at 5% of the member's MEL assessment. The MEL webpage will post a listing of sessions scheduled throughout the state. In addition, the course can be taken on-line through the MEL Safety Institute (direction attached).

Required Elements for the Incentive

1. **Employment Attorney/Advisor:** An Employment Attorney or an Employment Advisor usually provides advice concerning personnel matters. However, the member may designate its General Counsel if experienced in employment matters.
2. **Personnel Policies and Procedures Manual:** To facilitate this process, the MEL has developed a Model Personnel Policies and Procedure Manual that members are free to use at their discretion. Members can adopt the model, take sections from the model and place them in their existing personnel manual, or write their own policies that cover the subjects in the model.
3. **Conscientious Employee Protection Act Notice:** This notice (in both English and Spanish) must be posted on the bulletin board and distributed to all personnel. The notice required by the NJ Department of Labor is included in the Model Personnel Policies and Procedures Manual. (copy can also be found on the MEL webpage – njmel.org)
4. **Employee Handbook:** The handbook must be updated and distributed to all personnel. To facilitate this process, the MEL has developed a Model Employee handbook that members are free to use at their discretion. (which can be found on the MEL webpage – njmel.org)
5. **Model Local Unit Civil Rights Resolution (municipalities only):** Adopt the model resolution. (which can be found on the MEL webpage – njmel.org)
6. **Managerial and Supervisory Training:** Court decisions made personnel training for managerial and supervisory "mandatory". A signed acknowledgement that the manager or supervisor has completed training within the last 12 months must be placed in the personnel files. Training is also mandatory for the Municipal Judge, the heads of volunteer emergency service organizations such as Volunteer Fire Departments, EMS units, and the heads of organizations such as Library Boards and Planning Boards, etc., that are involved in personnel matters. The MEL has developed a Model that the local JIFs will conduct over the next 6 months. Your JIF will contact you with the details.
7. **Police Chief, Captains and Lieutenants Training:** Because Police Departments are involved in a high percentage of employment related litigation, Police Chiefs and at least one other command officer must complete employment-practices training that takes into

consideration the Attorney General's guidelines for police operations. A schedule of these seminars will be distributed by your JIF.

8. **Training for All Other Personnel:** Court decisions also require employers to offer anti-harassment and related personnel training to all employees. This can be accomplished by requiring your employees to complete the 11 minutes on-line “We Must Respect Each Other in Local Government” found on www.njmel.org. Attached are the instructions to access this program.
9. **MEL EPL Helpline:** The MEL includes a helpline to its members at no additional cost. Members are required to enroll (if you have not already done so) by calling 415-817-1611 or emailing bhansen@enquiron.com.

For assistance, please contact the MEL office or the office of your local JIF.

**Synopsis of Changes to
Municipal Excess Liability Joint Insurance Fund
MODEL PERSONNEL POLICIES AND PROCEDURES MANUAL**

The Municipal Excess Liability Fund Personnel Policy Committee (“Committee”) convened to consider changes to the Model Personnel Policies and Procedures (“Manual”) for the 2019 Policy Year. In order to be eligible to maintain current deductibles and co-pay, members must be in compliance with the Employment Practices Liability Program. Members must adopt the recommended changes by October 1, 2018.

This memorandum is intended to provide an overview of the changes to the Manual and accompanying documents. Members should amend their personnel manual accordingly.

Discussion of Adopted Changes:

Change 1: Protections Against Discrimination and Accommodation for Breastfeeding Employees (Located in Section One)

The Manual was modified to amend the Anti-Discrimination Policy and the Americans with Disabilities Act Policy/ New Jersey Pregnant Worker’s Fairness Act contained in Section One to include protections for breastfeeding to comply with recent changes in New Jersey law. The Manual now expressly protects individuals who are breastfeeding from discrimination and requires the Local Unit to provide to employees who are breastfeeding a reasonable break time each day and a suitable room or other location with privacy, other than a toilet stall, in close proximity to work area for the employee to express breast milk for the child.

Change 2: Modification to Communication Media Policy (Located in Section Two)

The Communication Media Policy was amended to be a “Communication Media/ Social Media Policy” with relevant changes contained within to be in compliance with recent cases.

Change 3: Section Five

There are some revisions to this Section in accordance with the Fair Credit Reporting Act. Change 4: Modification to Open Public Records Meetings Act Section (Located in Section Five)

Three changes have been made to the policy's Open Public Meetings Act (OPMA) section. First, the policy has been amended to reflect the holding of Keane Federation of Teacher v. Ada Morell, 448 N.J. Super. 520 (App. Div. 2017). In Keane Federation, the Appellate Division held that Rice notices are not only required when there is *discussion* regarding the appointment, termination, terms and conditions of employment, performance evaluation or discipline of any current or prospective officer of employee in closed session but also when the local unit intends to *act* on these enumerated matters. Additional language has been added to clarify this expansion of when Rice notices are required to be issued. Second, the policy has been amended to clarify that only the municipal governing body or a "public body" of the local unit (as that term is defined by OPMA) are required to provide Rice notices. Third, changes have been made to update the criminal background checks in accordance with State legislative amendments.

Change 5: Overtime Compensation

Overtime Compensation Policy in Section 4 of the Manual was modified slightly to clarify the rate of overtime pay. This is not a substantive change.

Other Items of Note:

The Committee also discussed the following items, which did not necessitate any changes to the

Manual but should be considered by the Members:

1. Attached please find a notice from the Department of Community Affairs regarding the certifications required by the P.L. 2017, c. 183. and referenced sample certifications.
2. In January, 2018 the DOT published a Notice of Proposed Rulemaking in the Federal Register that announced that proposes some amendments to the current DOT-regulated drug and alcohol testing requirements to broaden the testing of opiates to include synthetic opioids.
3. In January 2018, New Jersey enacted P.L. 2017, c.272, which requires the Civil Service Commission to develop a uniform domestic violence policy that all public employers, regardless if they are Civil Service, must adopt and distribute to their employees. To date, the Civil Service Commission has not adopted such a policy.

Please consider these changes and consult with your general counsel prior to adopting same.

GOVERNING BODY CERTIFICATION PURSUANT TO P.L. 2017, C.183 OF COMPLIANCE
WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S
"Enforcement Guidance on the Consideration of Arrest and Conviction Records in
Employment Decisions Under Title VII of the Civil Rights Act of 1964"

GROUP AFFIDAVIT FORM FOR MUNICIPALITIES AND COUNTIES
NO PHOTO COPIES OF SIGNATURES

STATE OF NEW JERSEY
COUNTY OF *(Insert County Name)*

We, members of the governing body of the *(Name of local unit)* being duly sworn according to law,
upon our oath depose and say:

1. We are duly elected (or appointed) members of the *(insert name of governing body)* of the
(name of local unit) in the county of *(name of county)*;
2. Pursuant to P.L. 2017, c.183, we have familiarized ourselves with the contents of the United
States Equal Employment Opportunity Commission's "Enforcement Guidance on the
Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of
the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012);
3. We are familiar with the local unit's hiring practices as they pertain to the consideration of an
individual's criminal history;
4. We certify that the local unit's hiring practices comply with the above-referenced enforcement
guidance.

(L.S.)	(L.S.)
_____	_____
(L.S.)	(L.S.)
_____	_____
(L.S.)	(L.S.)
_____	_____
(L.S.)	(L.S.)
_____	_____
(L.S.)	(L.S.)
_____	_____

Sworn to and subscribed before me this
_____ day of _____
Notary Public of New Jersey

Clerk

The Municipal Clerk (or Clerk of the Board of Chosen Freeholders as the case may be) shall set forth
the reason for the absence of signature of any members of the governing body.

IMPORTANT: This certificate must be executed before a municipality or county can submit its
approved budget to the Division of Local Government Services. The executed certificate and the
adopted resolution must be kept on file and available for inspection.

**GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE
UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S
"Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment
Decisions Under Title VII of the Civil Rights Act of 1964"**

FORM OF RESOLUTION

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, That the *(name of governing body)* of the *(name of local unit)*, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON *(insert meeting date)*.

Clerk

Checklist for Members with Currently Approved Risk Control Plans

2019-2020 MEL EMPLOYMENT PRACTICES RISK CONTROL UPDATE CHECKLIST

Name of Municipality or Authority: _____

- ☐ Retain Employment Attorney/Advisor: (name) _____
- ☐ Update and distribute to managerial/supervisory employees the Personnel Policies and Procedures Manual: (Not necessary to attach)
- ☐ Distribute a notice concerning the Conscientious Employee Protection Act to all personnel:
- ☐ Update and distribute the Employee Handbook: (Not necessary to attach)
- ☐ Adopt the model civil rights resolution (municipalities only).
- ☐ Train managerial and supervisory personnel:
- ☐ Have Police Chief, Deputy Chief, Public Safety Director, Captains & Lieutenants complete the special EPL training course:
- ☐ Offer Anti-Harassment training to all other personnel:
- ☐ Sign up with NJ MEL Helpline for Employment Practices.

I, _____, the (check __ General Counsel or __ Employment Attorney) of (member name) _____ hereby certify that the member has verified to me that the above actions have been completed and that I have read the updated Personnel Policies and Procedures Manual and the updated Employee Handbook.

Signature: _____

Date: _____ Telephone: _____

To qualify for the Employment Practices Liability policy deductible, this checklist should be returned to the MEL Fund Office (9 Campus Drive, Suite 216, Parsippany, NJ 07054 as soon as possible. Members submitting this form by October 1, 2018 will qualify or continue to qualify for the deductible effective to January 1, 2019. Members submitting this form after the deadline will become eligible for the deductible incentive upon approval of the application, but not retroactively.

Checklist for Members without Currently Approved Risk Control Plans

INITIAL EMPLOYMENT PRACTICES LOSS RISK CONTROL INCENTIVE APPLICATION

Name of Municipality or Authority: _____

- ☐ Retain Employment Attorney/Advisor: (name) _____
- ☐ Adopt and distribute to managerial/supervisory employees the Personnel Policies and Procedures Manual: (Attach Resolution and Manual)

Required Minimum Provisions:

- ☐ Anti-Discrimination Policy
- ☐ Americans with Disabilities Act Policy
- ☐ Contagious or Life Threatening Illnesses Policy
- ☐ Safety Policy
- ☐ Drugs and Alcohol Policy
- ☐ Workplace Violence Policy
- ☐ General Anti-Harassment Policy
- ☐ Anti-Sexual Harassment Policy
- ☐ Whistle Blower Policy
- ☐ Employee Complaint Policy
- ☐ Access to Personnel Files Policy
- ☐ Conflict of Interest Policy
- ☐ Political Activity Policy
- ☐ Employee Evaluation Policy
- ☐ Employee Discipline Policy
- ☐ Workforce Reduction Policy
- ☐ Driver's License Policy
- ☐ Communication Media Policy/Social Media Policy
- ☐ Bulletin Board Policy
- ☐ Leave of Absence Policy
- ☐ Family and Medical Leave Act Policy
- ☐ Military Leave Policy
- ☐ Domestic Abuse Leave Policy
- ☐ Employment Procedure
- ☐ Open Public Meeting Act Procedure Concerning Personnel Matters
- ☐ Processing and Orientation of New Employees Procedure
- ☐ Initial Employment Period Procedure
- ☐ Employee Handbook Procedure
- ☐ Performance Evaluation Procedure
- ☐ Disciplinary Action Procedure
- ☐ Personnel File Procedure
- ☐ Employee Complaint Investigation Procedure
- ☐ Requests for Employment Verification and Reference Procedure
- ☐ Continuing Education Procedure

- ☐ Distribute a notice concerning the Conscientious Employee Protection Act to all personnel:
- ☐ Adopt and distribute the Employee Handbook: (Attach handbook)
- ☐ Adopt the model civil rights resolution (municipalities only).
- ☐ Train managerial and supervisory personnel:
- ☐ Have Police Chief, Deputy Chief, Public Safety Director, Captains & Lieutenants complete the special EPL training course:
- ☐ Offer Anti-Harassment training to all other personnel:
- ☐ Sign up with NJ MEL Helpline for Employment Practices.

I, _____, the (check __General Counsel or __Employment Attorney) of (member name)_____ hereby certify that the member has verified to me that the above actions have been completed and that I have read the Personnel Policies and Procedures Manual and the Employee Handbook.

Signature: _____

Date: _____ Telephone: _____

To qualify for the Employment Practices Liability policy deductible, this checklist should be returned to the MEL Fund Office (9 Campus Drive, Suite 216, Parsippany, NJ 07054 as soon as possible. Members submitting this form by October 1, 2018 will qualify or continue to qualify for the deductible effective to January 1, 2019. Members submitting this form after the deadline will become eligible for the deductible incentive upon approval of the application, but not retroactively.

Conscientious Employee Protection Act "Whistleblower Act"

Employer retaliatory action; protected employee actions; employee responsibilities

1. New Jersey law prohibits an employer from taking any retaliatory action against an employee because the employee does any of the following:
 - a. Discloses, or threatens to disclose, to a supervisor or to a public body an activity, policy or practice of the employer or another employer, with whom there is a business relationship, that the employee reasonably believes is in violation of a law, or a rule or regulation issued under the law, or, in the case of an employee who is a licensed or certified health care professional, reasonably believes constitutes improper quality of patient care;
 - b. Provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any violation of law, or a rule or regulation issued under the law by the employer or another employer, with whom there is a business relationship, or, in the case of an employee who is a licensed or certified health care professional, provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into quality of patient care; or
 - c. Provides information involving deception of, or misrepresentation to, any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity.
 - d. Provides information regarding any perceived criminal or fraudulent activity, policy or practice of deception or misrepresentation which the employee reasonably believes may defraud any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity.
 - e. Objects to, or refuses to participate in, any activity, policy or practice which the employee reasonably believes:
 - (1) is in violation of a law, or a rule or regulation issued under the law or, if the employee is a licensed or certified health care professional, constitutes improper quality of patient care;
 - (2) is fraudulent or criminal; or
 - (3) is incompatible with a clear mandate of public policy concerning the public health, safety or welfare or protection of the environment. N.J.S.A. 34:19-3.
2. The protection against retaliation, when a disclosure is made to a public body, does not apply unless the employee has brought the activity, policy or practice to the attention of a supervisor of the employee by written notice and given the employer a reasonable opportunity to correct the activity, policy or practice. However, disclosure is not required where the employee reasonably believes that the activity, policy or practice is known to one or more supervisors of the employer or where the employee fears physical harm as a result of the disclosure, provided that the situation is emergency in nature.

CONTACT INFORMATION

Your employer has designated the following contact person to receive written notifications, pursuant to paragraph 2 above (N.J.S.A. 34:19-4):

Name: _____

Address: _____

Telephone Number: _____

This notice must be conspicuously displayed.

Once each year, employers with 10 or more employees must distribute notice of this law to their employees. If you need this document in a language other than English or Spanish, please call (609) 292-7832.

La Ley de protección al empleado consciente

"Ley de protección del denunciante"

Acciones de represalia del empleador; protección de las acciones del empleado

1. La ley de New Jersey prohíbe que los empleadores tomen medidas de represalia contra todo empleado que haga lo siguiente:
 - a. Divulgue o amenace con divulgar, ya sea a un supervisor o a una agencia pública toda actividad, directriz o norma del empleador o de cualquier otro empleador con el que exista una relación de negocios y que el empleado tiene motivos fundados para pensar que violan alguna ley, o en el caso de un trabajador licenciado o certificado de la salud y que tiene motivos fundados para pensar que se trata de una manera inadecuada de atención al paciente;
 - b. Facilite información o preste testimonio ante cualquier agencia pública que conduzca una investigación, audiencia o indagación sobre la violación de alguna ley, regla o reglamento que el empleador o algún otro empleador con el que exista una relación de negocios; o en el caso de un trabajador licenciado o certificado de la salud que facilite información o preste testimonio ante cualquier agencia pública que conduzca una investigación, audiencia o indagación sobre la calidad de la atención al paciente; o
 - c. Ofrezca información concerniente al engaño o la tergiversación con accionistas, inversionistas, usuarios, pacientes, clientes, empleados, ex empleados, retirados o pensionados del empleador o de cualquier agencia gubernamental.
 - d. Ofrezca información con respecto a toda actividad que se pueda percibir como delictiva o fraudulenta, toda directiva o práctica engañosa o de tergiversación que el empleado tenga motivos fundados para pensar que pudieran estafar a accionistas, inversionistas, usuarios, pacientes, clientes, empleados, ex empleados, retirados o pensionados del empleador o de cualquier agencia gubernamental.
 - e. Se opone o se niega a participar en alguna actividad, directriz o práctica que el empleado tiene motivos fundados para pensar que:
 - (1) viola alguna ley, o regla o reglamento que dicta la ley o en el caso de un empleado licenciado o certificado en cuidado de la salud que tiene motivos fundados para pensar que constituya atención inadecuada al paciente;
 - (2) es fraudulenta o delictiva; o
 - (3) es incompatible con algún mandato establecido por las directrices públicas relacionadas con la salud pública, la seguridad o el bienestar o la protección del medio ambiente. Artículo 34:19-3 de las Leyes comentadas de New Jersey de protección del empleado consciente (N.J.S.A., por sus siglas en inglés)
2. No se puede acoger a la protección contra la represalia, cuando se hace una divulgación a un organismo público, a no ser que el empleado le informe al empleador de tal actividad, política o norma a través de un aviso por escrito y le haya dado al empleador una oportunidad razonable para corregir tal actividad, política o norma. Sin embargo, no es necesaria la divulgación en los casos en que el empleado tenga indicios razonables para creer que un supervisor o más de un supervisor del empleador tienen conocimiento de tal actividad, política o norma o en los casos en los que el empleado teme que tal divulgación pueda traer como consecuencia daños físicos a su persona siempre y cuando la naturaleza de la situación sea la de una situación de emergencia.

Información del Contacto

Su empleador ha designado a la siguiente persona para recibir notificaciones de acuerdo al parágrafo 2, de la ley (N.J.S.A. 34:19-4):

Nombre: _____

Dirección: _____

Número de teléfono: _____

Este aviso se debe exponer a la vista de todos.

Anualmente, patronos con 10 o más empleados, deberán distribuir notificación de esta ley a todos sus empleados. Si necesita este documento en algún otro idioma que no sea inglés o español, sírvase llamar al (800) 292-7832.





2018 Elected Officials Online Training

While we recommend that public officials attend a training class, the MEL is also making available an on-line training program for Elected Officials and Authority Commissioners to earn their \$250 training credit. Please follow the steps below to access the program. To receive credit, the program must be completed by May 1, 2018.

1. Click the following link for the MEL Safety Institute's Learning Management System

www.firstnetcampus.com/meljif

2. If you have previously taken MSI classes, enter your username and password. If you do not know your username/password, check with your Training Administrator or call the MSI Helpline. If you are new, click 'New User Registration.' Complete the fields and you will receive an email with your username and password.
3. Click on the On-Line Training Courses, at bottom right.
4. Click the 'Elected Officials - Land Use Liability' course.
5. Click 'Enroll'.
6. Click the 'My Training' tab on the top blue tool bar.
7. Click the program name to launch the course.
8. Upon completion of the course and questions you will navigate to the 'Student Center' tab to print your Certificate of Completion. Learning transcripts are automatically updated in the MEL Safety Institute's Learning Management System.

Questions? Contact the MSI Help Line (866) 661-5120

The MEL Safety Institute can also be accessed anytime by going to www.njmel.org.

You must complete the entire program and the affidavit at the end of the program to receive credit. If you need additional assistance please call the MSI help line at (866) 661-5120 during business hours.



We Must Respect Each Other In Local Government Online Training Instructions

This course discusses the right of each employee to a workplace free of harassment and each employee's duty to respect the rights of all other employees.

To access the online course:

1. Click the following link for the MEL Safety Institutes Learning Management System

www.firstnetcampus.com/meljif

2. If you have previously taken MSI classes, enter your username and password. If you are new, click 'New User Registration.' Complete the fields and you will receive an email with your username and password.
3. Click on the On-Line Training Courses, at bottom right.
4. Click the "We Must Respect Each Other in Local Government".
5. Click 'Enroll'.
6. Click the 'My Training' tab on the top blue tool bar.
7. Click the program name to launch the course.
8. Upon completion of the course and questions navigate to the 'Student Center' tab to print your Certificate of Completion. Transcripts are automatically updated in the MEL Safety Institute's Learning Management System.

Questions? Contact the MSI Help Line (866) 661-5120

The MEL Safety Institute can also be accessed anytime by going to www.njmel.org.

Employee Safety and Anti Harassment Seminar Leader's Guide

Who should conduct the seminar? The leader should be the Municipal Manager/Administrator, the Authority Executive Director, the Human Resources Manager, the local unit's General Counsel or Employment Attorney/Advisor.

Are all employees required to attend? The court requires employers to "make training available" to all employees. However, the employer has the option of making the training mandatory. Attendance must be documented in each employee's personnel file.

How long is the seminar? The formal presentation is about 20 minutes, mostly consisting of the video. However, the question and answer period at the end could easily add another half hour or more to the seminar.

Is this seminar also available on line? Yes. See NJMEL.ORG. for directions on how to take this course directly from the MEL's web based learning management system.

Section One: Introduction

Each of you has a right to safe workplace free discrimination, violence, harassment and conflicts of interest. The (local unit name) has a "no tolerance policy" towards workplace wrongdoing and expects all employees to conduct themselves consistent with this policy. Today, we will discuss what this means.

The program begins with a twelve-minute video that explains your rights and obligations under the "no tolerance" policy. The video states clearly what types of conduct are unacceptable when interacting with fellow employees. As many of the unacceptable behaviors are also against the law, compliance is essential both for your own protection and to ensure that others not subjected to conduct that might create a hostile work environment.

At the end of the video, there will be time to ask questions.

Section Two: Play video, "Rights and Duties of an Employee in Local Government"

Section Three: Question and Answers:

Before opening for questions, distribute copies of the CEPA notice and discuss the procedure to report wrongdoing. This is also an opportunity to distribute the revised employee handbook or discuss any particular personnel matter that you deem appropriate.

At the beginning of the Q&A period, tell the employees questions that pertain to a particular individual are not appropriate for the general session and should be asked after the meeting. Further, if anyone feels uncomfortable asking a question during the meeting, you will be available to talk to them afterwards. Also state that if the question involves a legal issue, it will be forwarded to the General Council or the Employment Attorney/Advisor. Make detailed notes of these questions in the attached Question Log and tell the employees that the attorney/advisor will quickly get back to them.

ATTENDANCE LOG

Employee Safety and Anti Harassment Seminar

Town/Authority Name: _____

Date: _____ **Time:** _____

Leader's Name: _____

[illegible]

Questions Log

[illegible]



Borough of Red Bank

90 Monmouth Street
Red Bank, NJ 07701

WORKSHOP SESSION AGENDA

November 7, 2018 5:30pm

NOTE: This may not be the order of business. There may be additions or deletions.

1. Call to Order

- a. Notice: This meeting is being held in accordance with the Public Laws of 1975, Chapter 231 and adequate notice of this meeting has been provided by a notice sent to Asbury Park Press, the Two River Times and the Star Ledger, and posted in the Main Lobby of the Municipal Building and on the municipal website.
- b. Pledge of Allegiance
- c. Roll Call

2. Departments/Offices

a. Administration

i. Ordinances/Resolutions

1. Resolution: Award Contract to T&M-Construction Services for Primary School Access Road.
2. Resolutions (x3): NJDOT Local Aid Grants (Required State Template)
3. Resolution: Adopt Personnel Policy/Employee Handbook
4. Resolution: Establish Fair & Open Process for Professional Services Contracts

ii. Discussion/Action

1. Report: Grants (September/October)
2. Report: Information Technology (October)
3. Report: Affordable Housing Administrative Agent (October)
4. Report: Parking Study Activity (October)
5. Discussion: Environmental Commission Ordinance
6. Discussion: Grant Writer Contract
7. Discussion/Action IT: Awarding a Contract to Monmouth Telecom for Telephone and Internet Service

b. Clerk

i. Ordinances/Resolutions

ii. Discussion/Action

1. Report (October)
2. Meeting Schedule
 - a. Council Meeting: 11/7/2018, 11/28/2018, 12/12/2018
 - b. Workshop Meeting: 12/5/2018
 - c. Reorganization meeting to be determined
3. Committee appointments 2019

c. Finance

i. Ordinances/Resolutions

1. Ordinance: General Capital Bond
2. Ordinance: Water/Sewer Bond
3. Ordinance: Parking Bond

4. Resolution: Capital Budget Amendment
5. Resolution: Refund/Credit Riverview Towers
6. Resolution: Best Practices Inventory
7. Resolution: Resignation of Tax Assessor Field Inspector
8. Resolution: Retirement of Finance Bookkeeper
9. Resolution: Banking Services Award
10. Resolution: Cancel Grant Receivable Balance
11. Resolutions: Item of Revenue – Grants
 - a. Drunk Driving Enforcement Grant
 - b. Reforestation Grant
- ii. Discussion/Action
 1. Report: Budget Status Report (October)
 2. Report: Tax Collector (3rd Quarter)
- d. Emergency Management
 - i. Ordinances/Resolutions
 - ii. Discussion/Action
- e. Police
 - i. Ordinances/Resolutions
 - ii. Discussion/Action
 1. Report: September
 2. Police Dispatcher Replacement
- f. Fire
 - i. Ordinances/Resolutions
 - ii. Discussion/Action
 1. Report: October
- g. Public Utilities (Public Works, Parking, Water & Sewer)
 - i. Ordinances/Resolutions
 1. Resolution: Accepting NJUCF Stewardship-Reforestation and Tree Planting Grant
 2. Resolution: Bobcat Purchase
 - ii. Discussion/Action
 1. Report: October
- h. Recreation
 - i. Ordinances/Resolutions
 - ii. Discussion/Action
 1. Report: October
- i. Senior Citizen
 - i. Ordinances/Resolutions
 - ii. Discussion/Action
 1. Report: October
- j. Land Use (Planning & Zoning)
 - i. Ordinances/Resolutions:
 1. Resolution: CME re: Affordable Housing
 2. Resolution: Clay Street Access Agreement
 - ii. Discussion/Action

1. Report: October
2. Report: Development Projects October
3. Discussion: Shade Tree Request for Amendments to Code Section 490-Planning & Development Regulations and 665 Trees.

k. Building/Construction

- i. Ordinances/Resolutions
- ii. Discussion/Action
 1. Report: October

l. Fire Marshal/Code Enforcement

- i. Ordinances/Resolutions
- ii. Discussion/Action
 1. Report: October

m. Court

- i. Ordinances/Resolutions
 1. Resolution: Part-time Violations Clerk
- ii. Discussion/Action

3. Correspondence

4. Public Comment (Any Governmental Issue)

5. Executive Session

- a. Resolution 18-251
 - i. Personnel - Bookkeeper/Tax Assessor Inspector
 - ii. Contract Negotiation – PBA
 - iii. Contract Negotiation – Affordable Housing
 - iv. Litigation - LexisNexis

6. Adjournment

AGENDA
REGULAR MEETING
MUNICIPAL COUNCIL – BOROUGH OF RED BANK
November 7, 2018
6:30 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

SUNSHINE STATEMENT

SUSPEND REGULAR ORDER OF BUSINESS

RESUME REGULAR ORDER OF BUSINESS

WORKSHOP

APPROVAL OF MINUTES – August 29, 2018 (Revision to correct typographical error)

October 3, October 10 and October 24, 2018

MAYORAL APPOINTMENTS

PUBLIC COMMENT—Ordinances on First Reading and Resolutions Only

REPORTS OF MAYOR AND COUNCIL MEMBERS

COMMUNICATIONS AND PETITIONS

Request from Brendan Larkin for membership to the Navesink Hook and Ladder Company of the Red Bank Volunteer Fire Department.

Recommended for approval by the Special Events Committee. (All approvals subject to final plan review by Special Events Committee.)

- Request from St. Anthony of Padua to hold Our Lady of Guadalupe Procession from the corner of Drs. James Parker Blvd./Shrewsbury Ave. to Bridge Avenue to St. Anthony Parish Center at 7pm on Wednesday, December 12, 2018.
- Request from Streetfairs.org to hold PBA Streetfair on Sunday, April 7, 2019 and RBFD Streetfair on Sunday, September 1, 2019. Request for dates only, subject to final plan review.

ORDINANCES – First Reading

2018-33	A Bond Ordinance Providing for the 2018 Capital Improvement Program by and in the Borough of Red Bank, in the Council of Monmouth, State of New Jersey; Appropriating \$3,374,800 therefor and Authorizing the Issuance of \$2,637,800 Bonds or Notes to Finance Part of the Cost thereof.
2018-34	A Bond Ordinance Providing for Various Improvement by the Water/Sewer Utility of the Borough of Red Bank, in the County of Monmouth, State of New Jersey; Appropriating \$1,450,000 therefor and Authorizing the Issuance of \$1,450,000 Bonds or Notes to Finance the Cost thereof.
2018-35	A Bond Ordinance Providing for Various Improvements by the Parking Utility of the Borough of Red Bank, in the County of Monmouth, State of New Jersey; Appropriating \$422,000 therefor and Authorizing the Issuance of \$422,000 Bonds or Notes to Finance the Cost thereof.

ORDINANCES – Public Hearing and Final Adoption

2018-30	An Ordinance Amending and Supplementing Chapter 490, Planning and Development Regulations, Related to Commercial Recreational Uses. (Recommended by Planning Board)
2018-31	An Ordinance Adopting a Redevelopment Plan for the Property Identified on the Borough's Official Tax Map as Block 3, Lots 2.01, 4.01, 6, 7.01 AND 9.01. (Planning Board review pending)
2018-32	An Ordinance to Amend Chapter 105, Personnel Policies, of the Code of the Borough of Red Bank.

RESOLUTIONS

18-252	A Resolution Adopting Amended Borough of Red Bank Personnel Policies and Procedures Manual.
18-253	A Resolution of the Borough of Red Bank, County of Monmouth, Amending the Adopted Capital Budget.
18-254	A Resolution Authorizing Award of Banking Services to Valley National Bank.
18-255	A Resolution Acknowledging Receipt of Best Practices Inventory as Prepared by the Chief Financial Officer.

- 18-256 A Resolution to Establish a Fair and Open Process for Awarding Certain Contracts for the 2019 Calendar Year.
- 18-257 A Resolution Approving Modification of Sewer Utility Billing to Riverside Tower Apartment Corporation, Block 7, Lot 15
- 18-258 A Resolution Awarding a Professional Services Contract to T&M Associates for Engineering Services for the Locust Place Emergency Access Roadway.
- 18-259 A Resolution Authorizing the Borough Engineer to Perform Additional Affordable Housing Planning Services to Assist the Borough in the Court-Mandated Compliance Process.
- 18-260 A Resolution Authorizing Tax Appeal Settlement Regarding Biondolillo, 333 Broad Street, Block 115, Lot 22, Red Bank, New Jersey.
- 18-261 A Resolution Authorizing CFO to Conduct Financial Matters between Last Meeting of 2018 and First Regular Meeting of 2019.
- 18-262 A Resolution to approve the Submission of a Grant Application and Authorization to Execute a Grant Contract with the New Jersey Department of Transportation regarding the RED BANK BIKE LOOP PROJECT (PHASE 1). (Replaces Resolution 18-232)
- 18-263 A Resolution to Approve the Submission of a Grant Application and Execute a Grant Contract with the New Jersey Department of Transportation regarding the BROAD STREET RESURFACING project. (Replaces Resolution 18-233)
- 18-264 A Resolution to Approve the Submission of a Grant Application and Execute a Grant Contract with the New Jersey Department of Transportation regarding the RED BANK STATION PEDESTRIAN IMPROVEMENT project. (Replaces Resolution 18-234)
- 18-265 A Resolution Approving Grant Agreement between the Borough of Red Bank and the State of New Jersey Department of Environmental Protection for NJUCF Stewardship Grant—Reforestation and Tree Planting.
- 18-266 A Resolution Requesting Approval of Special Items of Revenue and Appropriation According to N.J.S.A. 40A:4-87 – \$30,000 NJUCF Stewardship – Reforestation and Tree Planting Grant from the NJDEP Urban and Community Forestry Program (CSIP)
- 18-267 A Resolution Requesting Approval of Special Item of Revenue and Appropriation According to N.J.S.A. 40A:4-87 – Drunk Driving Enforcement, in the amount of \$7,586.11.
- 18-268 A Resolution to Cancel Grant Receivable Balance and Appropriation Reserve Balance in the Amount of \$7,380 – Pedestrian Safety Grant.
- 18-269 Resolution to accept resignation of Tax Assessor Field Inspector
- 18-270 Resolution to accept notice of retirement of Bookkeeper Barbara Nussbaum.
- 18-271 A Resolution Ratifying and Confirming the Appointment of a Part-Time Violations Clerk.
- 18-272 A Resolution Authorizing Purchase of a Bobcat All-Wheel Steer Loader under a New Jersey Cooperative Purchase Agreement.

PROCLAMATIONS

PAYMENT OF VOUCHERS

- 18-xx A Resolution for Payment of Bills Amounting to \$1,036,566.66.

OLD BUSINESS

NEW BUSINESS

AUDIENCE

EXECUTIVE SESSION

ADJOURNMENT

Borough of Red Bank POLICE DEPARTMENT DEPARTMENTAL POLICIES AND PROCEDURES

LOCATION A-10	REFERENCE		SPECIAL INSTRUCTIONS	
SUBJECT Attendance Policy	NUMBER A-10		DISTRIBUTION All Personnel	
EFFECTIVE 01-01-2016	REVISED	REVISED	REVISED	PAGES 5

I. PURPOSE:

To ensure the proper protection, safety and delivery of service to the public where proper staffing is essential to accomplishing the mission of the police department. This policy is created to encourage proper attendance at work, to establish uniform procedures within the Borough of Red Bank Police Department, to record employee attendance and absences. It will also provide an effective means to determine, control and correct excessive absenteeism, pattern and abuse of absenteeism and tardiness within the police department.

II. POLICY:

It is the policy of the Borough of Red Bank Police Department to maintain attendance records of all employees of the police department, review those records regularly, and take appropriate action to ensure compliance with this policy.

III. DEFINITIONS:

A. Absence

The occurrence of an employee being away from his or her assigned tour of duty, with or without permission, including leaving early, sickness, tardiness, fatigue or absence without leave (AWOL).

B. Tardiness

An employee will be considered tardy when he or she reports for an assignment after the scheduled starting time unless otherwise authorized.

C. Absence Without Leave

An employee will be considered absent without leave (AWOL) when he or she fails to report for an assignment without prior notification and approval.

D. Incident

An incident of absence commences when the employee is absent from his or her assigned tour of duty and ends when the employee returns to work.

E. Pattern of Absence

Absenteeism on a recurrent basis: Examples include, but are not limited to:
Absence in conjunction with regular days off, vacation days, holidays, training days, special duty assignments, particular day of the week, and/or any contractually agreed upon time off from duty or combination thereof.

F. Supervisor

For the purposes of this policy, the term "supervisor" means the Chief of Police, Captain(s), Lieutenant(s), or Sergeant(s).

G. Employee

Any employee whose title comes under the direction and responsibility of the Chief of Police of the Borough of Red Bank Police Department.

H. Payroll Time Record

Official record of the employee's time worked as reported to the Chief of Police.

I. Sick Leave

Sick leave is an employee's absence from duty because of an illness or disability that did not arise during the employee's course of employment. This may also apply when the employee's presence is required to care for an immediate family member.

J. Place of Confinement

The location an employee will be present and available for contact while out due to illness or injury. This location shall be provided to the OIC or his/her designee by the employee when the employee is unable to report for duty.

IV. PROCEDURE:

A. Administration

1. An attendance record will be generated for each employee at the beginning of the calendar year, and accurate up-to-date work/time records will be maintained for each employee. Record keeping will be completed through the use of the Borough's Time and Attendance System.
2. All absences due to illness, tardiness, and other absences, excused and unexcused, will be made part of the employee's attendance record.
3. A supervisor will accurately record all necessary information in the Department's Time and Attendance System.
4. Record and timekeeping will be maintained through the office of the Chief of Police.
5. Employees shall be permitted to review their attendance records with their Division Commander
6. Official time audits come under the authority of the Borough's Human Resources Office.
7. Annual certification of employees' time records is conducted by the Borough's Human Resources Office. Any discrepancies are resolved by the Human Resources Office through the Office of the Chief of Police.

B. Reporting Absences and Tardiness:

1. An employee unable to report for duty on time for any reason due to personal illness, sickness in family, etc. shall make the proper notification for the absence. All notifications shall be made personally as far in advance as possible prior to the start of the employee's shift. An exception both to the requirement that the employee personally report and that he/she report an absence in a timely fashion is an emergency that prevents the employee from personally reporting or for reporting in a timely manner. The supervisor will determine the validity of the exception in that event.
2. Notification/Documentation:
 - a. The employee shall notify the Officer in Charge (OIC) or other available supervisor of his/her absence by calling a main dispatch line at headquarters.
 - b. The OIC or his/her designee will document the absence on the Department's Daily Blotter and in the Time and Attendance System detailing the type of requested leave for the absence and notify the appropriate supervisor of the affected shift or bureau via email.
 - c. If the OIC is temporarily unavailable and the requested day off is for sick leave, the Communications personnel will document the absence and notify the OIC.
 - d. All calls to and from an officer shall be from a recorded line at the agency.
3. Procedures for Tardiness
 - a. When an employee is tardy without authorization, the officer's supervisor will discuss with the employee the reasons given by the employee for his/her lateness and prepare a report detailing the reason or reasons stated.
 - b. Such reports will be forwarded to the respective Division Commander for further review.
 - c. When an employee is tardy for his/her assigned shift, the start of his/her shift begins when he/she is ready for duty. Any time missed due to tardiness will be deducted from the employee's contractual time off bank other than sick time. In the situation where there is no contractual time off available, the employee will be docked the missed time.

C. Place of Confinement Due to Illness or Injury

1. If an employee is absent utilizing sick leave the employee shall remain at his/her place of confinement during the period in which he/she is scheduled to work for the day(s) in question with the following exceptions:
 - a. To report for medical attention or treatment, pharmacy, physician's office or hospital; however, verification may be requested.
 - b. To attend a family emergency; however, the employee may be requested to provide documentation for the emergency;
 - c. To engage in the exercise of his/her right to vote;
 - d. To engage in the exercise of his/her right to attend religious services.

e. Any such absence from the place of confinement must be preceded by a phone call, on a recorded agency line, to the OIC.

2. When an employee is absent, the Chief of Police or his/her designee may call and/or visit the employee at least once during his/her shift to confirm the employee is at such place of confinement.

3. In the event of an anticipated extended absence of three days or more due to illness or injury, the officer will contact the office of Chief of Police to establish parameters for monitoring the time on a case-by-case basis.

4. Telephone answering devices, call forwarding, or similar phone services will not be considered available by phone. If the place of confinement has a telephone landline, that number must be provided and utilized. In the event there is no landline, this information must be provided when the employee is reporting out sick.

5. Whenever the employee's home or place of confinement is visited by the Chief of Police or his/her designee, the employee shall speak with the caller at the time of the call. Sleeping, resting or similar circumstances will not be considered being available and will generally not be acceptable.

6. Following an in-person verification visit, the visiting supervisor shall write an email to the Chief of Police via the chain of command documenting that a visit took place and any relevant or unusual circumstances if they occurred.

D. Medical Documentation

1. The Chief of Police or his/her designee may require:

a. A certificate from a licensed physician as proof of illness;

b. In the case of leave due to exposure to contagious disease, a certificate from the Department of Health or any person licensed by the State of NJ to practice medical arts;

c. An employee who is absent because of personal illness or injury for more than three consecutive work days shall be examined to verify said illness by any person licensed by the State of NJ to practice medical arts;

d. An employee who is absent utilizing sick time in conjunction with an approved day off for contractually permitted time, such as vacation and compensatory time, shall be examined by a physician or any person licensed to practice medical arts in the State of NJ to verify the illness or injury.

e. An employee who has been absent because of personal illness or injury for more than 80 hours in a calendar year shall be examined by a Physician or any person licensed to practice medical arts in the State of NJ for each subsequent absence. Such examination shall establish whether the employee is capable of performing his/her normal duties and that his/her return will not jeopardize the health and safety of other employees. Final determination as to whether an employee is capable of performing his/her normal duties is retained and reserved by the Borough;

f. The physician's certificate required by this section shall reflect the date of examination as the same date as the officer's day of absence. Only an "original" physician's certificate will be accepted; therefore, no facsimiles or copies will be accepted. Electronic certificates sent directly from the physician to the Office of Chief of Police will be considered as original.

E. Absences Without Notice

1. Absence of an employee without notice for five (5) consecutive scheduled work days without reporting the absence as required under this policy shall constitute resignation, unless the employee can show good cause that the employee was unable to notify the Department of the absence due to exceptional circumstances.

F. Leaving Early

1. An employee unable to complete his/her tour of duty due to illness shall notify his/her immediate supervisor. An employee who is forced to leave work early due to illness shall be charged for sick time use in accordance with the applicable collective bargaining agreement and this policy.

2. The OIC will document leaving early on the Daily Blotter and in the Time and Attendance system.

3. If the employee leaving early has utilized in excess of 80 hours of sick time in that calendar year, the requirement for a physician's certificate shall be enforced.

G. Confidentiality

1. Any employee recording sick leave shall not be required to reveal the type of illness reported by the person requesting sick leave.

2. The necessary information will be recorded as required but not discussed with any other member of the Department or public.

3. The sick notice shall be immediately forwarded for recording purposes. No unauthorized person shall copy/fax or in any way duplicate any sick/injury notice.

4. No sick/injury notice may be released to any unauthorized personnel.

5. There will be no exceptions to the confidentiality restrictions without prior written approval from the Chief of Police.



Ziad Shehady <zshehady@redbanknj.org>

11/7 WORKSHOP Packet

1 message

Pam Borghi <pborghi@redbanknj.org>

Fri, Nov 2, 2018 at 3:59 PM

To: Mayor_Council <Mayor_Council@redbanknj.org>, Gregory Cannon <gcannon@sobelhan.com>

Cc: Department Heads <DepartmentHeads@redbanknj.org>

I will be emailing two separate packets—one for the Workshop Meeting and one for the Regular Meeting. There will be some duplication as some resolutions/supplemental documents are included in the Workshop Packet and again in the Regular Packet. I thought this would be the least confusing way to distribute the documents and also make sure everything was included.

Below is the **Workshop** agenda and the items are attached in the order they appear on the agenda.

WORKSHOP SESSION AGENDA

November 7, 2018 5:30pm

NOTE: This may not be the order of business. There may be additions or deletions.

1. Call to Order

- a. Notice: This meeting is being held in accordance with the Public Laws of 1975, Chapter 231 and adequate notice of this meeting has been provided by a notice sent to Asbury Park Press, the Two River Times and the Star Ledger, and posted in the Main Lobby of the Municipal Building and on the municipal website.
- b. Pledge of Allegiance
- c. Roll Call

2. Departments/Offices

a. Administration

i. Ordinances/Resolutions

1. Resolution: Award Contract to T&M-Construction Services for Primary School Access Road.
2. Resolutions (x3): NJDOT Local Aid Grants (Required State Template)
3. Resolution: Adopt Personnel Policy/Employee Handbook
4. Resolution: Establish Fair & Open Process for Professional Services Contracts

ii. Discussion/Action

1. Report: Grants (September/October)
2. Report: Information Technology (October)
3. Report: Affordable Housing Administrative Agent (October)
4. Report: Parking Study Activity (October)
5. Discussion: Environmental Commission Ordinance
6. Discussion: Grant Writer Contract
7. Discussion/Action IT: Awarding a Contract to Monmouth Telecom for Telephone and Internet Service

b. Clerk

i. Ordinances/Resolutions

ii. Discussion/Action

1. Report (October)
2. Meeting Schedule
 - a. Council Meeting: 11/7/2018, 11/28/2018, 12/12/2018
 - b. Workshop Meeting: 12/5/2018
 - c. Reorganization meeting to be determined
3. Committee appointments 2019

c. Finance

i. Ordinances/Resolutions

1. Ordinance: General Capital Bond
2. Ordinance: Water/Sewer Bond
3. Ordinance: Parking Bond
4. Resolution: Capital Budget Amendment
5. Resolution: Refund/Credit Riverview Towers
6. Resolution: Best Practices Inventory
7. Resolution: Resignation of Tax Assessor Field Inspector
8. Resolution: Retirement of Finance Bookkeeper
9. Resolution: Banking Services Award
10. Resolution: Cancel Grant Receivable Balance
11. Resolutions: Item of Revenue – Grants

- a. Drunk Driving Enforcement Grant
- b. Reforestation Grant
 - ii. Discussion/Action
- 1. Report: Budget Status Report (October)
- 2. Report: Tax Collector (3rd Quarter)

d. Emergency Management

- i. Ordinances/Resolutions
- ii. Discussion/Action

e. Police

- i. Ordinances/Resolutions
- ii. Discussion/Action
- 1. Report: September
- 2. Police Dispatcher Replacement

f. Fire

- i. Ordinances/Resolutions
- ii. Discussion/Action
- 1. Report: October

g. Public Utilities (Public Works, Parking, Water & Sewer)

- i. Ordinances/Resolutions
- 1. Resolution: Accepting NJUCF Stewardship-Reforestation and Tree Planting Grant
- 2. Resolution: Bobcat Purchase
- ii. Discussion/Action
- 1. Report: October

h. Recreation

- i. Ordinances/Resolutions

- ii. Discussion/Action

- 1. Report: October

- i. Senior Citizen

- i. Ordinances/Resolutions

- ii. Discussion/Action

- 1. Report: October

- j. Land Use (Planning & Zoning)

- i. Ordinances/Resolutions:

- 1. Resolution: CME re: Affordable Housing

- 2. Resolution: Clay Street Access Agreement

- ii. Discussion/Action

- 1. Report: October

- 2. Report: Development Projects October

- 3. Discussion: Shade Tree Request for Amendments to Code Section 490-Planning & Development Regulations and 665 Trees.

- k. Building/Construction

- i. Ordinances/Resolutions

- ii. Discussion/Action

- 1. Report: October

- l. Fire Marshal/Code Enforcement

- i. Ordinances/Resolutions

- ii. Discussion/Action

- 1. Report: October

- m. Court

- i. Ordinances/Resolutions

- 1. Resolution: Part-time Violations Clerk

- ii. Discussion/Action

3. Correspondence

4. Public Comment (Any Governmental Issue)

5. Executive Session

a. Resolution 18-251

- i. Personnel - Bookkeeper/Tax Assessor Inspector
- ii. Contract Negotiation – PBA
- iii. Contract Negotiation – Affordable Housing
- iv. Litigation - LexisNexis

6. Adjournment

Pamela Borghi

Pamela Borghi

Municipal Clerk/Registrar/PIO

Borough of Red Bank

90 Monmouth Street

Red Bank, NJ 07701

Phone: 732-530-2740

Fax: 732-530-2757

Email: pborghi@redbanknj.org

Visit us online at www.redbanknj.org

42 attachments



Admin-T&M Resolution.pdf
8K



Admin-T&M proposal.pdf
407K

-  **Admin-DOT Bike Loop revised.pdf**
7K
-  **Admin-DOT Broad St revised.pdf**
7K
-  **Admin-DOT Pedestrian revised.pdf**
7K
-  **Admin-Pers Pol Res.pdf**
15K
-  **Admin-Pers Pol Sup Doc.pdf**
1324K
-  **Admin-Fair & Open.pdf**
25K
-  **Admin-Report-Grants 1.pdf**
62K
-  **Admin-Report-Grants 2.pdf**
154K
-  **Admin-Report-IT.pdf**
77K
-  **Admin-Report-Aff Hous Alliance-Status.pdf**
133K
-  **Admin-Report-Parking.pdf**
523K
-  **Admin-EC Ordinance.pdf**
42K
-  **Clerk-Report.pdf**
56K
-  **Finance-General Bond Ord.xlsx**
41K
-  **Finance-Best Practices Doc.xls**
552K
-  **Finance-Resignation-Field Insp.pdf**
49K
-  **Finance-Resignation-Bookkeeper.pdf**
36K
-  **Finance-Banking Services contract.pdf**
33K
-  **Finance-Banking Services contract-sup doc.pdf**
54K
-  **Finance-Cancel Grant Balance res.pdf**
6K
-  **Finance-Grant-Drunk Driving Enf.pdf**
7K
-  **Finance-Grant-Reforestation.pdf**
7K
-  **Finance-Report.xlsx**
69K
-  **Finance-Tax Collector-Report.xlsx**
88K
-  **Police-Report.pdf**

696K



Fire-RBFD Report.pdf

157K



DPU-Reforestation Grant.pdf

7K



DPU-Bobcat Purchase Res.pdf

8K



DPU-Report.pdf

69K



Recreation-Report.pdf

146K



Senior Center-Report.pdf

8K



Land Use-CME-Aff Housing Resolution.pdf

24K



Land Use-CME-Aff Housing Sup Doc.pdf

172K



Land Use-Clay Street Access.pdf

85K



Land Use-Report.pdf

59K



Land Use-Report Dev Proj Status.pdf

56K



Land use-Ord changes re Trees.pdf

84K



Building-Report.pdf

32K



Fire Marshal-Report.pdf

28K



Court-Violations Clerk.pdf

6K



Ziad Shehady <zshehady@redbanknj.org>

Agendas for review

1 message

Pam Borghi <pborgchi@redbanknj.org>
To: "Ziad A. Shehady" <ZShehady@redbanknj.org>

Thu, Nov 1, 2018 at 4:57 PM

I was working on both agendas simultaneously and hope I got everything right. Both are attached for your review.

NOTES:

- I emailed Greg regarding Riverview Towers adjustment—no answer yet.
- Bond ordinance titles are expected tomorrow. Ordinances may come later.
- I used your template for hiring of violations clerk. Missing info is noted on agenda.
- Rice Notice has been sent to Barbara.

Pamela Borghi

Pamela Borghi

Municipal Clerk/Registrar/PIO

Borough of Red Bank

90 Monmouth Street

Red Bank, NJ 07701

Phone: 732-530-2740

Fax: 732-530-2757

Email: pborgchi@redbanknj.org

Visit us online at www.redbanknj.org

2 attachments



A 11-07-2018 Wkshp.docx
49K



A 11-07-2018.doc
79K



Ziad Shehady <zshehady@redbanknj.org>

Borough of Red Bank/New Policy Manual- Acknowledgement of Receipt

1 message

Mark A. Tabakin <MTabakin@weiner.law>

Fri, Apr 5, 2019 at 1:44 PM

To: "dwilkinson@cwa1075.org" <dwilkinson@cwa1075.org>

Cc: Ziad Shehady <zshehady@redbanknj.org>, Kevin Tauro <ктаuro@cwa1075.org>

Dylan,

Please be advised that I am labor Counsel for the Borough. Mr. Shehady requested that I communicate directly with you regarding the above captioned matter. The changes you propose are not accepted by the Borough and, more pointedly, the content of the form is not subject to mandatory bargaining. The CWA has had time to review and digest the Policy Manual. To the extent particular CWA members need additional time to read the document, the Borough will extend the timeframe to execute the acknowledgement until two (2) weeks from today, at which time they can sign the acknowledgment form.

That being said, the requested acknowledgment is a generic form evidencing that the employee has received and read the Manual. Employees are NOT being asked to sign the acknowledgment without reading the document. They simply should read the document then sign the acknowledgement, and the Borough is providing ample time to do so. If anyone has any questions or issues, he/she is free to request further clarification.

To the extent that an employee refuses to sign the acknowledgment, the acknowledgement form shall contain a notation stating the date the employee was served with the Manual, and that the employee refused to sign the acknowledgment form. It will then be signed by the person effectuating service on the employee, and placed in the employee's personnel file.

If you have any questions, please feel free to contact me.

Mark



Mark A. Tabakin, Esq.

[629 Parsippany Road](#)

P.O. Box 0438

Parsippany, New Jersey 07054

Phone: 973-403-1100

Fax: 973-403-0010

Email: mtabakin@weiner.law

Web: www.weiner.law

PLEASE NOTE – OUR FIRM NAME, WEBSITE AND EMAIL ADDRESS HAVE CHANGED. PLEASE UPDATE YOUR ADDRESS BOOK TO ENSURE FUTURE COMMUNICATIONS ARE RECEIVED.

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Ziad Shehady <zshehady@redbanknj.org>

Borough Social Media Policy

1 message

Ziad Shehady <zshehady@redbanknj.org>

Wed, Apr 24, 2019 at 4:21 PM

To: Remedios Quiroz <medyrbstc@gmail.com>, Debbie Marks <dm.igresources@gmail.com>, Pat Pinto <patzi@verizon.net>, Pascale Insurance <david@pascaleinsurance.com>, jglefever1@gmail.com
Cc: Pamela Borghi <pborghi@redbanknj.org>, Pasquale Menna <pmenna@redbanknj.org>, Gregory J Cannon <gcannon@sobelhan.com>, Charles Hoffman <choffmann@redbanknj.org>, Clifford Keen <ckeen@redbanknj.org>
Bcc: Erik K Yngstrom <eyngstrom@redbanknj.org>, Hazim Yassin <hyassin@redbanknj.org>, Kate Triggiano <ktriggiano@redbanknj.org>

Good afternoon!

First, please allow me to thank you for your hard work and effort on behalf of the Borough in your voluntary capacity as a leader of one of Red Bank's critical citizen advisory groups. Your work is often unrecognized but tremendously valuable to the community.

As a best practice and at the urging of our risk management professions and legal counsel, the Borough updates our Personnel Policy & Procedures Manual (Handbook) annually. The handbook contains a number of items that mainly apply to employees of the Borough but some things of importance/relevance to volunteers. Included in the handbook in the past has been a social media policy but it has not been as comprehensive as the one included in the latest edition form November 2018. Social media, like most technology and new media venues, evolves regularly (often at a pace that is difficult for government to keep up with). The latest edition of the social media policy attempts to be as all-encompassing as possible and integrates best practices and lessons learned from government entities around the country as well as case law, State statutes/regulations, and insurance requirements.

I have attached the Social Media Policy pages from the handbook as well as the related "Receipt of Acknowledgement" page. Please ensure that this social media policy is distributed to your members for their awareness. A signed receipt of acknowledgement is required for individuals who have some sort of administrative/publishing permissions to a Borough Facebook page. Therefore, if you or a designee of your group will have administrative access to a page, please sign and return a copy of this receipt to me by the end of May. (Not all of your members need to sign it, just those with admin access.)

As you may know, the pages have been reviewed in the past few weeks to ensure various settings are modified to comply with the policy and that the required disclaimers are posted. Please do not change the settings. Any requested settings changes should be sent to me for review. Please do not remove or modify the disclaimers. Another review will be done in June to ensure signed receipts have been filed for anyone with administrative access.

A few other takeaways:

- If your group has a page, please inform me so that I can ensure the Borough FB page has master administrative access to the page. At the moment, only HRAC and EC have informed me and provided the Borough with the administrative access.
- If your group does not have a page, new pages may not be created at the moment. Some Borough pages have been deleted/consolidated. There are a number of reasons for this, but we are looking to focus stronger efforts are fewer pages to improve our social media strategy. Additionally, it is problematic and inefficient for the Borough to ensure compliance with public records retention requirements for too many pages.
- If you have material you would like to share but don't have a page, the general Borough social media page can be your home. Just send your content to me for consideration.
- Generally, nothing can be deleted, everything must be retained, everything is watched, no one can be banned or censored, and the internet remembers everything.
- Posts should err on the side of caution and if you have to think twice about whether it's a good idea to post something, it's probably best not to post it. Positive and promotional posts are best and the least problematic as opposed to posts that are critical and negative.

I understand that policies like these seem to add more bureaucracy and complication to what should be "fun" and "easy". This isn't intended to stifle or restrict you or your group's activities. Unfortunately, because of the nature of our work and the industry (government), there is a lot of attention on what we do and we must take these precautions. There are many examples of people who have complained and filed lawsuits (even here in Red Bank) related to social media over things that seem silly - prevention is an effective strategy so we are trying to be one step ahead in doing the right thing to avoid problems in the future. Your assistance, cooperation and understanding is greatly appreciated. If you or your members have any questions/concerns, please don't hesitate to reach out to me.

Respectfully,

Z

Ziad Andrew Shehady

Business Administrator

Borough of Red Bank

90 Monmouth Street

Red Bank, New Jersey 07701

T: +1 (732) 530-2748

<http://www.redbanknj.org>

zshehady@redbanknj.org



Personnel Policies and Procedures Manual 201811 (Social Media).pdf

214K



Ziad Shehady <zshehady@redbanknj.org>

Council Packet for 10/24/2018

1 message

Pam Borghi <pborghi@redbanknj.org>

Fri, Oct 19, 2018 at 3:06 PM

To: Bonnie Thomas <bthomas@redbanknj.org>, "Clifford M. Keen" <ckeen@redbanknj.org>, Michael Ballard <MBallard@redbanknj.org>, Erik Yngstrom <eyngstrom@redbanknj.org>, "Edward J. Zipprich" <ezipprich@redbanknj.org>, Kathy Horgan <khorgan@redbanknj.org>, Darren McConnell <dmcconnell@redbanknj.org>, Doreen Hoffmann <dhoffmann@redbanknj.org>, Eugenia Poulos <epoulos@redbanknj.org>, Greg Valesi <gregv@cmeusa1.com>, Gregory Cannon <gcannon@sobelhan.com>, Jennifer Diodato <jdiodato@redbanknj.org>, Laura Neumann <lauran@cmeusa1.com>, "Mark D. Taylor" <mtaylor@redbanknj.org>, Menna Law Reception <reception@mennalaw.com>, "Michael P. Whelan" <mwhelan@redbanknj.org>, Pam Borghi <pborghi@redbanknj.org>, Pasquale Menna <pmenna@redbanknj.org>, "Ziad A. Shehady" <ZShehady@redbanknj.org>

The full draft agenda for the October 24, 2018 Council Meeting is printed below. The draft agenda will be posted to our website after this email is sent. In accordance with Mayor Menna's directive, all agenda items will also be posted the Friday before the meeting. Copies of all agenda items are attached in the order they appear on the agenda. Supporting documentation for the resolutions have the suffix "sup doc" in the file name. Please review and print out any documents you will need at the meeting. In an effort to "go green", we will only provide a fresh agenda and copies of any added agenda items at the meeting unless otherwise requested.

AGENDA

REGULAR MEETING

MUNICIPAL COUNCIL – BOROUGH OF RED BANK

October 24, 2018

6:30 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

SUNSHINE STATEMENT

WORKSHOP

MAYORAL APPOINTMENTS

PUBLIC COMMENT—Ordinances on First Reading and Resolutions Only

COMMUNICATIONS AND PETITIONS

ORDINANCES – First Reading

2018-32 An Ordinance to Amend Chapter 105, Personnel Polices, of the Code of the Borough of Red Bank.
(Public Hearing 11/7/2018)

ORDINANCES – Public Hearing and Final Adoption

2018-28 An Ordinance Amending and Supplementing Chapter 490, Planning and Development Regulations,
Relating to a Green Development Checklist.

RESOLUTIONS

18-248 A Resolution to Abolish Position of Manager of Human Resources.

PROCLAMATIONS

PAYMENT OF VOUCHERS

18-xx A Resolution for Payment of Bills Amounting to \$3,525,959.97.

OLD BUSINESS

NEW BUSINESS

AUDIENCE

EXECUTIVE SESSION – Personnel/Contract Negotiation

ADJOURNMENT

Pamela Borghi

Pamela Borghi

Municipal Clerk/Registrar/PIO

Borough of Red Bank

[90 Monmouth Street](#)

[Red Bank, NJ 07701](#)

Phone: 732-530-2740

Fax: 732-530-2757

Email: pborgi@redbanknj.org

Visit us online at www.redbanknj.org

7 attachments



Draft Agenda 10-24-2018.pdf
6K



2018-32 Intro.pdf

18K



2018-32 Sup Doc.pdf

1322K



2018-28 Public Hearing.pdf

69K



2018-28 Plan Bd Recomm.pdf

62K



18-248.pdf

7K



Payment of Vouchers.pdf

396K



Ziad Shehady <zshehady@redbanknj.org>

FW: Council Packet for 10/24/2018

1 message

Kathy Horgan <khorgan@redbanknj.org>
To: "Ziad A. Shehady" <ZShehady@redbanknj.org>

Tue, Oct 23, 2018 at 4:28 PM

Hi Z,

I hope you had a peaceful and restful weekend.

Would you have a few minutes tomorrow to discuss ordinance 2018-32 re personnel policies. I'm having trouble following the changes on the attached supporting document. Let me know when would be a good time to talk.

Thanks so much. Have a nice evening.

Kathy

From: Pam Borghi

Sent: Friday, October 19, 2018 3:06 PM

To: Bonnie Thomas; Clifford M. Keen; Michael Ballard; Erik Yngstrom; Edward J. Zipprich; Kathy Horgan; Darren McConnell; Doreen Hoffmann; Eugenia Poulos; Greg Valesi; Gregory Cannon; Jennifer Diodato; Laura Neumann; Mark D. Taylor; Menna Law Reception; Michael P. Whelan; Pam Borghi; Pasquale Menna; Ziad A. Shehady

Subject: Council Packet for 10/24/2018

The full draft agenda for the October 24, 2018 Council Meeting is printed below. The draft agenda will be posted to our website after this email is sent. In accordance with Mayor Menna's directive, all agenda items will also be posted the Friday before the meeting. Copies of all agenda items are attached in the order they appear on the agenda. Supporting documentation for the resolutions have the suffix "sup doc" in the file name. Please review and print out any documents you will need at the meeting. In an effort to "go green", we will only provide a fresh agenda and copies of any added agenda items at the meeting unless otherwise requested.

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MUNICIPAL COUNCIL – BOROUGH OF RED BANK

October 24, 2018

6:30 P.M.

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ROLL CALL

SUNSHINE STATEMENT

WORKSHOP

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PROCLAMATIONS

PAYMENT OF VOUCHERS

18-xx A Resolution for Payment of Bills Amounting to \$3,525,959.97.

OLD BUSINESS

NEW BUSINESS

AUDIENCE

EXECUTIVE SESSION – Personnel/Contract Negotiation

ADJOURNMENT

Pamela Borghi

Pamela Borghi

Municipal Clerk/Registrar/PIO

Borough of Red Bank

90 Monmouth Street

Red Bank, NJ 07701

Phone: 732-530-2740

Fax: 732-530-2757

Email: pborgghi@redbanknj.org

Visit us online at www.redbanknj.org

7 attachments



Draft Agenda 10-24-2018.pdf

6K



2018-32 Intro.pdf

18K



2018-32 Sup Doc.pdf

1322K



2018-28 Public Hearing.pdf

69K



2018-28 Plan Bd Recomm.pdf

62K



18-248.pdf

7K



Payment of Vouchers.pdf

396K



Ziad Shehady <zshehady@redbanknj.org>

FW: MEL, EPL Program CHECKLIST

1 message

Ziad A. Shehady <ZShehady@redbanknj.org>

Fri, Nov 16, 2018 at 4:54 PM

To: "Mark A. Tabakin" <MTabakin@weiner.law>, "Joshua I. Savitz" <jsavitz@weiner.law>

Cc: Doreen Hoffmann <dhoffmann@redbanknj.org>

Mark,

Now that we've adopted our personnel policies/handbook, we can send in our checklist certification as part of the EPL compliance program. I've completed it for you (attached) and ask that you please sign/date so that I can send to the MEL. Thanks!

Z

Ziad Andrew Shehady

Business Administrator

Borough of Red Bank

90 Monmouth Street

Red Bank, New Jersey 07701

T: +1 (732) 530-2748

<http://www.redbanknj.org>

zshehady@redbanknj.org

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From: Ziad A. Shehady

Sent: Friday, May 18, 2018 11:28

To: 'MTabakin@weiner.law' <MTabakin@weiner.law>

Subject: FW: MEL, EPL Program

Mark,

To confirm our conversation earlier, please follow up on this matter. Thank you!

Ziad Andrew Shehady

Business Administrator

Borough of Red Bank

90 Monmouth Street

Red Bank, New Jersey 07701

T: +1 (732) 530-2748

<http://www.redbanknj.org>

zshehady@redbanknj.org

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From: Doreen Hoffmann

Sent: Wednesday, May 9, 2018 3:12 PM

To: RB Administrator <rb-administrator@redbanknj.org>; Clifford M. Keen <ckeen@redbanknj.org>; Eugenia Poulos <epoulos@redbanknj.org>; Eva Biviano <ebiviano@redbanknj.org>; Mark A. Tabakin <MTabakin@weiner.law>

Cc: Ziad A. Shehady <ZShehady@redbanknj.org>; Pam Borghi <pborghi@redbanknj.org>; Jennifer Diodato <jdiiodato@redbanknj.org>

Subject: MEL, EPL Program

Attached please find a letter from the Municipal Excess Liability Joint Insurance Fund pertaining to the 2019-2020 EPL program.

Please note that the deadline to qualify for the deductible incentives is October 1, 2018.

Should you have any questions please let me know.

Doreen Hoffmann

Administrative Secretary

Borough of Red Bank

dhoffmann@redbanknj.org

732-530-2748

2 attachments



2019 Member POLEPL Compliance Program Letter.pdf

345K



2019 Member POLEPL Compliance Program Checklist.pdf

17K



Ziad Shehady <zshehady@redbanknj.org>

Personnel Policies & Procedures Manual

1 message

Ziad Shehady <zshehady@redbanknj.org>

Mon, Apr 1, 2019 at 2:00 PM

To: Department Heads <departmentheads@redbanknj.org>, Jennifer Diodato-Hernandez <jdiodato@redbanknj.org>

Team,

As discussed in the department head meeting last week, the Personnel Policies & Procedures Manual is attached. This manual was revised and ratified by the Mayor and Council November 2018. You are responsible for the dissemination of this handbook to your employees. Please forward the handbook to each of your employees (this applies to all employees) and ensure that you have received a signed copy of the acknowledgements and receipts.

Attached are the blank Acknowledgements and Receipts from the handbook. I have provided them as a separate file to make it easy for everyone to print and sign the relevant forms. Scan/email the signed acknowledgements/receipts to Jennifer so she can track them by employee. Each scanned file should be for one employee - rename the file with the employee's last name so Jennifer can log and file them.

There are 4 pages in the Acknowledgements and Receipts file.

Page 1, 2, and 3 shall be signed by every employee.

Page 4 is for employees that have administrative, contributory, or author access to a Borough social media account and/or website.

All signed acknowledgements/receipts should be sent to Jennifer by noon Friday, April 12.

Thank you.

Z

Ziad Andrew Shehady

Business Administrator

Borough of Red Bank

90 Monmouth Street

Red Bank, New Jersey 07701

T: +1 (732) 530-2748

<http://www.redbanknj.org>

zshehady@redbanknj.org

2 attachments



Personnel Policies and Procedures Manual 201811 Acknowledgements & Receipts.pdf

279K



Personnel Policies and Procedures Manual 201811.pdf

2132K



Ziad Shehady <zshehady@redbanknj.org>

Personnel Policies and Procedures Manual 201811

1 message

Ziad A. Shehady <ZShehady@redbanknj.org>
To: Jennifer Diodato <jdiodato@redbanknj.org>

Mon, Nov 19, 2018 at 1:53 PM

Jenn,

Let's chat tomorrow (Tuesday) about this and dissemination the handbook. Thanks!

Z

Ziad Andrew Shehady
Business Administrator
Borough of Red Bank
[90 Monmouth Street](#)
[Red Bank, New Jersey 07701](#)
T: +1 (732) 530-2748
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Personnel Policies and Procedures Manual 201811.pdf
2147K



Ziad Shehady <zshehady@redbanknj.org>

Personnel Policies, 2012

1 message

Doreen Hoffmann <dhoffmann@redbanknj.org>
To: Ziad Shehady <zshehady@redbanknj.org>

Thu, Jan 24, 2019 at 10:28 AM

see attached.

Doreen Hoffmann

Administrative Secretary

Borough of Red Bank

dhoffmann@redbanknj.org

732-530-2748



Policies Procedures Manual-Final Version-1-6-12.doc
353K



Ziad Shehady <zshehady@redbanknj.org>

Phone Message

1 message

Doreen Hoffmann <dhoffmann@redbanknj.org>
To: "Ziad A. Shehady" <ZShehady@redbanknj.org>

Wed, Oct 31, 2018 at 2:13 PM

Z,

Josh Savitz called from Weiner Law, he would like to speak to you about changes/Personnel Policy.

Phone: 973-602-3900

Doreen Hoffmann

Administrative Secretary

Borough of Red Bank

dhoffmann@redbanknj.org

732-530-2748



Ziad Shehady <zshehady@redbanknj.org>

Policy and Procedure Manual

1 message

Jackie Reynolds <jreynolds@redbanknj.org>
To: Ziad Shehady <zshehady@redbanknj.org>

Mon, Apr 8, 2019 at 12:21 PM

Hi Z,

I was just informed by one of my staff that the union is telling them not to sign the Policy and Procedure Manual that the wording needs to be changed.

Please let me know what should be done.

Thanks,
Jackie



Ziad Shehady <zshehady@redbanknj.org>

RE: 11/7 WORKSHOP Packet

1 message

Pam Borghi <pborgchi@redbanknj.org>
To: "Ziad A. Shehady" <ZShehady@redbanknj.org>

Wed, Nov 7, 2018 at 3:48 PM

Here are the regular and workshop agendas.

Pamela Borghi

Pamela Borghi

Municipal Clerk/Registrar/PIO

Borough of Red Bank

90 Monmouth Street

Red Bank, NJ 07701

Phone: 732-530-2740

Fax: 732-530-2757

Email: pborgchi@redbanknj.org

Visit us online at www.redbanknj.org

From: Ziad A. Shehady
Sent: Wednesday, November 07, 2018 3:47 PM
To: Pam Borghi <pborgchi@redbanknj.org>
Subject: RE: 11/7 WORKSHOP Packet

May you please send me the latest version of the workshop agenda document?

Ziad Andrew Shehady
Business Administrator
Borough of Red Bank
90 Monmouth Street
Red Bank, New Jersey 07701
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<http://www.redbanknj.org>
zshehady@redbanknj.org

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From: Pam Borghi
Sent: Friday, November 2, 2018 15:59
To: Mayor_Council <Mayor_Council@redbanknj.org>; Gregory Cannon <gcannon@sobelhan.com>
Cc: Department Heads <DepartmentHeads@redbanknj.org>
Subject: 11/7 WORKSHOP Packet

I will be emailing two separate packets—one for the Workshop Meeting and one for the Regular Meeting. There will be some duplication as some resolutions/supplemental documents are included in the Workshop Packet and again in the Regular Packet. I thought this would be the least confusing way to distribute the documents and also make sure everything was included.

Below is the **Workshop** agenda and the items are attached in the order they appear on the agenda.

WORKSHOP SESSION AGENDA

November 7, 2018 5:30pm

NOTE: This may not be the order of business. There may be additions or deletions.

1. Call to Order
 - a. Notice: This meeting is being held in accordance with the Public Laws of 1975, Chapter 231 and adequate notice of this meeting has been provided by a notice sent to Asbury Park Press, the Two River Times and the Star Ledger, and posted in the Main Lobby of the Municipal Building and on the municipal website.
 - b. Pledge of Allegiance
 - c. Roll Call
2. Departments/Offices
 - a. Administration
 - i. Ordinances/Resolutions
 1. Resolution: Award Contract to T&M-Construction Services for Primary School Access Road.
 2. Resolutions (x3): NJDOT Local Aid Grants (Required State Template)
 3. Resolution: Adopt Personnel Policy/Employee Handbook

4. Resolution: Establish Fair & Open Process for Professional Services Contracts

ii. Discussion/Action

1. Report: Grants (September/October)
2. Report: Information Technology (October)
3. Report: Affordable Housing Administrative Agent (October)
4. Report: Parking Study Activity (October)
5. Discussion: Environmental Commission Ordinance
6. Discussion: Grant Writer Contract
7. Discussion/Action IT: Awarding a Contract to Monmouth Telecom for Telephone and Internet Service

b. Clerk

i. Ordinances/Resolutions

ii. Discussion/Action

1. Report (October)
2. Meeting Schedule
 - a. Council Meeting: 11/7/2018, 11/28/2018, 12/12/2018
 - b. Workshop Meeting: 12/5/2018
 - c. Reorganization meeting to be determined
3. Committee appointments 2019

c. Finance

i. Ordinances/Resolutions

1. Ordinance: General Capital Bond
2. Ordinance: Water/Sewer Bond
3. Ordinance: Parking Bond
4. Resolution: Capital Budget Amendment
5. Resolution: Refund/Credit Riverview Towers
6. Resolution: Best Practices Inventory
7. Resolution: Resignation of Tax Assessor Field Inspector
8. Resolution: Retirement of Finance Bookkeeper

9. Resolution: Banking Services Award
10. Resolution: Cancel Grant Receivable Balance
11. Resolutions: Item of Revenue – Grants
 - a. Drunk Driving Enforcement Grant
 - b. Reforestation Grant
- ii. Discussion/Action
1. Report: Budget Status Report (October)
2. Report: Tax Collector (3rd Quarter)

d. Emergency Management

- i. Ordinances/Resolutions
- ii. Discussion/Action

e. Police

- i. Ordinances/Resolutions
- ii. Discussion/Action
1. Report: September
2. Police Dispatcher Replacement

f. Fire

- i. Ordinances/Resolutions
- ii. Discussion/Action
1. Report: October

g. Public Utilities (Public Works, Parking, Water & Sewer)

- i. Ordinances/Resolutions
1. Resolution: Accepting NJUCF Stewardship-Reforestation and Tree Planting Grant
2. Resolution: Bobcat Purchase
- ii. Discussion/Action
1. Report: October

h. Recreation

i. Ordinances/Resolutions

ii. Discussion/Action

1. Report: October

i. Senior Citizen

i. Ordinances/Resolutions

ii. Discussion/Action

1. Report: October

j. Land Use (Planning & Zoning)

i. Ordinances/Resolutions:

1. Resolution: CME re: Affordable Housing

2. Resolution: Clay Street Access Agreement

ii. Discussion/Action

1. Report: October

2. Report: Development Projects October

3. Discussion: Shade Tree Request for Amendments to Code Section 490-Planning & Development Regulations and 665 Trees.

k. Building/Construction

i. Ordinances/Resolutions

ii. Discussion/Action

1. Report: October

l. Fire Marshal/Code Enforcement

i. Ordinances/Resolutions

ii. Discussion/Action

1. Report: October

m. Court

- i. Ordinances/Resolutions
- 1. Resolution: Part-time Violations Clerk
 - ii. Discussion/Action
- 3. Correspondence
- 4. Public Comment (Any Governmental Issue)
- 5. Executive Session
 - a. Resolution 18-251
 - i. Personnel - Bookkeeper/Tax Assessor Inspector
 - ii. Contract Negotiation – PBA
 - iii. Contract Negotiation – Affordable Housing
 - iv. Litigation - LexisNexis
- 6. Adjournment

Pamela Borghi

Pamela Borghi

Municipal Clerk/Registrar/PIO

Borough of Red Bank

90 Monmouth Street

Red Bank, NJ 07701

Phone: 732-530-2740

Fax: 732-530-2757

Email: pborgbi@redbanknj.org

Visit us online at www.redbanknj.org



A 11-07-2018.doc

80K



A 11-07-2018 Wkshp.docx

49K



Ziad Shehady <zshehady@redbanknj.org>

RE: 11/7 WORKSHOP Packet

1 message

Ziad A. Shehady <ZShehady@redbanknj.org>
To: Pam Borghi <pborghi@redbanknj.org>

Wed, Nov 7, 2018 at 3:46 PM

May you please send me the latest version of the workshop agenda document?

Ziad Andrew Shehady
Business Administrator
Borough of Red Bank
90 Monmouth Street
Red Bank, New Jersey 07701
T: +1 (732) 530-2748
<http://www.redbanknj.org>
zshehady@redbanknj.org

This transmission may contain information that is privileged, confidential, legally privileged, and/or exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or use of the information contained herein (including any reliance thereon) is strictly prohibited. Although this transmission and any attachments are believed to be free of any virus or other defect that might affect any computer system into which it is received and opened, it is the responsibility of the recipient to ensure that it is virus free. If you received this transmission in error, please immediately contact the sender and destroy the material in its entirety, whether in electronic or hard copy format.

From: Pam Borghi
Sent: Friday, November 2, 2018 15:59
To: Mayor_Council <Mayor_Council@redbanknj.org>; Gregory Cannon <gcannon@sobelhan.com>
Cc: Department Heads <DepartmentHeads@redbanknj.org>
Subject: 11/7 WORKSHOP Packet

I will be emailing two separate packets—one for the Workshop Meeting and one for the Regular Meeting. There will be some duplication as some resolutions/supplemental documents are included in the Workshop Packet and again in the Regular Packet. I thought this would be the least confusing way to distribute the documents and also make sure everything was included.

Below is the **Workshop** agenda and the items are attached in the order they appear on the agenda.

WORKSHOP SESSION AGENDA

November 7, 2018 5:30pm

NOTE: This may not be the order of business. There may be additions or deletions.

1. Call to Order

- a. Notice: This meeting is being held in accordance with the Public Laws of 1975, Chapter 231 and adequate notice of this meeting has been provided by a notice sent to Asbury Park Press, the Two River Times and the Star Ledger, and posted in the Main Lobby of the Municipal Building and on the municipal website.
- b. Pledge of Allegiance
- c. Roll Call

2. Departments/Offices

a. Administration

i. Ordinances/Resolutions

1. Resolution: Award Contract to T&M-Construction Services for Primary School Access Road.
2. Resolutions (x3): NJDOT Local Aid Grants (Required State Template)
3. Resolution: Adopt Personnel Policy/Employee Handbook
4. Resolution: Establish Fair & Open Process for Professional Services Contracts

ii. Discussion/Action

1. Report: Grants (September/October)
2. Report: Information Technology (October)
3. Report: Affordable Housing Administrative Agent (October)
4. Report: Parking Study Activity (October)
5. Discussion: Environmental Commission Ordinance
6. Discussion: Grant Writer Contract
7. Discussion/Action IT: Awarding a Contract to Monmouth Telecom for Telephone and Internet Service

b. Clerk

i. Ordinances/Resolutions

ii. Discussion/Action

1. Report (October)
2. Meeting Schedule
 - a. Council Meeting: 11/7/2018, 11/28/2018, 12/12/2018
 - b. Workshop Meeting: 12/5/2018
 - c. Reorganization meeting to be determined

3. Committee appointments 2019

c. Finance

i. Ordinances/Resolutions

1. Ordinance: General Capital Bond
2. Ordinance: Water/Sewer Bond
3. Ordinance: Parking Bond
4. Resolution: Capital Budget Amendment
5. Resolution: Refund/Credit Riverview Towers
6. Resolution: Best Practices Inventory
7. Resolution: Resignation of Tax Assessor Field Inspector
8. Resolution: Retirement of Finance Bookkeeper
9. Resolution: Banking Services Award
10. Resolution: Cancel Grant Receivable Balance
11. Resolutions: Item of Revenue – Grants
 - a. Drunk Driving Enforcement Grant
 - b. Reforestation Grant

ii. Discussion/Action

1. Report: Budget Status Report (October)
2. Report: Tax Collector (3rd Quarter)

d. Emergency Management

i. Ordinances/Resolutions

ii. Discussion/Action

e. Police

i. Ordinances/Resolutions

ii. Discussion/Action

1. Report: September
2. Police Dispatcher Replacement

f. Fire

i. Ordinances/Resolutions

ii. Discussion/Action

1. Report: October

g. Public Utilities (Public Works, Parking, Water & Sewer)

i. Ordinances/Resolutions

1. Resolution: Accepting NJUCF Stewardship-Reforestation and Tree Planting Grant

2. Resolution: Bobcat Purchase

ii. Discussion/Action

1. Report: October

h. Recreation

i. Ordinances/Resolutions

ii. Discussion/Action

1. Report: October

i. Senior Citizen

i. Ordinances/Resolutions

ii. Discussion/Action

1. Report: October

j. Land Use (Planning & Zoning)

i. Ordinances/Resolutions:

1. Resolution: CME re: Affordable Housing

2. Resolution: Clay Street Access Agreement

ii. Discussion/Action

1. Report: October

2. Report: Development Projects October

3. Discussion: Shade Tree Request for Amendments to Code Section 490-Planning & Development Regulations and 665 Trees.

k. Building/Construction

- i. Ordinances/Resolutions
- ii. Discussion/Action

1. Report: October

l. Fire Marshal/Code Enforcement

- i. Ordinances/Resolutions
- ii. Discussion/Action

1. Report: October

m. Court

- i. Ordinances/Resolutions

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5. Executive Session

a. Resolution 18-251

- i. Personnel - Bookkeeper/Tax Assessor Inspector
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6. Adjournment

Pamela Borghi

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Email: pborgi@redbanknj.org

Visit us online at www.redbanknj.org



Ziad Shehady <zshehady@redbanknj.org>

Re: Borough Social Media Guidelines

1 message

Pat Pinto <pattzi@verizon.net>
To: zshehady@redbanknj.org

Mon, Apr 8, 2019 at 4:18 PM

Cool. Thanks so much Z

-----Original Message-----

From: Ziad Shehady <zshehady@redbanknj.org>
To: Pat Pinto <pattzi@verizon.net>
Sent: Mon, Apr 8, 2019 3:33 pm
Subject: Re: Borough Social Media Guidelines

Pat - thanks for inquiring. The post on Facebook does reference a link to our website which takes you to the social media policy and guidelines. Additionally, a packet/email is being prepared for all the volunteer boards and their members. It will be sent this week or next.

Z

Ziad Andrew Shehady
Business Administrator
Borough of Red Bank
[90 Monmouth Street](#)
Red Bank, New Jersey 07701
T: +1 (732) 530-2748
<http://www.redbanknj.org>
zshehady@redbanknj.org

On Mon, Apr 8, 2019 at 3:09 PM Pat Pinto <pattzi@verizon.net> wrote:

Hi Z -- Hope you had a nice weekend.

I noticed on Facebook that the borough added a note saying that the EC facebook page will follow the social media guidelines for the borough. Can I get that from you? Matt? Or other.....just want to be sure that those who have access to post know the guidelines.

Thanks and have a great dpat



Ziad Shehady <zshehady@redbanknj.org>

Re: Borough Social Media Policy

1 message

Ziad Shehady <zshehady@redbanknj.org>
To: Remedios Quiroz <medyrbstc@gmail.com>

Wed, May 1, 2019 at 3:59 PM

Thank you

Ziad Andrew Shehady
Business Administrator
Borough of Red Bank
90 Monmouth Street
Red Bank, New Jersey 07701
T: +1 (732) 530-2748
<http://www.redbanknj.org>
zshehady@redbanknj.org

On Wed, May 1, 2019 at 2:34 PM Remedios Quiroz <medyrbstc@gmail.com> wrote:
Attached is the signed receipt.
Remedios

On Wed, Apr 24, 2019, 4:21 PM Ziad Shehady <zshehady@redbanknj.org> wrote:
Good afternoon!

First, please allow me to thank you for your hard work and effort on behalf of the Borough in your voluntary capacity as a leader of one of Red Bank's critical citizen advisory groups. Your work is often unrecognized but tremendously valuable to the community.

As a best practice and at the urging of our risk management professions and legal counsel, the Borough updates our Personnel Policy & Procedures Manual (Handbook) annually. The handbook contains a number of items that mainly apply to employees of the Borough but some things of importance/relevance to volunteers. Included in the handbook in the past has been a social media policy but it has not been as comprehensive as the one included in the latest edition from November 2018. Social media, like most technology and new media venues, evolves regularly (often at a pace that is difficult for government to keep up with). The latest edition of the social media policy attempts to be as all-encompassing as possible and integrates best practices and lessons learned from government entities around the country as well as case law, State statutes/regulations, and insurance requirements.

I have attached the Social Media Policy pages from the handbook as well as the related "Receipt of Acknowledgement" page. Please ensure that this social media policy is distributed to your members for their awareness. A signed receipt of acknowledgement is required for individuals who have some sort of administrative/publishing permissions to a Borough Facebook page. Therefore, if you or a designee of your group will have administrative access to a page, please sign and return a copy of this receipt to me by the end of May. (Not all of your members need to sign it, just those with admin access.)

As you may know, the pages have been reviewed in the past few weeks to ensure various settings are modified to comply with the policy and that the required disclaimers are posted. Please do not change the settings. Any requested settings changes should be sent to me for review. Please do not remove or modify the disclaimers. Another review will be done in June to ensure signed receipts have been filed for anyone with administrative access.

A few other takeaways:

- If your group has a page, please inform me so that I can ensure the Borough FB page has master administrative access to the page. At the moment, only HRAC and EC have informed me and provided the Borough with the administrative access.

- If your group does not have a page, new pages may not be created at the moment. Some Borough pages have been deleted/consolidated. There are a number of reasons for this, but we are looking to focus stronger efforts on fewer pages to improve our social media strategy. Additionally, it is problematic and inefficient for the Borough to ensure compliance with public records retention requirements for too many pages.
- If you have material you would like to share but don't have a page, the general Borough social media page can be your home. Just send your content to me for consideration.
- Generally, nothing can be deleted, everything must be retained, everything is watched, no one can be banned or censored, and the internet remembers everything.
- Posts should err on the side of caution and if you have to think twice about whether it's a good idea to post something, it's probably best not to post it. Positive and promotional posts are best and the least problematic as opposed to posts that are critical and negative.

I understand that policies like these seem to add more bureaucracy and complication to what should be "fun" and "easy". This isn't intended to stifle or restrict you or your group's activities. Unfortunately, because of the nature of our work and the industry (government), there is a lot of attention on what we do and we must take these precautions. There are many examples of people who have complained and filed lawsuits (even here in Red Bank) related to social media over things that seem silly - prevention is an effective strategy so we are trying to be one step ahead in doing the right thing to avoid problems in the future. Your assistance, cooperation and understanding is greatly appreciated. If you or your members have any questions/concerns, please don't hesitate to reach out to me.

Respectfully,

Z

Ziad Andrew Shehady
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90 Monmouth Street
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T: +1 (732) 530-2748
<http://www.redbanknj.org>
zshehady@redbanknj.org



Ziad Shehady <zshehady@redbanknj.org>

Re: Borough Social Media Policy

1 message

Remedios Quiroz <medyrbstc@gmail.com>

Wed, May 1, 2019 at 2:33 PM

To: "Ziad A. Shehady" <ZShehady@redbanknj.org>

Cc: Debbie Marks <dm.igresources@gmail.com>, Pat Pinto <pattzi@verizon.net>, Pascale Insurance <david@pascaleinsurance.com>, jglefever1@gmail.com, Pam Borghi <pborghi@redbanknj.org>, Pasquale Menna <pmenna@redbanknj.org>, Charles Hoffman <choffmann@redbanknj.org>, "Clifford M. Keen" <keen@redbanknj.org>, gcannon@sobelhan.com

Attached is the signed receipt.
Remedios

On Wed, Apr 24, 2019, 4:21 PM Ziad Shehady <zshehady@redbanknj.org> wrote:
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Respectfully,

Z

Ziad Andrew Shehady

Business Administrator

Borough of Red Bank

90 Monmouth Street

Red Bank, New Jersey 07701

T: +1 (732) 530-2748

<http://www.redbanknj.org>

zshehady@redbanknj.org



receipt of social media policy.pdf

408K



Ziad Shehady <zshehady@redbanknj.org>

Re: Borough Social Media Policy

1 message

Ziad Shehady <zshehady@redbanknj.org>
To: Pascale Insurance <david@pascaleinsurance.com>

Thu, Apr 25, 2019 at 2:50 PM

Thank you David.

Ziad Andrew Shehady
Business Administrator
Borough of Red Bank
90 Monmouth Street
Red Bank, New Jersey 07701
T: +1 (732) 530-2748
<http://www.redbanknj.org>
zshehady@redbanknj.org

On Thu, Apr 25, 2019 at 1:16 PM Pascale Insurance <david@pascaleinsurance.com> wrote:

Here is the HRAC signed agreement. Dave

From: Ziad Shehady [<mailto:zshehady@redbanknj.org>]
Sent: Wednesday, April 24, 2019 4:21 PM
To: Remedios Quiroz; Debbie Marks; Pat Pinto; Pascale Insurance; jglefever1@gmail.com
Cc: Pamela Borghi; Pasquale Menna; Gregory J Cannon; Charles Hoffman; Clifford Keen
Subject: Borough Social Media Policy

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Respectfully,

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<http://www.redbanknj.org>
zshehady@redbanknj.org



Ziad Shehady <zshehady@redbanknj.org>

Re: Borough Social Media Policy

1 message

Ziad Shehady <zshehady@redbanknj.org>
To: Debbie Marks <dm.igresources@gmail.com>

Thu, Apr 25, 2019 at 2:36 PM

Received, thank you.

Ziad Andrew Shehady
Business Administrator
Borough of Red Bank
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Red Bank, New Jersey 07701
T: +1 (732) 530-2748
<http://www.redbanknj.org>
zshehady@redbanknj.org

On Thu, Apr 25, 2019 at 2:24 PM Debbie Marks <dm.igresources@gmail.com> wrote:

A ached please find the RBAWC agreement.

Debbie

From: Pascale Insurance [mailto:david@pascaleinsurance.com]
Sent: Thursday, April 25, 2019 1:16 PM
To: Ziad Shehady; Remedios Quiroz; Debbie Marks; Pat Pinto; jglefever1@gmail.com
Cc: Pamela Borghi; Pasquale Menna; Gregory J Cannon; Charles Hoffman; Clifford Keen
Subject: RE: Borough Social Media Policy

Here is the HRAC signed agreement. Dave

From: Ziad Shehady [mailto:zshehady@redbanknj.org]
Sent: Wednesday, April 24, 2019 4:21 PM
To: Remedios Quiroz; Debbie Marks; Pat Pinto; Pascale Insurance; jglefever1@gmail.com
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<http://www.redbanknj.org>

zshehady@redbanknj.org



Ziad Shehady <zshehady@redbanknj.org>

RE: Borough Social Media Policy

1 message

Debbie Marks <dm.igresources@gmail.com>

Thu, Apr 25, 2019 at 2:24 PM

To: Pascale Insurance <david@pascaleinsurance.com>, Ziad Shehady <zshehady@redbanknj.org>, Remedios Quiroz <medyrbstc@gmail.com>, Pat Pinto <pattzi@verizon.net>, jglefever1@gmail.com

Cc: Pamela Borghi <pborghi@redbanknj.org>, Pasquale Menna <pmenna@redbanknj.org>, Gregory J Cannon <gcannon@sobelhan.com>, Charles Hoffman <choffmann@redbanknj.org>, Clifford Keen <ckeen@redbanknj.org>

[Attached please find the RBAWC agreement.](#)

Debbie

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Sent: Thursday, April 25, 2019 1:16 PM

To: Ziad Shehady; Remedios Quiroz; Debbie Marks; Pat Pinto; jglefever1@gmail.com

Cc: Pamela Borghi; Pasquale Menna; Gregory J Cannon; Charles Hoffman; Clifford Keen

Subject: RE: Borough Social Media Policy

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I have attached the Social Media Policy pages from the handbook as well as the related "Receipt of Acknowledgement" page. Please ensure that this social media policy is distributed to your members for their awareness. A signed receipt of acknowledgement is required for individuals who have some sort of administrative/publishing permissions to a Borough Facebook page. Therefore, if you or a designee of your group will have administrative access to a page, please sign and return a copy of this receipt to me by the end of May. (Not all of your members need to sign it, just those with admin access.)

As you may know, the pages have been reviewed in the past few weeks to ensure various settings are modified to comply with the policy and that the required disclaimers are posted. Please do not change the settings. Any requested settings changes should be sent to me for review. Please do not remove or modify the disclaimers. Another review will be done in June to ensure signed receipts have been filed for anyone with administrative access.

A few other takeaways:

- If your group has a page, please inform me so that I can ensure the Borough FB page has master administrative access to the page. At the moment, only HRAC and EC have informed me and provided the Borough with the administrative access.

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I understand that policies like these seem to add more bureaucracy and complication to what should be "fun" and "easy". This isn't intended to stifle or restrict you or your group's activities. Unfortunately, because of the nature of our work and the industry (government), there is a lot of attention on what we do and we must take these precautions. There are many examples of people who have complained and filed lawsuits (even here in Red Bank) related to social media over things that seem silly - prevention is an effective strategy so we are trying to be one step ahead in doing the right thing to avoid problems in the future. Your assistance, cooperation and understanding is greatly appreciated. If you or your members have any questions/concerns, please don't hesitate to reach out to me.

Respectfully,

Z

Ziad Andrew Shehady
Business Administrator
Borough of Red Bank
[90 Monmouth Street](#)

Red Bank, New Jersey 07701

T: +1 (732) 530-2748

<http://www.redbanknj.org>

zshehady@redbanknj.org



RBAWC.pdf

56K



Ziad Shehady <zshehady@redbanknj.org>

RE: Borough Social Media Policy

1 message

Pascale Insurance <david@pascaleinsurance.com>

Thu, Apr 25, 2019 at 1:15 PM

To: Ziad Shehady <zshehady@redbanknj.org>, Remedios Quiroz <medyrbstc@gmail.com>, Debbie Marks <dm.igresources@gmail.com>, Pat Pinto <pattzi@verizon.net>, jglefever1@gmail.com

Cc: Pamela Borghi <pborghi@redbanknj.org>, Pasquale Menna <pmenna@redbanknj.org>, Gregory J Cannon <gcannon@sobelhan.com>, Charles Hoffman <choffmann@redbanknj.org>, Clifford Keen <ckeen@redbanknj.org>

[Here is the HRAC signed agreement.](#) Dave

From: Ziad Shehady [mailto:zshehady@redbanknj.org]

Sent: Wednesday, April 24, 2019 4:21 PM

To: Remedios Quiroz; Debbie Marks; Pat Pinto; Pascale Insurance; jglefever1@gmail.com

Cc: Pamela Borghi; Pasquale Menna; Gregory J Cannon; Charles Hoffman; Clifford Keen

Subject: Borough Social Media Policy

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Respectfully,

Z

Ziad Andrew Shehady
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[Red Bank, New Jersey 07701](#)
T: +1 (732) 530-2748
<http://www.redbanknj.org>
zshehady@redbanknj.org

 **Red_Bank_hrac_social_media_agreement_000738.pdf**
346K



Ziad Shehady <zshehady@redbanknj.org>

RE: Borough Social Media Policy

1 message

Pascale Insurance <david@pascaleinsurance.com>
To: Ziad Shehady <zshehady@redbanknj.org>

Thu, Apr 25, 2019 at 7:48 AM

Should we have all members of the committee sign? Dave

From: [311 Webster Ave Seaside Heights Shehady \[mailto:zshehady@redbanknj.org\]](mailto:zshehady@redbanknj.org)
Sent: Wednesday, April 24, 2019 4:21 PM
To: Remedios Quiroz; Debbie Marks; Pat Pinto; Pascale Insurance; jglefever1@gmail.com
Cc: Pamela Borghi; Pasquale Menna; Gregory J Cannon; Charles Hoffman; Clifford Keen
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Respectfully,

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T: +1 (732) 530-2748
<http://www.redbanknj.org>
zshehady@redbanknj.org



Ziad Shehady <zshehady@redbanknj.org>

Re: Borough Social Media Policy

1 message

John LeFever <jglefever1@gmail.com>

Thu, Apr 25, 2019 at 7:31 AM

To: Ziad Shehady <zshehady@redbanknj.org>

Cc: Remedios Quiroz <medyrbstc@gmail.com>, Debbie Marks <dm.igresources@gmail.com>, Pat Pinto <pattzi@verizon.net>, Pascale Insurance <david@pascaleinsurance.com>, Pamela Borghi <pborghi@redbanknj.org>, Pasquale Menna <pmenna@redbanknj.org>, Gregory J Cannon <gcannon@sobelhan.com>, Charles Hoffman <choffmann@redbanknj.org>, Clifford Keen <ckeen@redbanknj.org>

Signed.

On Wed, Apr 24, 2019 at 4:21 PM Ziad Shehady <zshehady@redbanknj.org> wrote:

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<http://www.redbanknj.org>

zshehady@redbanknj.org



Ziad Shehady <zshehady@redbanknj.org>

Re: FW: Personnel Policy and Procedures - Health Benefits under ACA

1 message

Ziad A. Shehady <ZShehady@redbanknj.org>
To: Eugenia Poulos <epoulos@redbanknj.org>

Fri, Nov 2, 2018 at 5:08 PM

I've been working hard on it behind the scenes! Thanks for reviewing it.

Ziad Andrew Shehady
Business Administrator
Borough of Red Bank
[90 Monmouth Street](http://www.redbanknj.org)
Red Bank, New Jersey 07701
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<http://www.redbanknj.org>
zshehady@redbanknj.org

This transmission may contain information that is privileged, confidential, legally privileged, and/or exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or use of the information contained herein (including any reliance thereon) is strictly prohibited. Although this transmission and any attachments are believed to be free of any virus or other defect that might affect any computer system into which it is received and opened, it is the responsibility of the recipient to ensure that it is virus free. If you received this transmission in error, please immediately contact the sender and destroy the material in its entirety, whether in electronic or hard copy format.

On Nov 2, 2018 17:06, Eugenia Poulos <epoulos@redbanknj.org> wrote:

You are the best!! I just read the draft of the P&P in the package for meeting of Nov 7th and the Health benefits portion was completely changed.....thank you

From: Eugenia Poulos
Sent: Friday, November 02, 2018 1:11 PM
To: Ziad A. Shehady <ZShehady@redbanknj.org>
Subject: Personnel Policy and Procedures - Health Benefits under ACA

Z,

I just finished a conference call with Primepoint and one of the areas we covered was the ACA (Affordable Care Act) and how to prepare for the reporting due January 31st.

In looking at our P&P, Section 5: Compensation & Employee Benefits Policies, letter G: Health Insurance Policy, it does not mention any health insurance benefits that we have to provide as per ACA to PT employees that work over 30 hours. We probably need to review this section to comply with ACA.

Eugenia Poulos, CMFO/QPA

Director of Finance/

Chief Financial Officer

Borough of Red Bank

[90 Monmouth Street](#)

[Red Bank, NJ 07701](#)

732-345-8134

Fax 732-758-1995



Ziad Shehady <zshehady@redbanknj.org>

Re: Personnel Policies & Procedures Manual

1 message

Clifford Keen <ckeen@redbanknj.org>
To: Ziad Shehady <zshehady@redbanknj.org>

Mon, Apr 1, 2019 at 5:51 PM

Ok, thanks.

On Mon, Apr 1, 2019 at 5:07 PM Ziad Shehady <zshehady@redbanknj.org> wrote:
No change listing.

Ziad Andrew Shehady
Business Administrator
Borough of Red Bank
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Red Bank, New Jersey 07701
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zshehady@redbanknj.org

On Mon, Apr 1, 2019 at 4:30 PM Clifford Keen <ckeen@redbanknj.org> wrote:
This hasn't come up yet, but last time we made a change it did. Is there a change listing available? I'm pretty sure my staff is going to ask me for one.

Thanks,

Cliff

On Mon, Apr 1, 2019 at 2:01 PM Ziad Shehady <zshehady@redbanknj.org> wrote:
Team,

As discussed in the department head meeting last week, the Personnel Policies & Procedures Manual is attached. This manual was revised and ratified by the Mayor and Council November 2018. You are responsible for the dissemination of this handbook to your employees. Please forward the handbook to each of your employees (this applies to all employees) and ensure that you have received a signed copy of the acknowledgements and receipts.

Attached are the blank Acknowledgements and Receipts from the handbook. I have provided them as a separate file to make it easy for everyone to print and sign the relevant forms. Scan/email the signed acknowledgements/receipts to Jennifer so she can track them by employee. Each scanned file should be for one employee - rename the file with the employee's last name so Jennifer can log and file them.

There are 4 pages in the Acknowledgements and Receipts file.
Page 1, 2, and 3 shall be signed by every employee.
Page 4 is for employees that have administrative, contributory, or author access to a Borough social media account and/or website.

All signed acknowledgements/receipts should be sent to Jennifer by noon Friday, April 12.

Thank you.

Z

Ziad Andrew Shehady

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--

Cliff Keen

Director of Public Utilities

Borough of Red Bank

--

Cliff Keen

Director of Public Utilities

Borough of Red Bank



Ziad Shehady <zshehady@redbanknj.org>

Re: Personnel Policies & Procedures Manual

1 message

Jennifer Diodato <jdiodato@redbanknj.org>
To: Ziad Shehady <zshehady@redbanknj.org>
Cc: Department Heads <departmentheads@redbanknj.org>

Mon, Apr 8, 2019 at 12:26 PM

Good Afternoon,

Please be advised there will be a 2 week extension to when all signed acknowledgements/receipts for the Personnel Manual should be sent to me. The new date will be Friday, April 26, 2019.

Any questions please feel free to reach out to the Business Administrator, Ziad Shehady.

Thank you,
Jennifer

Jennifer Diodato-Hernandez

Administrative Assistant

Human Resource/Administration

Borough of Red Bank

90 Monmouth Street

Red Bank, NJ 07701

jdiodato@redbanknj.org

732-530-2748 Ext. 452

732-530-2757 Fax

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zshehady@redbanknj.org



Ziad Shehady <zshehady@redbanknj.org>

Re: Personnel Policies & Procedures Manual

1 message

Ziad Shehady <zshehady@redbanknj.org>

Fri, Apr 26, 2019 at 11:16 AM

To: Department Heads <departmentheads@redbanknj.org>

Cc: Mark A Tabakin <MTabakin@weiner.law>, Jennifer Diodato <jdiodato@redbanknj.org>

Team,

As you may know, the CWA union advised their employees not to sign the handbook receipt because they objected to the following language in the receipt: "I have read the manual and understand..." They prefer it to state "I will read" and remove the word "understand". However, this may stem from confusion about the intent of the distribution of the handbook and the signing of the receipt. As discussed during the department head meeting, the intent was not for employees to be provided the handbook and immediately sign/return the receipt. The intent was and practice should be that they were given the handbook with time to read, understand and ask questions about the handbook and then sign the receipt (approximately 2 weeks later). This is the position of the Borough and was explained to the CWA leadership. Therefore, employees should have received this handbook some time at the beginning of April and had until April 12th to sign/return the receipts. That was extended again as advised by Jennifer on April 8 with a new date of Friday, April 26 (today). As of today, employees will have one final two week extension (May 10th). In this time, you will explain to any objectors the following:

- The intent was not to sign the receipt/acknowledgement on the spot upon dissemination of the handbook.
- The intent is for them to take the time allotted to read the handbook and within that timeframe and sign the receipt.
- Inform them they have until May 10th to do so.
- You will advise them that if they do not sign the receipt, then you as the department head will take that receipt for each employee and write the following statement at the bottom: "I, YOUR NAME, provided EMPLOYEE NAME with the Borough of Red Bank's Personnel Policies and Procedures Manual on DATE and EMPLOYEE NAME received it but refused to acknowledge receipt." and you will sign/date that receipt below that statement and provide it to Jennifer for inclusion in their personnel file. (Fill in the employee name and date)

Any questions, let me know.

Z

Ziad Andrew Shehady

Business Administrator

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On Mon, Apr 8, 2019 at 12:27 PM Jennifer Diodato <jdiodato@redbanknj.org> wrote:

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Any questions please feel free to reach out to the Business Administrator, Ziad Shehady.

Thank you,
Jennifer

Jennifer Diodato-Hernandez

Administrative Assistant

Human Resource/Administration

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Ziad Shehady <zshehady@redbanknj.org>

Re: Personnel Policies & Procedures Manual

1 message

Clifford Keen <ckeen@redbanknj.org>
To: Ziad Shehady <zshehady@redbanknj.org>
Cc: Jennifer Diodato-Hernandez <jdiodato@redbanknj.org>

Mon, May 20, 2019 at 2:10 PM

No problem.

On Mon, May 20, 2019 at 1:55 PM Ziad Shehady <zshehady@redbanknj.org> wrote:

Cliff, we are waiting on hand receipts/acknowledgements for your department only. Please forward to Jen all signed acknowledgements by the end of this week - any refusals should be handled in accordance with the instructions below.

Z

Ziad Andrew Shehady
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zshehady@redbanknj.org

----- Forwarded message -----

From: **Ziad Shehady** <zshehady@redbanknj.org>
Date: Fri, Apr 26, 2019 at 11:16 AM
Subject: Re: Personnel Policies & Procedures Manual
To: Department Heads <departmentheads@redbanknj.org>
Cc: Mark A Tabakin <MTabakin@weiner.law>, Jennifer Diodato <jdiodato@redbanknj.org>

Team,

As you may know, the CWA union advised their employees not to sign the handbook receipt because they objected to the following language in the receipt: "I have read the manual and understand..." They prefer it to state "I will read" and remove the word "understand". However, this may stem from confusion about the intent of the distribution of the handbook and the signing of the receipt. As discussed during the department head meeting, the intent was not for employees to be provided the handbook and immediately sign/return the receipt. The intent was and practice should be that they were given the handbook with time to read, understand and ask questions about the handbook and then sign the receipt (approximately 2 weeks later). This is the position of the Borough and was explained to the CWA leadership. Therefore, employees should have received this handbook some time at the beginning of April and had until April 12th to sign/return the receipts. That was extended again as advised by Jennifer on April 8 with a new date of Friday, April 26 (today). As of today, employees will have one final two week extension (May 10th). In this time, you will explain to any objectors the following:

- The intent was not to sign the receipt/acknowledgement on the spot upon dissemination of the handbook.
- The intent is for them to take the time allotted to read the handbook and within that timeframe and sign the receipt.
- Inform them they have until May 10th to do so.
- You will advise them that if they do not sign the receipt, then you as the department head will take that receipt for each employee and write the following statement at the bottom: "I, YOUR NAME, provided EMPLOYEE NAME with the Borough of Red Bank's Personnel Policies and Procedures Manual on DATE and EMPLOYEE NAME received it but refused to acknowledge receipt." and you will sign/date that receipt below that statement and provide it to Jennifer for inclusion in their personnel file. (Fill in the employee name and date)

Any questions, let me know.

Z

Ziad Andrew Shehady
Business Administrator
Borough of Red Bank
[90 Monmouth Street](#)
[Red Bank, New Jersey 07701](#)
T: +1 (732) 530-2748
<http://www.redbanknj.org>
zshehady@redbanknj.org

On Mon, Apr 8, 2019 at 12:27 PM Jennifer Diodato <jdiodato@redbanknj.org> wrote:
Good Afternoon,

Please be advised there will be a 2 week extension to when all signed acknowledgements/receipts for the Personnel Manual should be sent to me. The new date will be Friday, April 26, 2019.

Any questions please feel free to reach out to the Business Administrator, Ziad Shehady.

Thank you,
Jennifer

Jennifer Diodato-Hernandez
Administrative Assistant
Human Resource/Administration
Borough of Red Bank
[90 Monmouth Street](#)
[Red Bank, NJ 07701](#)
jdiodato@redbanknj.org
732-530-2748 Ext. 452
732-530-2757 Fax

On Mon, Apr 1, 2019 at 2:00 PM Ziad Shehady <zshehady@redbanknj.org> wrote:
Team,

As discussed in the department head meeting last week, the Personnel Policies & Procedures Manual is attached. This manual was revised and ratified by the Mayor and Council November 2018. You are responsible for the dissemination of this handbook to your employees. Please forward the handbook to each of your employees (this applies to all employees) and ensure that you have received a signed copy of the acknowledgements and receipts.

Attached are the blank Acknowledgements and Receipts from the handbook. I have provided them as a separate file to make it easy for everyone to print and sign the relevant forms. Scan/email the signed

acknowledgements/receipts to Jennifer so she can track them by employee. Each scanned file should be for one employee - rename the file with the employee's last name so Jennifer can log and file them.

There are 4 pages in the Acknowledgements and Receipts file.

Page 1, 2, and 3 shall be signed by every employee.

Page 4 is for employees that have administrative, contributory, or author access to a Borough social media account and/or website.

All signed acknowledgements/receipts should be sent to Jennifer by noon Friday, April 12.

Thank you.

Z

Ziad Andrew Shehady

Business Administrator

Borough of Red Bank

90 Monmouth Street

Red Bank, New Jersey 07701

T: +1 (732) 530-2748

<http://www.redbanknj.org>

zshehady@redbanknj.org

--

Sent from my iPhone.



Ziad Shehady <zshehady@redbanknj.org>

Re: Personnel Policies, Acknowledgement

1 message

Doreen Hoffmann <dhoffmann@redbanknj.org>
To: Ziad Shehady <zshehady@redbanknj.org>

Tue, Apr 23, 2019 at 5:09 PM

welcome

Doreen Hoffmann

Administrative Secretary

Borough of Red Bank

[90 Monmouth Street](#)

[Red Bank, New Jersey 07701](#)

T: +1 (732)-530-2748

dhoffmann@redbanknj.org

On Tue, Apr 23, 2019 at 4:29 PM Ziad Shehady <zshehady@redbanknj.org> wrote:
Thank you Doreen.

Ziad Andrew Shehady
Business Administrator
Borough of Red Bank
[90 Monmouth Street](#)
Red Bank, New Jersey 07701
T: +1 (732) 530-2748
<http://www.redbanknj.org>
zshehady@redbanknj.org

On Tue, Apr 23, 2019 at 4:25 PM Doreen Hoffmann <dhoffmann@redbanknj.org> wrote:
Attached please find signed acknowledgement sheets pertaining to the Personnel Policies.

Any questions please let me know.

Doreen Hoffmann

Administrative Secretary

Borough of Red Bank

[90 Monmouth Street](#)

[Red Bank, New Jersey 07701](#)

T: +1 (732)-530-2748

dhoffmann@redbanknj.org



Ziad Shehady <zshehady@redbanknj.org>

Re: Personnel Policies, Acknowledgement

1 message

Jennifer Diodato <jdiodato@redbanknj.org>
To: Doreen Hoffmann <dhoffmann@redbanknj.org>
Cc: Ziad Shehady <zshehady@redbanknj.org>

Wed, Apr 24, 2019 at 8:17 AM

Received.

Thank you,

Jennifer

Jennifer Diodato-Hernandez
Administrative Assistant
Human Resource/Administration
Borough of Red Bank
90 Monmouth Street
Red Bank, NJ 07701
jdiodato@redbanknj.org
732-530-2748 Ext. 452
732-530-2757 Fax

On Tue, Apr 23, 2019 at 4:25 PM Doreen Hoffmann <dhoffmann@redbanknj.org> wrote:
Attached please find signed acknowledgement sheets pertaining to the Personnel Policies.

Any questions please let me know.

Doreen Hoffmann
Administrative Secretary
Borough of Red Bank
[90 Monmouth Street](#)
[Red Bank, New Jersey 07701](#)
T: +1 (732)-530-2748
dhoffmann@redbanknj.org



Ziad Shehady <zshehady@redbanknj.org>

Re: Social Media Policy

1 message

Ziad Shehady <zshehady@redbanknj.org>

To: Pat Home <pattzi@verizon.net>

Great, thank you!

Ziad Andrew Shehady
Business Administrator
Borough of Red Bank
90 Monmouth Street
Red Bank, New Jersey 07701
T: +1 (732) 530-2748
<http://www.redbanknj.org>
zshehady@redbanknj.org

On Wed, May 22, 2019 at 4:36 PM Pat Home <pattzi@verizon.net> wrote:
Here is the last one

Sent from my iPhone

Begin forwarded message:

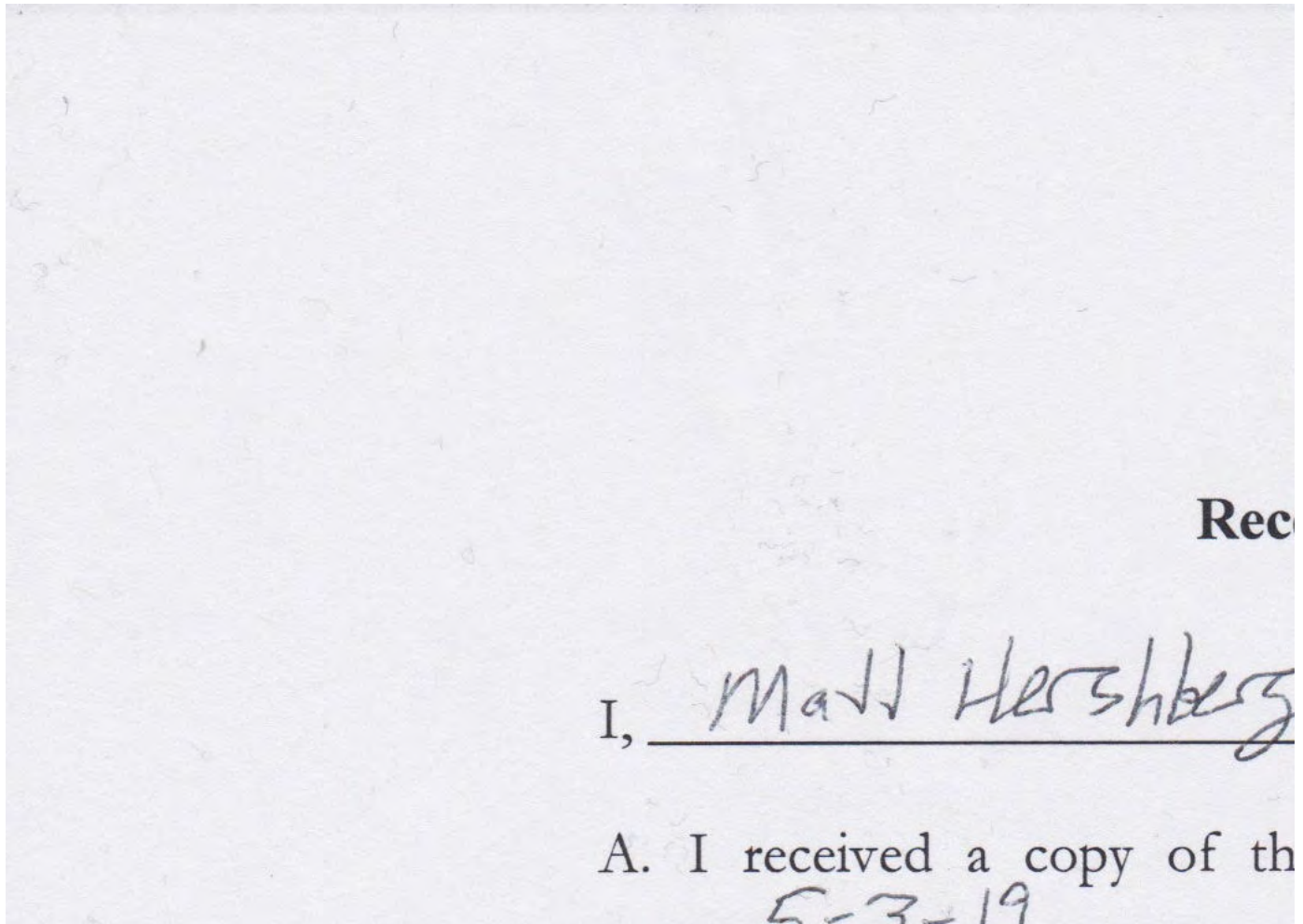
From: Matt Hershberger <matt.d.hershberger@gmail.com>
Date: May 22, 2019 at 7:01:03 PM GMT+2
To: Pat <pattzi@verizon.net>
Subject: Social Media Policy & Last Night

Hey Patt!

Attached is my signed social .

Hope you're having a good trip!

Matt



Date

- B. I have been given an opportunity to be provided with satisfactory
- C. I understand the language
- D. I acknowledge that the Board has not violated any of the provisions of the Charter of the City of Los Angeles, at any time, with or without
- E. I acknowledge that I understand the provisions of the Charter of the City of Los Angeles. If there are any provisions that I do not understand, I will see the City Clerk or Business Administrator for assistance.
- F. No supervisor or other person has the authority to enter into any agreement with me at any time, or to make any agreement on my behalf contained in the Handbook of the City of Los Angeles, or to make any agreement for benefits or binding contract for any other purpose. I also understand that the Charter of the City of Los Angeles may be amended, modified

G. For employees who are not
supersede your respective
Borough policies that are not

5-22-19

Date



Ziad Shehady <zshehady@redbanknj.org>

Re: Social Media Policy Acknowledgements

1 message

Ziad Shehady <zshehady@redbanknj.org>
To: Pat Pinto <pattzi@verizon.net>

Wed, May 8, 2019 at 12:15 PM

Excellent - thank you!

At this point, there's no need for concern about individual pages going away. If that is contemplated, a discussion will be had about it.

Ziad Andrew Shehady

Business Administrator

Borough of Red Bank

90 Monmouth Street

Red Bank, New Jersey 07701

T: +1 (732) 530-2748

<http://www.redbanknj.org>

zshehady@redbanknj.org

On Wed, May 8, 2019 at 11:30 AM Pat Pinto <pattzi@verizon.net> wrote:

Hi Z -- Attached are acknowledgements from myself and Nancy Blackwood. I still owe you one from Matt Hershberger and should get that to you in the next day or two. Aside from the 3 of us, only Kate Triggiano also has admin rights but I assume you have received a signed form from her as Councilwoman so have not asked.

There are some rumors that the individual FB pages will go away and all brought under borough supervision. I would love to discuss at some point so we can plan on how the EC would handle Social Media moving forward.

There is no rush so perhaps some time in June or July, we can have that talk. Thanks in advance and have a great day.

pat

-----Original Message-----

From: DoNotReply <DoNotReply@umww.com>

To: pattzi@verizon.net <pattzi@verizon.net>

Sent: Wed, May 8, 2019 11:22 am

Subject: Scanned from a Xerox Multifunction Device

Please open the attached document. It was scanned and sent to you using a Xerox Multifunction Device.

Attachment File Type: pdf, Multi-Page

Multifunction Device Location:

Device Name: NYCUMWPRT001

For more information on Xerox products and solutions, please visit <http://www.xerox.com>

This message contains information which may be confidential and privileged. Unless you are the intended recipient (or authorized to receive this message for the intended recipient), you may not use, copy, disseminate or disclose to anyone the message or any information contained in the message. If you have received the message in error, please advise the sender by reply e-mail, and delete the message. Thank you very much.



Ziad Shehady <zshehady@redbanknj.org>

RE: Social media policy

1 message

Ziad A. Shehady <ZShehady@redbanknj.org>
To: kathryn okeson <kokeson@gmail.com>

Tue, Nov 27, 2018 at 6:01 PM

Kate,

You beat me to it! We actually just amended/revised/adopted a new Personnel Policies and Procedures Manual which incorporates a new social media policy. This was just done recently and we've been preparing to disseminate it to all affected individuals so consider this a sneak peak 😊 although it is in effect.

The policy starts on page 36 (PDF page 45) and goes to page 42 (PDF page 51). I was intending to disseminate this to all the committees/boards and discuss with their respective leadership the implementation. Check it out and let me know if you have any questions/concerns. I will try to make it Thursday – what time?

Z

Ziad Andrew Shehady
Business Administrator
Borough of Red Bank
90 Monmouth Street
Red Bank, New Jersey 07701
T: +1 (732) 530-2748
<http://www.redbanknj.org>
zshehady@redbanknj.org

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From: kathryn okeson [mailto:kokeson@gmail.com]
Sent: Tuesday, November 27, 2018 13:54
To: Ziad A. Shehady <ZShehady@redbanknj.org>
Subject: Social media policy

Hi Ziad,

Would you be able to share the social media policy (for groups, commissions, committees etc) with me?

We have an HRAC meeting this Thursday and wish to discuss that with the team (which we would love to have you attend, I intended to email you sooner but forgot - so next one if you would...).

Many thanks,

Kate

makeitbetter4youth.org
kateokeson.com



Personnel Policies and Procedures Manual 201811.pdf
2147K



Ziad Shehady <zshehady@redbanknj.org>

Workshop Agenda for 10/31/2018

1 message

Pam Borghi <pborghi@redbanknj.org>

Fri, Oct 26, 2018 at 2:15 PM

To: "Edward J. Zipprich" <ezipprich@redbanknj.org>, Erik Yngstrom <eyngstrom@redbanknj.org>, Kathy Horgan <khorgan@redbanknj.org>, "Mark D. Taylor" <mtaylor@redbanknj.org>, Michael Ballard <MBallard@redbanknj.org>, "Michael P. Whelan" <mwhelan@redbanknj.org>, Pasquale Menna <pmenna@redbanknj.org>
Cc: Ashlesha Deshpande <adeshpande@redbanknj.org>, Cathy Gerber <cgerber@redbanknj.org>, "Charles J. Hoffmann" <choffmann@redbanknj.org>, "Clifford M. Keen" <ckeen@redbanknj.org>, Darren McConnell <dmccConnell@redbanknj.org>, Eugenia Poulos <epoulos@redbanknj.org>, Fred Corcione <fcorcione@redbanknj.org>, Glenn Carter <gcarter@redbanknj.org>, Jackie Reynolds <rbseniorcenter@comcast.net>, "Matthew P. Ryan" <mryan@redbanknj.org>, Mitch Elias <meliass@redbanknj.org>, Pam Borghi <pborghi@redbanknj.org>, RBFDCchief <RBFDCchief@redbanknj.org>, Senior Center <seniorcenter@redbanknj.org>, Tom Welsh <twelsh@redbanknj.org>, "Ziad A. Shehady" <ZShehady@redbanknj.org>

Attached please find a draft agenda for the 10/31/2018 Workshop meeting. It is also copied below.

Additional items will be forwarded on Monday including the items listed below.

Pending:

Report – Finance

Report – DPU

Report – OEM/Code

WORKSHOP SESSION AGENDA

October 31, 2018

NOTE: This may not be the order of business. There may be additions or deletions.

1. Call to Order

- a. Notice: This meeting is being held in accordance with the Public Laws of 1975, Chapter 231 and adequate notice of this meeting has been provided by a notice sent to Asbury Park Press, the Two River Times and the Star Ledger, and posted in the Main Lobby of the Municipal Building and on the municipal website.
- b. Pledge of Allegiance
- c. Roll Call

2. Departments/Offices

- a. Administration

i. Ordinances/Resolutions

1. Resolution: Award Contract to T&M-Construction Services for Primary School Access Road.
2. Resolutions (x3): NJDOT Local Aid Grants (Required State Template)
3. Resolution: Adopt Personnel Policy/Employee Handbook

ii. Discussion/Action

1. Report: Grants (September)
2. Report: Information Technology (October)
3. Report: Affordable Housing Administrative Agent (October)

b. Clerk

i. Ordinances/Resolutions

ii. Discussion/Action

1. Report (October)
2. Meeting Schedule
 - a. Council Meeting: 11/7/2018, 11/28/2018, 12/12/2018
 - b. Workshop Meeting: 12/5/2018

c. Finance

i. Ordinances/Resolutions

1. Ordinance: Capital Bond
2. Resolution: Refund/Credit Riverview Towers
3. Resolution: Best Practices Inventory
4. Resolution: Resignation of Tax Assessor Field Inspector
5. Resolution: Retirement of Finance Bookkeeper
6. Resolution: Banking Services Award

ii. Discussion/Action

1. Report: Budget Status Report (October)
2. Report: Tax Collector (3rd Quarter)

d. Emergency Management

- i. Ordinances/Resolutions
- ii. Discussion/Action

e. Police

- i. Ordinances/Resolutions
 - ii. Discussion/Action
1. Report: September
 2. Police Dispatcher Replacement

f. Fire

- i. Ordinances/Resolutions
 - ii. Discussion/Action
1. Report: October

g. Public Utilities (Public Works, Parking, Water & Sewer)

- i. Ordinances/Resolutions
1. Resolution: Accepting NJUCF Stewardship-Reforestation and Tree Planting Grant
 2. Resolution: Bobcat Purchase
- ii. Discussion/Action
1. Report: October

h. Recreation

- i. Ordinances/Resolutions
 - ii. Discussion/Action
1. Report: October

i. Senior Citizen

- i. Ordinances/Resolutions
 - ii. Discussion/Action
1. Report: October

j. Land Use (Planning & Zoning)

i. Ordinances/Resolutions:

1. Resolution: CME re: Affordable Housing
2. Resolution: Clay Street Access Agreement

ii. Discussion/Action

1. Report: October
2. Report: Development Projects October
3. Shade Tree Request for Amendments to Code Section 490-Planning & Development Regulations and 665 Trees.

k. Building/Construction

i. Ordinances/Resolutions

ii. Discussion/Action

1. Report: October

l. Fire Marshal/Code Enforcement

i. Ordinances/Resolutions

ii. Discussion/Action

1. Report: October

m. Court

i. Ordinances/Resolutions

ii. Discussion/Action

3. Correspondence

4. Public Comment (Any Governmental Issue)

5. Executive Session

a. Resolution

i.

6. Adjournment

Pamela Borghi

Pamela Borghi

Municipal Clerk/Registrar/PIO

Borough of Red Bank

90 Monmouth Street

Red Bank, NJ 07701

Phone: 732-530-2740

Fax: 732-530-2757

Email: pborghi@redbanknj.org

Visit us online at www.redbanknj.org

21 attachments



Draft Agenda 10-31-2018 Wkshp.pdf

85K



Adm-T&M Resolution.pdf

8K



Adm-T&M proposal.pdf

407K



Report - Admin-Grants 201810.pdf

62K



Report - Admin-IT 201810.pdf

77K



Report - Admin-Affordable Housing Alliance-Status 201810.pdf

133K



Report - Clerk 201810.pdf

56K



Report - Finance-Tax Collector 201810.xlsx

88K



Resignation-Field Insp.pdf

49K



Resignation-Bookkeeper.pdf

36K



Report - Police - 201809.pdf
696K



Report - RBFD 201810.pdf
157K



DPU-Resolution Bobcat.pdf
8K



Report - Recreation 201810.pdf
146K



Report -Senior Citizen 201810.pdf
8K



Report - PZ 201810.pdf
59K



Report - PZ Develop Proj Status - 201810.pdf
56K



Clay Street Access.pdf
85K



Ordinance changes re Trees.pdf
84K



Clay Street Access.pdf
85K



Report - Construction-201810.pdf
32K

ACKNOWLEDGMENT OF RECEIPT

I, Doreen Hoffmann, ACKNOWLEDGE RECEIPT OF THE BOROUGH OF RED BANK'S PERSONNEL POLICIES AND PROCEDURES MANUAL WHICH CONTAINS, AMONG OTHER THINGS, THE BOROUGH'S ANTI-DISCRIMINATION AND ANTI-HARASSMENT POLICIES. I HAVE READ THE MANUAL AND UNDERSTAND ITS POLICIES AND PROVISIONS. IF THERE ARE ANY PROVISIONS OF THIS MANUAL I DO NOT UNDERSTAND OR ABOUT WHICH I HAVE QUESTIONS, I WILL CONSULT WITH MY SUPERVISOR

I UNDERSTAND THAT THE BOROUGH OF RED BANK HAS THE RIGHT, AT ITS SOLE DISCRETION, TO REVIEW, CHANGE, OR ELIMINATE ANY OR ALL OF THE POLICIES AND/OR PROVISIONS OF THE MANUAL.

I UNDERSTAND THAT MY EMPLOYMENT WITH THE BOROUGH OF RED BANK IS AT WILL AND THAT THE BOROUGH MAY TERMINATE MY EMPLOYMENT AT ANY TIME AND FOR ANY REASON WITH OR WITHOUT CAUSE AND WITHOUT PRIOR NOTICE. I ALSO UNDERSTAND THAT I CAN RESIGN WITH OR WITHOUT A REASON AT ANY TIME. NO PROCEDURES NEED BE COMPLIED WITH IN ORDER TO END THE EMPLOYMENT RELATIONSHIP UNLESS THAT AT-WILL RELATIONSHIP IS SUBJECT TO EXTERNAL LAW, A COLLECTIVE BARGAINING AGREEMENT, OR THE NEW JERSEY DEPARTMENT OF PERSONNEL REGULATIONS. I UNDERSTAND THAT NOTHING CONTAINED IN THIS EMPLOYEE MANUAL, OR ANY OTHER STATEMENT OF THE BOROUGH OF RED BANK POLICY, CREATES A CONTRACT FOR CONTINUED EMPLOYMENT UNDER ANY PARTICULAR TERMS OR CONDITIONS, OR FOR ANY SPECIFIC TIME PERIOD.

4-22-19
Date

Doreen Hoffmann
Employee's Name

Administration
Department

Doreen Hoffmann
Employee's Signature

THIS WILL CERTIFY THAT I, Doreen Hoffmann HAVE
BEEN GIVEN A COPY OF THE BOROUGH OF RED BANK'S POLICY ADDRESSING
ALCOHOL AND DRUGS IN THE WORKPLACE AND THAT I FULLY UNDERSTAND
SAID POLICY AND AGREE TO COMPLY WITH ALL TERMS AND
REQUIREMENTS SET FORTH HEREIN.

EMPLOYEE: Doreen Hoffmann

DATE: 4-22-19

WITNESS: [Signature]

DATE: 4/22/19

Borough of Red Bank Employee Complaint Procedure

The Borough of Red Bank has a "no tolerance" policy towards workplace wrongdoing. Under Federal and State law, you have a right to formally or informally report any statement, act, or behavior by a co-employee, supervisor, elected official or visitor that you perceive to be improper, including harassment of any kind, violence or threat of violence, retaliation, wrongful termination, breach of an employment agreement, failure to promote, wrongful demotion, violation of any employment protection law or regulation, discrimination of any nature, misrepresentation, defamation, or any other statements, acts, or behaviors that violate employment rights.

You also have the right to:

Disclose to a supervisor, Department Head, the Business Administrator or his/her designee, or to member of the governing body or to a public body, as defined in the Employment Protection Act (N.J.S.A. 34:19) an activity, policy or practice that you reasonably believe is in violation of a law, a rule or regulation promulgated pursuant to law; or

Provide information to, or testify before any public body conducting an investigation, hearing, an inquiry into any violation of law, or a rule or regulation promulgated pursuant to law; or

Object to or refuse to participate in any activity, policy, or practice that you reasonably believe is a violation of a law, rule or regulation promulgated pursuant to law; is fraudulent or criminal; or is incompatible with a clear mandate of public policy concerning the public health, safety, or welfare; or

Participate in political activities or join political organizations, as long as you do so on your own time and maintain a clear separation between your official responsibilities and your political affiliations.

Immediately report any wrongdoing to your supervisor, or, if you prefer your Department Head, the Business Administrator or his/her designee, or the Borough Attorney. No retaliatory measures will be taken against any employee who, in good faith, complains of wrongdoing or harassment. To the maximum extent feasible, the confidentiality of all such complaints will be maintained on a need-to-know basis. However, investigation of such complaints may require disclosure to the accused party and other witnesses in order to gather pertinent facts.

I, hereby acknowledge receipt of a copy of this letter.

Name

Dorcen Hoffmann

Date

4-22-19

Signature

Dorcen Hoffmann

The original signed copy of this letter must be filed in the employee's personnel folder

**Borough of Red Bank
Receipt of Social Media Policy**

I, Doreen Hoffman, acknowledge that:

A. I received a copy of the Borough of Red Bank's Social Media Policy on 4-1-19;
Date

B. I have been given an opportunity to ask questions about said Policy and I have been provided with satisfactory information in response to my questions;

C. I understand the language used in this Policy;

D. I acknowledge that the Borough reserves the right to add, amend or discontinue any of the provisions of this policy for any reason or none at all, in whole or in part, at any time, with or without notice;

E. I acknowledge that I understand this Policy and I agree that I will comply with all of its provisions. If there is any policy or provision in the Handbook that I do not understand, I will seek clarification from my supervisor, Department Head or Business Administrator.

F. No supervisor or other representative of the Borough of Red Bank has the authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the above. I understand that nothing contained in the Handbook may be construed as creating a promise of future benefits or binding contract with Borough of Red Bank for benefits or for any other purpose. I also understand that these policies are continually evaluated and may be amended, modified or terminated at any time.

G. For employees who are members of the various bargaining units, this does not supersede your respective contracts. It is being distributed to advise you of Borough policies that are not addressed in those agreements.

4-22-19 Doreen Hoffman
Date Signature



**RED BANK
POLICEMAN'S BENEVOLENT ASSOCIATION
LOCAL #39
PO BOX 39 RED BANK, NJ 07701**



To : Chief McConnell

04/11/2019

From : Red Bank PBA Local 39

Re : Medical Documentation

I am writing to you in regards to the new **Borough of Red Bank Personnel Policies and Procedures Manual** dated November 2018. On page (ii) it states " This manual supersedes and replaces all prior or existing handbooks, manuals, written policies, memos, e-mails, oral policies or practices in effect, or oral, written or electronic statements made, prior to the most recent effective date printed on the cover of this manual."

This passage would then eliminate the **Borough of Red Bank Police Department Departmental Policies and Procedures**, policy A-10 labeled **Attendance Policy**, section IV **Procedure**, section D **Medical Documentation** sub section (d) " The Chief of Police or his/her designee may require an employee who is absent utilizing sick time in conjunction with an approved day off for contractually permitted time, such as vacation and compensatory time, shall be examined by a physician or any person licensed to practice medical arts in the State of NJ to verify the illness or injury."

In conclusion there is no mention of requiring medical documentation while using a sick day in conjunction with an approved day off for contractually permitted time in the new Borough of Red Bank Personnel Policies and Procedures Manual.

Sincerely,

Michael Zadlock

President

Red Bank PBA Local # 39

BOROUGH OF RED BANK

PERSONNEL

POLICIES AND PROCEDURES

MANUAL

NOVEMBER 2018

IMPORTANT NOTICE

THIS MANUAL IS NOT AN EMPLOYMENT CONTRACT BETWEEN THE BOROUGH OF RED BANK (THE “BOROUGH”) AND OUR EMPLOYEES.

THERE ARE NO PROMISES OF ANY KIND BY THE BOROUGH CONTAINED IN THIS MANUAL. REGARDLESS OF WHAT THIS MANUAL SAYS OR PROVIDES, EXCEPT TO THE EXTENT COVERED BY A COLLECTIVE BARGAINING UNIT AGREEMENT OR OTHER EMPLOYMENT CONTRACT, THE BOROUGH PROMISES NOTHING AND RESERVES ITS RIGHT TO CHANGE WAGES AND ANY AND ALL OTHER WORKING CONDITIONS, AND ANY OTHER POLICY OR PROVISION SET OUT IN THIS MANUAL AT ANY TIME, AND WITHOUT HAVING TO CONSULT ANYONE AND WITHOUT ANYONE'S AGREEMENT. EMPLOYEES WITH QUESTIONS REGARDING THE APPLICABILITY OF A PARTICULAR POLICY OR PRACTICE OF THE BOROUGH, OR ANY PROVISION OF THIS MANUAL SHOULD ASK THEIR SUPERVISOR, THE BUSINESS ADMINISTRATOR OR HIS/HER DESIGNEE.

THE POLICIES, PRACTICES AND PROCEDURES PUBLISHED BY THE BOROUGH AS CONTAINED IN THIS MANUAL ARE NOT IN ANY WAY TO BE INTERPRETED AS AN EMPLOYMENT CONTRACT BETWEEN THE BOROUGH AND ANY OF OUR EMPLOYEES. BOTH THE BOROUGH AND OUR EMPLOYEES HAVE THE RIGHT TO END THE EMPLOYMENT RELATIONSHIP AT ANY TIME, WITH OR WITHOUT CAUSE AND WITH OR WITHOUT PRIOR NOTICE, EXCEPT TO THE EXTENT COVERED BY A COLLECTIVE BARGAINING UNIT AGREEMENT OR OTHER EMPLOYMENT CONTRACT. NOTHING IN THIS MANUAL SHOULD BE INTERPRETED AS IN ANY WAY CHANGING OR MODIFYING YOUR AT WILL EMPLOYMENT OR AS CONSTITUTING A GUARANTEE OF EMPLOYMENT WITH THE BOROUGH FOR ANY SPECIFIC PERIOD OF TIME.

THIS MANUAL SUPERSEDES AND REPLACES ALL PRIOR OR EXISTING HANDBOOKS, MANUALS, WRITTEN POLICIES, MEMOS, E-MAILS, ORAL POLICIES OR PRACTICES IN EFFECT, OR ORAL, WRITTEN OR ELECTRONIC STATEMENTS MADE, PRIOR TO THE MOST RECENT EFFECTIVE DATE PRINTED ON THE COVER OF THIS MANUAL. TO THE EXTENT ANY PROVISION OF THIS MANUAL CONTRADICTS THE TERMS OF ANY COLLECTIVE BARGAINING UNIT AGREEMENT OR OTHER EMPLOYMENT CONTRACT, THE TERMS OF THAT AGREEMENT OR CONTRACT WILL PREVAIL OVER THE TERMS SET OUT IN THIS MANUAL OR ANY POLICY OR PROCEDURE CONTAINED IN THIS MANUAL.

ACKNOWLEDGMENT OF RECEIPT

I, _____, ACKNOWLEDGE RECEIPT OF THE BOROUGH OF RED BANK'S PERSONNEL POLICIES AND PROCEDURES MANUAL WHICH CONTAINS, AMONG OTHER THINGS, THE BOROUGH'S ANTI-DISCRIMINATION AND ANTI-HARASSMENT POLICIES. I HAVE READ THE MANUAL AND UNDERSTAND ITS POLICIES AND PROVISIONS. IF THERE ARE ANY PROVISIONS OF THIS MANUAL I DO NOT UNDERSTAND OR ABOUT WHICH I HAVE QUESTIONS, I WILL CONSULT WITH MY SUPERVISOR

I UNDERSTAND THAT THE BOROUGH OF RED BANK HAS THE RIGHT, AT ITS SOLE DISCRETION, TO REVIEW, CHANGE, OR ELIMINATE ANY OR ALL OF THE POLICIES AND/OR PROVISIONS OF THE MANUAL.

I UNDERSTAND THAT MY EMPLOYMENT WITH THE BOROUGH OF RED BANK IS AT WILL AND THAT THE BOROUGH MAY TERMINATE MY EMPLOYMENT AT ANY TIME AND FOR ANY REASON WITH OR WITHOUT CAUSE AND WITHOUT PRIOR NOTICE. I ALSO UNDERSTAND THAT I CAN RESIGN WITH OR WITHOUT A REASON AT ANY TIME. NO PROCEDURES NEED BE COMPLIED WITH IN ORDER TO END THE EMPLOYMENT RELATIONSHIP UNLESS THAT AT-WILL RELATIONSHIP IS SUBJECT TO EXTERNAL LAW, A COLLECTIVE BARGAINING AGREEMENT, OR THE NEW JERSEY DEPARTMENT OF PERSONNEL REGULATIONS. I UNDERSTAND THAT NOTHING CONTAINED IN THIS EMPLOYEE MANUAL, OR ANY OTHER STATEMENT OF THE BOROUGH OF RED BANK POLICY, CREATES A CONTRACT FOR CONTINUED EMPLOYMENT UNDER ANY PARTICULAR TERMS OR CONDITIONS, OR FOR ANY SPECIFIC TIME PERIOD.

Date

Employee's Name

Department

Employee's Signature

**THIS WILL CERTIFY THAT I, _____ HAVE
BEEN GIVEN A COPY OF THE BOROUGH OF RED BANK'S POLICY ADDRESSING
ALCOHOL AND DRUGS IN THE WORKPLACE AND THAT I FULLY UNDERSTAND
SAID POLICY AND AGREE TO COMPLY WITH ALL TERMS AND
REQUIREMENTS SET FORTH HEREIN.**

EMPLOYEE: _____

DATE: _____

WITNESS: _____

DATE: _____

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GENERAL PERSONNEL POLICY

It is the policy of the Borough of Red Bank to treat employees in a manner consistent with all applicable employment laws and regulations. The personnel policies and procedures of the Borough apply to all employees, volunteers, elected or appointed officials and independent contractors. This manual supersedes the previous Borough of Red Bank Policy and Procedures Manual, and to the extent that any provisions of this manual differ from the prior manual, the provisions of this manual are in effect. In the event there is a conflict between these provisions and any collective bargaining agreement, personal services contract, the Police Department Rules and Regulations for the Governing of the Police Department, or Federal or State law, the terms and conditions of that agreement, contract, rules and regulations, or law shall prevail. If any provision of this manual is deemed invalid, that part of the manual will be suspended, but the remainder of the manual will remain in effect. In all other cases, these policies and procedures shall prevail.

The Business Administrator is designated as the Personnel Officer, and is empowered to appoint all Borough employees subject to law, statute and ordinance. No person shall be employed or promoted unless there exists a position created by an ordinance or resolution adopted by the Mayor and Council, as well as the necessary budget appropriation and salary ordinance.

The Business Administrator and all managerial/supervisory personnel are authorized and responsible for personnel policies and procedures. The Business Administrator and his/her designee shall also have access to the Borough Attorney appointed by the Mayor and Council for guidance in personnel matters.

As a general principle, the Borough of Red Bank has a “no tolerance” policy towards workplace wrongdoing. Borough of Red Bank officials, employees and independent contractors are to report anything perceived to be improper to their supervisor or Borough of Red Bank official. The Borough of Red Bank believes strongly in an Open Door Policy and encourages employees to talk with their supervisor, Department Head, Business Administrator, or his/her designee concerning any problem.

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

To the maximum extent permitted by law, the Borough of Red Bank operates under the legal doctrine known as “employment at will.” Within Federal and State law, and any applicable bargaining unit agreement, the Borough of Red Bank shall have the right to terminate an employee at any time and for any reason, with or without notice, except that the Borough of Red Bank shall comply with all Federal and State Laws regarding termination or dismissal.

SPECIFIC EMPLOYMENT POLICIES AND PROCEDURES

SECTION 1

Policies Relating to Employee Rights and Obligations:

A. Anti-Discrimination Policy/New Jersey Pregnant Worker’s Fairness Act:

The Borough is committed to the principle of equal employment opportunity and anti-discrimination practices pursuant to Title VII of the 1964 Civil Rights Act, as amended by the Equal Opportunity Act of 1972, the Age Discrimination and Employment Act, the Americans with Disabilities Act (“ADA”) and the New Jersey Law Against Discrimination (“NJLAD”) as amended by the New Jersey Pregnant Worker’s Fairness Act and the Diane B. Allen Equal Pay Act. It is the Borough’s policy to prohibit discrimination and/or harassment of an employee by another employee, management representative, supplier, volunteer, or business invitee on the basis of actual or perceived sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, civil union status, gender identity or expression, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), pregnancy (including pregnancy related medical condition), childbirth, liability for service in the United States Armed Forces, and/or any other characteristic protected by law. Decisions regarding hiring, promotion, pay and/or benefits, assignment, training, transfer, discipline, demotion and termination are based solely on the Borough’s requirements, and the qualifications and performance of the employee or prospective employee, and shall never be based upon any discriminatory practice or basis. Any type of harassment, including but not limited to slurs, epithets, directs, derogatory comments, unwelcome jokes, teasing, and other similar verbal or physical conduct based on a protected category is strictly forbidden. If any employee or prospective employee feels they have been treated unfairly based on one of the protected categories, they have the right to address their concern with their supervisor, or if they prefer their Department Head, the Business Administrator or his/her designee.

B. Reasonable Accommodation For Individuals with Disabilities and Pregnancy or Related Medical Conditions:

In compliance with the Americans with Disabilities Act (“Act”), the ADA Amendments Act and the NJLAD as amended by the New Jersey Pregnant Worker’s Fairness Act, the Borough of Red Bank does not discriminate against any employee or job applicant with respect to any

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

Employees should present requests for reasonable accommodation to their supervisor, the Business Administrator or his/her designee. In response to a request for accommodation, the Business Administrator shall initiate an interactive dialogue with disabled/pregnant employees and prospective employees or their respective health care provider to identify reasonable accommodations that do not create an undue hardship. Accommodations include modifications to facilities, equipment and work procedures, auxiliary aides, services and permanent reassignment to vacant positions. Employees who are reassigned to a different position shall receive the salary of their new position. In the case of an employee breastfeeding her infant child, the accommodation shall include reasonable break time each day to the employee and a suitable room or other location with privacy, other than a toilet stall, in close proximity to her work area for the employee to express breast milk for the child. Accommodations shall not be so expensive, extensive and disruptive or fundamentally alter the nature of the operation so as to be an undue hardship. The law does not require the Borough of Red Bank to offer permanent "light duty", relocate essential functions or provide personal use items such as eyeglasses, hearing aids, wheelchairs, or other personal items. To be eligible for accommodations, individuals must (1) be able to perform the essential function of the position, with or without reasonable accommodations, (2) not create a real safety hazard to themselves, their co-employees or the public, and (3) must otherwise be qualified for the position in that they possess the prerequisites including education, experience, training, skills, licenses or certificates and other job-related requirements. All decisions with respect to accommodations shall be made by the Business Administrator or Mayor and Council as appropriate.

Employee should also offer assistance, to the extent possible, to any member of the public who requests or needs an accommodation when visiting Borough facilities. Any questions concerning proper assistance should be directed to the Business Administrator or his/her designee.

C. Transitional Duty Policy:

The Borough will attempt to bring employees with temporary disabilities back on the job as soon as possible and may assign transitional duty to employees, who temporarily cannot perform the essential functions of their positions because of injury or illness. Transitional duty is not guaranteed and will not exceed 45 workdays. If a department already has one employee on transitional duty, it is unlikely that another employee from that department will be assigned transitional duty.

An employee requesting transitional duty, or, when relevant, the Workers' Compensation Physician, shall notify the Business Administrator as soon as the temporarily disabled employee is aware that he or she will be able to return to work with restrictions. Transitional duty will only be assigned if it is the Borough's expectation that the employee will be able to perform the essential functions of the position after the transitional duty period. The Business Administrator will consult with the employee's supervisor to determine if there is any meaningful work that can be performed consistent with the restrictions. Transitional duty assignments may be made in any department, and are not required to take place in the employee's currently-assigned department. The Business Administrator will decide if it is in the best interest of the Borough to approve a transitional duty request. The Borough reserves the right to terminate the transitional duty assignment at any time without cause or prior notice.

Employees may not refuse transitional duty assignments that are recommended or approved by the Workers' Compensation Physician. Failure to report to work as directed shall constitute immediate grounds for dismissal. If the employee believes that the transitional duty assignment is beyond the employee's abilities, the employee may request a meeting with the Business Administrator who will render a written response within a business day.

Employees on transitional duty will receive their regular salaries and are prohibited from engaging in any outside employment of any kind unless they receive prior written approval from the Business Administrator. If transitional duty is approved, the employee or Workers' Compensation Physician must keep the Business Administrator informed of the employee's medical progress. (Employees assigned to transitional duty will be allotted time off to attend medical or physical therapy appointments upon prior notice of at least 24 hours, but must request leave time for any other reason.) If, at the end of transitional duty period, the employee is not able to return to work without restrictions, the Borough reserves the right, at its sole discretion, to extend the transitional duty or place the employee back on medical leave for Workers' Compensation or temporary disability. This policy does not affect an employee's rights under the Americans with Disabilities Act, the Family and Medical Leave Act, the Fair Labor Standards Act, the Contagious or Life Threatening Illnesses Policy or other Federal or State law.

D. Contagious or Life Threatening Illnesses Policy:

The Borough of Red Bank encourages employees with contagious diseases or life-threatening illnesses, including, but not limited to cancer, heart disease, Hepatitis C and HIV/AIDS, to continue their normal pursuits, including work, to the extent allowed by their condition.

Employees with contagious conditions or life threatening illnesses will only be permitted to perform duties that will not create a risk to themselves, their co-workers or the general public. These individuals will be treated no differently than any other employee. As in the case of other disabilities, the Borough of Red Bank shall make reasonable accommodations in accordance with legal requirements to allow qualified employees with contagious or life-threatening illnesses to perform the essential functions of their jobs so long as they are able to meet acceptable performance standards, and also provided that the accommodation does not impose an undue hardship on the Borough.

- Medical information shall be treated confidentially, and may only be disclosed with the prior written consent of the person who is the subject of the information. Managers and other employees have a responsibility to maintain the confidentiality of employee medical information, and the Borough of Red Bank will take reasonable precautions to protect such information from inappropriate disclosure. Anyone inappropriately disclosing such information shall be subject to disciplinary action, up to and including termination. Information concerning the individual's medical condition, however, may be disclosed without prior consent when required by State and/or Federal law. Information may also 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.

Employees with questions or concerns about contagious or life-threatening illnesses are encouraged to contact the Business Administrator or his/her designee.

E. Safety Policy:

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

F. Driver's License Policy

Any employee whose work requires the operation of Borough vehicles must hold a valid and appropriate New Jersey State Driver's License for the vehicle to be operated.

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

Periodic checks of employee's driver's licenses through visual and formal Motor Vehicles Commission review checks shall be made by supervisors. Any employee who does not hold a valid driver's license will not be allowed to operate a Borough vehicle until such time as a valid license is obtained.

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

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

G. Workplace Violence Policy:

The Borough of Red Bank will not tolerate workplace violence. Violent acts or threats made by an employee against another person or property are cause for immediate dismissal and will be prosecuted to the fullest extent of the law. This includes any violence or threats made on Borough of Red Bank property, at Borough of Red Bank events, or under other circumstances that may negatively affect the Borough of Red Bank's ability to conduct business.

Prohibited conduct includes, but is not limited to:

- Causing physical injury to another person;
- Making threatening remarks;
- Aggressive or hostile behavior that creates a reasonable fear of injury in another person or subjects another individual to emotional distress;
- Intentionally damaging employer property or property of another employee;
- Possession of a weapon while on Borough of Red Bank property, or while on Borough of Red Bank business, except with the authority of the Police Chief; and

- Committing acts motivated by, or related to, sexual or other forms of workplace harassment or domestic violence.

Any potentially dangerous situations must be immediately reported.

H. Anti-Harassment Policy:

Unlawful discrimination and/or harassment undermine the integrity of the employment relationship, compromise equal employment opportunities, debilitate morale and interfere with work productivity. The Borough of Red Bank is committed to maintaining and promoting a healthy, productive and non-threatening work environment that is built upon mutual respect and is free from unlawful discrimination and/or harassment. In keeping with this commitment, the Borough has a ZERO TOLERANCE policy toward unlawful discrimination and harassment. Accordingly, unlawful discrimination and harassment of Borough employees by anyone, including any supervisor, co-employee, vendor, contractor, citizen, or patron of the Borough will not be tolerated.

It is Borough's policy to prohibit harassment of an employee by another employee, or by a supervisor, vendor, contractor, citizen or patron, on the basis of actual or perceived sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, civil union status, gender identity or expression, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), pregnancy (including pregnancy related medical condition), childbirth, breastfeeding, liability for service in the United States armed forces, and/or any other characteristic protected by Federal and/or State law. Harassment of any individual, including non-employees, by any employee is strictly prohibited. Harassment is defined as included, but is not limited to: slurs, epithets, threats, derogatory comments, unwelcome jokes, teasing, caricatures or representations of persons using electronically or physically altered photos, drawings or images, and other similar verbal, written, printed, or physical conduct.

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

This policy applies to both conduct which occurs in the workplace, and conduct that occurs at any location which can be reasonably regarded as an extension of the workplace, i.e., any field location, any off-site Borough-related social function, or any facility where Borough business is being conducted and discussed. This policy shall apply to all Borough employees and shall rescind and supersede all prior policies and procedures which may have been used to report, investigate, and remediate unlawful discrimination and/or harassment complaints in the past.

It is a violation of this policy to engage in any employment practice or procedure that treats an individual less favorably based upon any of the above protected categories. This policy pertains to all employment practices including, but not limited to, recruitment, selection, hiring, training, promotion, transfer, assignment, layoff, return from layoff, termination, demotion,

discipline, job assignment, compensation, fringe benefits, working conditions, and career development.

This policy also applies to communications, whether oral or written, by telephone, e-mail, voicemail, or internet usage, including the transmission or forwarding of communications to others, or other graphic images that denigrate individuals on the basis of the protected categories, including sex.

Notification of appropriate personnel of any harassment problem is essential to the success of this policy and the Borough generally. The Borough cannot resolve a harassment problem unless it knows about it. Therefore, it is the responsibility and obligation of all employees to bring those kinds of problems to the attention of the appropriate officials so that steps are taken to correct them. If an employee is witness to, or believes to have experienced, harassment, immediate notification should be made to their supervisor, the Business Administrator or his/her designee or other appropriate person in authority. (See the Employee Complaint Policy).

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

I. Anti-Sexual Harassment

It is the Borough's policy to prohibit sexual harassment of an employee by another employee, or by a supervisor, vendor, contractor, volunteer, citizen or patron. The Borough prohibits sexual harassment in any form from occurring in the workplace or at any other location at which the Borough sponsored activity takes place. Sexual harassment of non-employees by our employees is also prohibited. The purpose of this policy is not to regulate personal morality or to encroach upon one's personal life, but rather, to demonstrate a strong commitment to maintaining a workplace free of sexual harassment.

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

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

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 person using electronically or physically altered photos, drawings, or images, impeding or blocking movements, touching, assault, notes or invitations; and/or physical conduct.

If any employee is witness to sexual harassment or believes that an employee has experienced sexual harassment, he/she must immediately notify the Business Administrator or his/her designee or other appropriate person in authority. (See the Employee Complaint Policy).

Harassment of Borough employees, in connection with their work, by non-employees is also a violation of this policy. Any employee who experiences harassment by a non-employee, or who observes harassment of an employee by a non-employee, should report such harassment to the Business Administrator or his/her designee. All such reports will be investigated, and, if founded, appropriate action will be taken against the non-employee.

Notification by employee to appropriate personnel of any harassment problem is essential to the success of this policy and the Borough generally. The Borough cannot resolve a harassment problem unless it is reported. Therefore, it is the responsibility and obligation of all employees to bring these problems and incidents to the attention of management so that steps are necessary to correct them.

The Borough has established procedures which shall be followed for prevention and investigation of all complaints.

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

J. “Whistle Blower” Policy:

Employees have the right under the “Conscientious Employee Protection Act” (“CEPA”) and this policy to complain about any activity, policy or practice that an employee reasonably believes is in violation of a law, rule, or regulation promulgated pursuant to law, without fear of retaliation or reprisal. This right shall be communicated to all employees in an annual notice outlining the specific employee complaint procedure and in a posted notice. A written acknowledgement that the employee received, read, and understood this letter or written notification 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 Policies and Procedures Manual. All complaints will be taken seriously and promptly investigated.

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

- Disclosing or threatening to disclose to a supervisor, other official or to a public body, as defined in the Conscientious Employee Protection Act (N.J.S.A. 34:19-1 *et seq.*), of

an activity, policy or practice that the employee reasonably believes is in violation of a law, a rule or regulation promulgated pursuant to law;

- Providing information to, or testifying before, any public body conducting an investigation, hearing, an inquiry into any alleged violation of law, or a rule or regulation promulgated pursuant to law; or
- Objecting to or refusing to participate in any activity, policy, or practice that the employee reasonably believes is a violation of a law, rule or regulation promulgated pursuant to law; or is fraudulent or criminal; or is incompatible with a clear public policy mandate concerning the public health, safety, or welfare, or the protection of the environment.

In accordance with the CEPA statute, the employee must bring the violation to the attention of the Borough in writing. However, disclosure is not required where (1) the employee is reasonably certain that the violation is known to one or more officials; (2) where the employee reasonably fears physical harm; or (3) the situation is an emergency in nature. Employees are encouraged to complain in writing using the Employee Complaint form. (See Employee Complaint Policy). Under the law, the employee must give the Borough a reasonable opportunity to correct the activity, policy or practice. The administration of whistle blower complaints is not subject to the limitations in the Grievance Policy.

CEPA specifically provides that the rights, privileges or remedies under any other federal or state law or regulation, or under the terms of any collective bargaining agreement, are not diminished. Employees should be cognizant, however, that, in accordance with State law, once an action is instituted under CEPA, the employee's rights and remedies under any other contract, collective bargaining agreement, state law, rule or regulation, or under the common law, will, in many instances, be deemed to have been waived.

K. Employee Complaint Policy and Procedure:

Employees who wish to complain of harassment or any other workplace wrongdoing, or who have any question as to whether a certain behavior constitutes harassment or other wrongdoing, are requested to immediately report the matter to their supervisor, or, if they prefer, to their Department Head, the Business Administrator or his/her designee. Employees are encouraged to complain in writing using the Employee Complaint form, but may make an oral complaint at their discretion. No retaliatory measures will be taken against any employee who complains, in good faith, of workplace wrongdoing, even if the complaint is ultimately deemed unfounded. The Borough of Red Bank will, to the maximum extent feasible, maintain the confidentiality of such complaints, reveal such complaints only on a "need-to-know" basis, and undertake a prompt investigation of the matter. Note that it is possible that investigation of the complaints may require disclosure to the accused party and other witnesses in order to gather pertinent facts.

- **Reporting:** Employees are encouraged to report complaints in writing utilizing the Employee Complaint form. However, employees are not restricted to report a

complaint in this manner, but may do so orally at their option. Verbal complaints shall be immediately documented by the receiving party (e.g. manager, supervisor or administrator) upon being notified of same.

- **Identification/Screening:** The supervisor, Department Head, or Business Administrator's designee must report all written or verbal complaints to the Business Administrator, unless the complaint is against the Business Administrator, then the complaints go to the chairs of the personnel committee of the Borough Council. Upon receipt, the Business Administrator will determine if the complaint was made pursuant to the General Anti-Harassment Policy, the Anti-Sexual Harassment Policy, the Whistle Blower Policy, a grievance procedure, or is another form of complaint. A file will be established including the written complaint, the investigation procedure followed, and the response action plan. As soon as possible, but no later than ten (10) days after receiving the complaint, the Investigator appointed by the Business Administrator, will interview the employee. If the employee is reluctant to sign a written complaint, the Investigator will prepare written notes of the date, time and place of the complaint and the specific allegations. These notes will be read back to the employee who will be asked to affirm, preferably in writing, the information's accuracy.
- **Investigation:** The Business Administrator will seek the advice of the Borough Attorney when planning the investigation. The investigation should be conducted by the Borough Attorney or outside counsel or the County Prosecutor, if the complaint alleges potential criminal activity. The investigation will be undertaken in as confidential a manner as possible under the particular circumstances. 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, observed or aware of similar misconduct by the accused. It is important to protect the rights of both the person making the complaint and the alleged wrongdoer.
- **Response Plan – No Corrective Action Required:** The Business Administrator will discuss the conclusions of the investigation with the Borough Attorney and render a decision within fourteen (14) days after the investigation is complete. If the validity of a complaint cannot be determined or the complaint is groundless, the complaining employee will be notified in writing. A general statement will be made 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 Borough of Red Bank is committed to eliminating wrongful employment practices when they are found to exist. If the investigation reveals that the complainant intentionally and maliciously levied false charges against the alleged wrongdoer, the complainant will be notified of the seriousness of filing a false complaint, and the appropriate disciplinary penalty under the circumstances, up to and including termination.
- **Response Plan – Corrective Action Required:** If the investigation reveals that the complaint is justified and substantiated, the Business Administrator will formulate, with

the advice of the Borough 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. The response plan should provide for appropriate remedial action to prevent a recurrence of the wrongful act or behavior. The accused also will be notified in writing that the complaint was sustained and an appropriate response plan will be formulated and will be implemented.

L. Grievance Policy and Procedure:

A grievance is any formal dispute concerning the interpretation, application and enforcement of any personnel policy or procedure of the Borough of Red Bank. Grievances from union employees will be handled pursuant to the terms of the applicable bargaining unit agreement. All grievances from non-union employees must be presented within five (5) working days after arising and failure to report a grievance within such time shall be deemed as a waiver of the grievance. In order to initiate a grievance, the following procedure should be followed:

- **Step One:** Any employee or group of employees with a grievance shall orally communicate the grievance to the supervisor who will discuss the matter with the Department Head. In the absence of an immediate supervisor, the employee should communicate directly with the Department Head. The supervisor or Department Head will communicate their decision to the employee within five (5) business days.
- **Step Two:** If the employee is not satisfied with the decision, the employee must submit a written grievance to the Department Head detailing the facts and the relief requested. The decision in Step One will be deemed final if the employee fails to submit a written grievance within five (5) business days following the Step One decision. In the event that a written grievance is submitted, the Department Head, or designated representative, shall meet within five (5) business days with the employee, unless such a meeting is waived by both parties in writing, and shall respond in writing within ten (10) business days following the close of this meeting.
- **Step Three:** If the employee is not satisfied with the Step Two decision, the employee must submit an appeal in writing to the Business Administrator within five (5) business days of the Step Two decision. The appeal shall include copies of all previous correspondence relating to this matter. After consulting with his/her designee and the Borough Attorney, as appropriate, the Business Administrator will conduct an informal hearing within five (5) business days and shall render a written decision to the employee within five (5) business days after said informal hearing.

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

M. Access to Personnel Files Policy:

The official personnel file for each employee shall be maintained by the Business Administrator or his/her designee. 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. In accordance with Federal law, records relating to any medical condition will be maintained in a separate file and will not be included in the Personnel File. Electronic personnel and medical records must be protected from unauthorized access. Any employee may review their own file in the presence of the Business Administrator or his/her designee, upon reasonable notice.

The Borough endeavors to maintain the privacy of personnel records. There are limited circumstances in which the Borough will release information contained in personnel or medical records to persons outside the Borough. 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 Borough's compliance with applicable law;
- To the Borough's agents, Business Administrator or his/her designees, and attorneys, when necessary;
- In a lawsuit administrative proceeding, grievance, or arbitration in which the employee and the Borough are parties;
- In a workers' compensation proceeding;
- To administer benefit plans and claims;
- To an authorized health care provider;
- To first aid or safety personnel, when necessary; and
- To a potential future employer or other persons requesting a verification of your employment, provided the employee has signed a document authorizing the release of the records and information.

N. Conflict of Interest Policy:

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

The Borough recognizes the right of employees to engage in outside activities that are private in nature and unrelated to Borough of Red Bank business. However, business dealings that appear to create a conflict between the employee's personal interests and the Borough of Red Bank's interests are unlawful under the New Jersey Local Government Ethics Act (the "Act"). Whenever an employee believes that such a conflict will, or may, occur, the employee should immediately disclose the potential conflict to his/her supervisor, the Business Administrator, or Borough Attorney. Under the Act, certain employees and officials are required to annually file with the Borough of Red Bank Clerk a state mandated disclosure form. The Borough of Red

Bank Clerk will notify employees and Borough of Red Bank officials subject to the filing requirements of the Act.

One form of potential or actual conflict of interest occurs whenever an employee, including a Borough of Red Bank official, is in a position to influence a Borough of Red Bank decision that may result in a personal gain for the employee or an employee's immediate relatives, including a spouse, domestic partner, civil union partner 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 all possible conflicts so that the Borough of Red Bank may assess and prevent potential conflicts. If there are any questions as to whether an action or proposed course of conduct would create a conflict of interest, immediately contact the Business Administrator to obtain clarification.

Employees are allowed to hold outside employment as long as it does not interfere with their Borough of Red Bank responsibilities. Outside employment with respect to members and employees of the Police Department is governed by PR:108(4) of the Rules and Regulations for the Governing of the Police Department. Employees are prohibited from engaging in outside employment and outside business activities while on the job and from using Borough of Red Bank time, supplies or equipment in any outside employment or any outside business activities. The Business Administrator may request employees to restrict outside employment if the quality of their Borough of Red Bank work diminishes. Any employees who holds an interest in, or is employed by, any entity doing business with the Borough of Red Bank must submit a written notice of these outside interests to the Business Administrator.

Employees may not accept donations, gratuities, contributions or gifts that could be interpreted as affecting their Borough of Red Bank duties. Under no circumstances may an employee accept donations, gratuities, contributions or gifts from a vendor doing business with or seeking to do business with the Borough of Red Bank or any person or firm seeking to influence Borough of Red Bank decisions. Meals and other entertainment paid for or provided by any individual or entity and valued in excess of \$150 are also prohibited. Employees are required to report to the Business Administrator any offer of a donation, gratuity, contribution or gift including meals and entertainment that is in violation of this policy.

O. 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 are prohibited from using Borough of Red Bank time, supplies or equipment in any political activity. Any violation of this policy must be reported to the supervisor, Department Head, Business Administrator or his/her designee.

P. Employee Evaluation Policy and Procedure:

Periodic evaluations are critical to create a formal record of an employee's performance over time and establish a foundation for personnel actions such as promotion and termination. In addition to day-to-day feedback to the employee, a performance evaluation by the employee's supervisor must be conducted at least annually for all employees. The completed appraisal becomes part of an employee's permanent record.

Performance discussions must also provide employees with guidance regarding their ability to meet job standards. Extraordinary skills or abilities should be recognized, and areas in need of employee improvement addressed. Supervisors should review the employee's future training needs and career planning. The reviewing supervisor should also encourage the employee to make suggestions about how the Borough can improve. In their review, the supervisor should ask employees for feedback regarding the employee's skills as they relate to communication, team building, delegation, and sensitivity to needs of subordinates.

It is crucial that all reviewers complete the evaluation forms with care and with complete candor. Although reviewers are encouraged to set forth areas of strength and utilize tact in presenting criticism, it is important that all performance issues of any significance be addressed thoroughly and in unambiguous terms in the evaluation form, and verbally with the employee. Self-assessment should be part of the evaluation process.

After completing the evaluation, the employee should sign the evaluation, acknowledging that he/she has read and discussed it with the supervisor. The employee's signature does not necessarily indicate agreement with the evaluation. The employee can write comments on the form or submit to the evaluator a rebuttal to the evaluation if he/she does not agree with it. The reviewer will return the form(s) with the signed acknowledgement to the Business Administrator. After review by the Business Administrator, the form(s) and any rebuttal will be included in the employee's official personnel file. As a part of the evaluation, employees have the right to request a conference with the Department Head and/or Business Administrator.

Q. Employee Discipline and Termination Policy and Procedure:

An employee may be subject to discipline for a variety of reasons. Major disciplinary action includes disciplinary demotion or suspension or fine exceeding five working days or termination. Minor discipline includes a formal, written reprimand or a suspension or fine of five working days or less. Employees who object to the terms and/or conditions of the discipline are entitled to a hearing under the applicable grievance procedure. In every case involving employee discipline, employees will be provided with an opportunity to respond to charges.

In general, in cases of employee misconduct, the Borough believes in corrective action to correct and change any undesirable behavior and to prevent a recurrence of undesirable behavior or misconduct. The corrective action taken will be related to the gravity of the situation, the number and kind of previous infractions by that employee, and other relevant

circumstances. In every case, employees will be given an opportunity to state their view of the situation, which will be given due consideration.

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

This manual, the employee discipline and termination policy and procedure, or any other Borough guidelines, policies or practices does not create an employment contract. Employment with the Borough may be terminated at any time with or without cause or reason by the employee or by the Borough, subject to any limitations contained in any collective bargaining unit agreement.

Many of the types of behaviors that may result in disciplinary action have been addressed in other sections of this manual. Since disciplinary action results from specific circumstances, it is not possible to create a comprehensive list. Such actions that will result in disciplinary action being taken against an employee include, but are not limited to: any illegal or unethical activity, being under the influence of intoxicants, any form of harassment and/or discrimination, insubordination, failure to perform work assignments and job functions or substandard performance of work assignments and job functions, excessive or unscheduled absences, chronic tardiness, violation of safety rules, destruction of Borough property, unauthorized use of Borough equipment, including computers and phones, and any other sufficient good cause.

The following are forms of discipline that may be used. The Borough reserves the right to use any form of discipline in any order.

- **Verbal Warning:** Depending on the circumstances, the supervisor may verbally notify the employee that the employee's actions have been improper and warn the employee against further occurrences. The supervisor will prepare a record of the verbal reprimand including the date, time and what was discussed with the employee. This record must be forwarded to the Business Administrator or his/her designee and placed in the employee's official personnel file.
- **Written Reprimand:** When a supervisor determines that a written reprimand is appropriate, the situation must be discussed with the Department Head. In the event that it is the Department Head writing the reprimand, the situation must be discussed with the Business Administrator. The reprimand should clearly identify the problem and outline a course of corrective action within a specific time frame. The employee should clearly understand both the corrective action and the consequence that will result if the problem is not corrected or reoccurs. The employee should acknowledge receipt of the warning and may include additional comments. A copy of the written reprimand with the signed acknowledgement and comments must be forwarded to the

Business Administrator or his/her designee for inclusion in the employee's official personnel file.

- **Suspension:** Department Heads are authorized to suspend employees for up to two (2) days. Employees suspended by Department Heads may contest the suspension through the grievance procedure. Whenever an employee is recommended for suspension for greater than two (2) days, the Business Administrator will make the decision and may seek the advice of the Borough Attorney, if appropriate.
- **Dismissal:** Whenever an employee is recommended for dismissal, the Business Administrator will make the decision only after seeking the advice of the Borough Attorney or Labor Counsel. There must be a complete review of the employee's personnel file and all other facts to determine if there is sufficient cause for the dismissal.

R. Resignation Policy:

An employee who intends to resign in good standing must notify the Department Head in writing at least two (2) weeks in advance. The submission of a written resignation is a final act and is considered accepted by the Borough upon submission to the Department Head and cannot be withdrawn under any circumstances.

Oral resignation shall be deemed binding, but shall not be considered resignation in good standing unless followed by a written confirmation which adheres to these policies and procedures.

After giving notice of resignation, employees are expected to assist their supervisor and co-employees by providing information concerning their current projects and help in the training of a replacement. During the last two weeks of employment with the Borough, the employee may not use paid time off except paid holidays. The Department Head will prepare an Employee Action form showing any pay or other money owed the employee. The Business Administrator or his/her designee will conduct a confidential exit interview to discuss benefits, including COBRA options, appropriate retirement issues, and pay due. A COBRA notification letter will be sent directly from the insurance carrier to the employee's home address. The exit interview will include an open discussion with the employee. On the last day of work, the employee must return the Employee Identification Card, all keys and equipment, and pay any money owed to the Borough. At the discretion of the Borough, any money owed to the Borough may be withheld from the employee's final paycheck. At this time, the employee will sign the termination memo designating all money owed to the Borough, and this memo will be retained in the official personnel file.

SECTION 2

Drugs and Alcohol Policy:

The Borough of Red Bank recognizes that the possession or use of unlawful drugs and the abuse of alcohol pose a threat to the health and safety of all employees. Any employee who is observed to be intoxicated or under the influence of alcohol or drugs during working hours, or is under the reasonable suspicion of being intoxicated or under the influence of alcohol or drugs, shall be immediately tested and, if the test results are positive, the employee is subject to discipline, up to and including termination. Supervisors and other employees should immediately report any reasonable suspicions, as defined below in the “Reasonable Suspicion Testing” section of this manual, to the employee’s supervisor or the Business Administrator.

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

The manufacturing, distribution, dispensation, possession, and use of alcohol or unlawful drugs on Borough premises, or during work hours, by an employee are strictly prohibited.

Employees must notify their supervisor within five (5) days of conviction for a drug or alcohol related violation, whether or not the violation occurred in the workplace. Notification of a conviction for an alcohol related violation is required under this paragraph if the conviction has the potential to impact the employee’s ability to perform his or her job duties.

Employees who are required to maintain a Commercial Driver’s License (CDL) or who are in other safety-sensitive positions are subject to random drug testing. Specific federal requirements and procedures for random drug testing of CDL holders shall be followed. Borough personnel who hold a Commercial Driver’s License (CDL) are subject to the provisions of the Commercial Driver’s Licenses Drug and Alcohol Testing Policy.

Employees using prescription drugs that may affect job performance or safety must be mindful of those affects and not engage in work if it would create a significant risk of harm to the employee, other employees, or the public. In such event, employees may notify their supervisor, who is required to maintain the confidentiality of any information regarding an employee’s medical condition in accordance with the Health Insurance Portability and Protection Act. A program to assist employees who may have a drug/alcohol problem is provided through the Borough of Red Bank’s Employee Assistance Program.

No prescription drug should be used by any person other than the individual to whom it is prescribed. Such substances or non-prescription (over-the-counter) drugs should be used only

as prescribed or indicated. Employees are prohibited from consuming prescription drugs that are not prescribed in their name on Borough property or while performing Borough business. Soliciting or distributing prescription drugs for or to other employees is also strictly prohibited.

A. Pre-Employment Testing:

All applicants for employment offered a position with the Borough will be required to undergo a pre-employment test for the presence of alcohol and illicit drugs. The offer of employment is conditioned upon receipt of a negative test result for illicit drugs. Employees who test positive for illicit drugs will be disqualified for employment at that time and the offer of employment will be withdrawn. A positive alcohol test may result in the withdrawal of the offer of employment.

Failure to keep an appointment with the Agent for the Borough assigned to administer the test, which was previously agreed to by both the prospective employee and the Agent, will be viewed as an attempt to elude the testing or alter its results. No further consideration for employment will be given the prospective employee at that time and the offer of employment will be withdrawn.

B. Random Testing:

All employees holding CDLs or who are in safety-sensitive positions will be subject to random, unannounced alcohol and drug testing. Selection criteria, number of tests, and test frequency will be determined by the language of FHWA regulations and will be communicated to employees.

Upon notification of selection, the employee will report to the designated collection center within one hour. Failure to report will be viewed as an attempt to elude the test or alter its results and could result in disciplinary action up to and including termination.

C. Reasonable Suspicion Testing:

All employees are subject to a fitness for duty evaluation, to include urine and breath testing, when there is reason to believe that alcohol or drug use is affecting, or will adversely affect, job performance. A reasonable cause referral for testing will be made on the basis of documented, objective facts and circumstances which are consistent with the long and short term effects of substance abuse.

Examples of reasonable suspicion include, but are not limited to, the following:

- Adequate documentation of unsatisfactory work performance or on-the-job behavior.
- Physical signs and symptoms consistent with substance abuse.

- Evidence of the manufacture, distribution, dispensing, possession, or use of controlled substances, alcohol, or drugs.
- Fights, assaults, or flagrant disregard or violations of established safety, security, or operating procedures.

A reasonable suspicion testing determination will be made by a supervisor or Borough Official who is trained to detect the signs and symptoms of drug and alcohol use and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to substance abuse. If another supervisor or Borough Official is immediately available, he/she will verify whether or not there is reasonable cause before the employee is transported to the agent's facility. At no time will this determination be made on the basis of third party reports without verification.

Employees are cautioned that various over-the-counter and prescribed medications can adversely affect an individual's ability to operate vehicles and other equipment. It is the employee's responsibility to report to work each day fit for his or her duties.

Employees who are deemed to require a fitness for duty evaluation based on reasonable cause will be sent to a health facility of the Borough's choice. The attending physician will make every attempt to determine the cause of the observed behavior, including authorizing, when his/her medical opinion dictates, an additional alcohol or drug test which is more comprehensive than that required by FHWA, state or contractual requirements. Employees will be placed on an unpaid medical leave of absence until the results of the examination are received by the Borough. Receipt of a negative drug test result, and/or doctor's statement, that the employee is fit for duty is required prior to continued employment. Employees who are returned to duty by this means will be reinstated without prejudice.

Employees who are medically determined to be temporarily unfit to perform their duties, but who test negatively for alcohol or drugs, will be returned to duty when they obtain the original examining doctor's written statement that they are fit for duty.

D. Post-Accident Testing:

Any employee involved in an accident, including a motor vehicle accident, will be required to submit to a post-accident alcohol and drug test if instructed to do so by a police officer, or a Supervisor of the Borough, or if:

- 1) The driver's performance either contributed to an accident or cannot be discounted as a contributing factor to the accident.
- 2) The driver involved in an accident receives a citation for a moving violation.
- 3) There is a fatality as a result of an accident.

- 4) The accident meets the Department of Transportation criteria for an accident that requires such testing.

When a post-accident test is indicated, the Borough will make every effort to have the test performed within two hours of notification of the accident. At no time will a period of more than eight hours transpire between notification and testing. Documentation of the entire post-accident procedure should be made by all personnel involved in the notification and testing process.

If an employee tests positive for alcohol or drugs, post-accident, receipt by the Borough of a subsequent negative alcohol and drug test result is required prior to return-to-duty. A positive test result during return to duty testing will disqualify an employee from further employment or reinstatement at that time or any time in the future. Refusal to comply with the testing process will be considered insubordination and will carry the same disciplinary action as a positive test result.

E. Disciplinary Action:

(This Section Applies only to those who Test Positive during Random, Post-Accident or Reasonable Suspicion Testing.)

Alcohol Testing Positives:

.02 – .039% Blood Alcohol Concentration

Employees who test positive during alcohol breath testing for the first time in the range of .02% to .039% blood alcohol concentration will be suspended from work without pay for a minimum of 24 hours and will be required to pass a return-to-duty breath alcohol test before returning to work. (All return-to-duty testing is done at the employee's expense). The employee may also be subject to additional discipline at the discretion of the Borough.

Employees who test positive during alcohol breath testing for a second time in the range of .02% to .039% blood alcohol concentration will be suspended from work for a minimum of 5 days without pay and until:

- 1) The employee is evaluated by a Substance Abuse Professional. This professional must meet the criteria outlined in the Department of Transportation's Alcohol and Drug Rules for Substance Abuse Professionals.
- 2) The employee complies and completes all recommendations made by the Substance Abuse Professional, and is able to document that all such recommendations have been met.
- 3) The employee submits to a return-to-duty drug test and proof of a negative test result is received by the Borough.

In addition to other discipline that may be imposed on the employee, the employee will be subject to follow-up testing, for up to sixty (60) months. A minimum of six (6) follow-up tests must be performed within the first twelve (12) months after the employee has returned to duty. (All follow-up testing is done at the employee's expense).

Employees who test positive during alcohol breath testing in the range of .02% to .039% blood alcohol concentration for a third time will be terminated.

.04% or Higher Blood Alcohol Concentration

Employees who test positive during alcohol breath-testing (1st offense) in the range of .04% or higher blood alcohol concentration will be suspended from work for a minimum of 5 days without pay and until:

- 1) The employee is evaluated by a Substance Abuse Professional. This professional must meet the criteria outlined in the Department of Transportation's Alcohol and Drug Rules for Substance Abuse Professionals.
- 2) The employee complies and completes all recommendations made by the Substance Abuse Professional and be able to document that all such recommendations have been met.
- 3) The employee submits to a return-to-duty drug test and proof of a negative test result must be received by the Borough. (All follow-up testing is done at the employee's expense).

In addition to other discipline that may be imposed on the employee, the employee will be subject to follow-up testing, for up to sixty (60) months. A minimum of six (6) follow-up tests must be performed within the first twelve (12) months. (All follow-up testing is done at the employee's expense).

Employees who test positive a second time for any level of alcohol after testing positive between .04% and higher blood alcohol concentration will be terminated.

Drug Testing Positives:

Employees who test positive during drug testing for the first time, in addition to other discipline which may be imposed by the Borough, will be suspended from work without pay until:

- 1) The employee is evaluated by a Substance Abuse Professional. This professional must meet the criteria outlined in the Department of Transportation's Alcohol and Drug Rules for Substance Abuse Professionals.
- 2) The employee complies with and completes all recommendations made by the Substance Abuse Professional and be able to document same.

- 3) The employee submits to a return-to-duty drug test and proof of a negative test result must be received by the Borough. (All follow-up testing is done at the employee's expense).

The employee will be subject to follow-up testing, for up to sixty (60) months. A minimum of six (6) follow-up tests must be performed within the first twelve (12) months after the employee has returned to duty. (All follow-up testing is done at the employee's expense).

Employees who test positive during drug testing for a second time will be terminated.

In any case where an employee who tests positive during a random or reasonable suspicion test and is required to remain out of work for a period of more than two (2) weeks, the Borough reserves the right to fill that position. Once the employee completes all required elements outlined above, they will be eligible for re-instatement in the first available opening.

Drug & Alcohol Positives:

Any employee who tests positive during a drug test and had previously tested positive for alcohol will be terminated.

Any employee who tests positive for alcohol and had previously tested positive during a drug test will be terminated.

Return-to-Duty Testing:

All return-to-duty testing is done at the employee's expense.

When the employee is cleared to return to work after a positive random, post-accident or reasonable suspicion test, he/she will be required to pass an alcohol and drug test. Upon receipt of a negative finding the Borough will review the employee's employment, and will then determine whether or not the employee will be allowed to return to work. If an employee is allowed to return to work, he/she will be subject to follow-up testing, as determined by the Borough.

Follow Up Testing:

All follow-up testing is done at the employee's expense.

Any employee returning to work with the Borough after being suspended for a positive alcohol or drug test, or returning to work after a leave of absence for voluntary substance abuse treatment, will be subject to random follow-up testing. The employee will be tested at least six (6) times in the first twelve (12) months after returning to duty and may be subject to follow-up testing for up to sixty (60) months.

Any employee who tests positive for drugs or alcohol during the follow-up testing process will be terminated.

F. Confidentiality of Test Results:

The results of any drug test will be reported and recorded in a confidential manner. Communication of medical or test results will be allowed only in accordance with guidelines established in 49 CFR, Part 40. The results will not be reported to any additional parties without the employee's written authorization, except as outlined in 49 CFR, Part 40. A copy of the individual's test results will be available to the individual upon request.

G. Quality Assurance of Testing Program:

The Borough, through its drug and alcohol testing Agent, will take steps in its arrangements for testing, to ensure that the laboratory is certified by SAMHSA and meets the requirements of the U.S. Department of Transportation (DOT).

The chain of custody for any urine sample shall be maintained at all times. If the chain of custody is broken after the tamperproof seal is applied, the employees shall be re-tested at the Borough's expense.

Any employee who receives a positive test result will have the right to ask the Borough's Medical Review Officer (MRO) to re-test the sample at a NIDA certified laboratory, of the employee's choice, at the employee's expense.

The Borough, through its Agent, will make every effort to ensure that the equipment being used for alcohol breath testing meets all the requirements of the Department of Transportation and all testing will be performed by a qualified Breath Alcohol Technician.

H. Substance Abuse Related Behavior:

Any employee engaging in the manufacture, distribution, dispensing, possession, or use of alcohol or illicit substances, including the illegal possession or abuse of prescription drugs, on Borough premises, in Borough vehicles, or while on Borough business, will be immediately discharged. Any manufacture, distribution, dispensing, possession, or use of alcohol or illicit substances, by any employee, in any manner, which affects the employee's job performance, or which may cause the public or a government or corporate body, to lose confidence in the Borough's ability to perform its responsibilities will result in disciplinary action up to and including termination of employment. Law enforcement officials will be notified, as appropriate, where criminal activity is suspected. Any employee convicted of violating a criminal drug statute will notify the designated Borough Representative within five (5) days of such conviction. Failure to provide such notification subjects the employee to disciplinary action up to and including termination of employment.

I. Refusal to Test:

Any employee who refuses to comply with a request for alcohol and drug testing during random, post-accident, and reasonable suspicion shall be considered as having produced a positive test result and will be discharged. Any employee who provides false information in connection with a test, or who attempts to falsify test results through tampering, contamination, adulteration, or substitution, shall be terminated for insubordination. In the event that the laboratory detects any substance which has been added to the sample to interfere with the normal testing process, it will be considered a “refusal to test” and the same sanctions will apply.

J. Controlled Substances on Site:

The Borough reserves the right to inspect, investigate and search for controlled substances and alcohol at any time, with or without prior notice, on or in any and all Borough premises and vehicles. Refusal to cooperate with any inspection, investigation, or search that is authorized by Borough Representative shall result in termination for insubordination.

K. Prescription Drugs and Over the Counter (OTC) Drugs:

Employees of the Borough shall not take any medication which may diminish their alertness or impair their senses prior to or after reporting for duty unless directed by a physician. When employees are required to take any prescription medication or any non-prescription medication which may diminish their alertness or impair their senses, the employee be mindful of the effects and not engage in work if it would create a significant risk of harm to the employee, other employees, or the public. In such event, employees may notify their supervisor that they are taking prescription medication and of the potential effects of that medication. This notification shall be by the prescribing physician. If the medication is a non-prescription drug the employee shall make this notification. The required notification shall be made prior to the employee reporting for duty. This information so provided shall be confidential.

L. Applicability:

This policy applies to all Borough employees. Borough visitors, vendors, and contractors are also governed by this policy while on Borough property or providing services to or for the Borough. Failure on the part of vendors or contractors to adhere to this policy will cause the Borough to cease to do business with them.

M. Reasonable Accommodation:

Employees Voluntarily Seeking Help:

The Borough strongly encourages an employee with a drug/alcohol abuse problem to voluntarily step forward to tell the Borough.

The Borough will assist in referring the employee to Community Assistance Programs. An unpaid leave of absence may be granted for a reasonable period for treatment. The Borough will make every effort to hold the employee's position during the rehabilitation process, but the Borough cannot guarantee that the employee shall retain his/her position.

If an employee fails to remain drug or alcohol free after the first voluntary rehabilitation, he/she will be disciplined in accordance with this policy, up to and including termination.

N. Employees Testing Positive for Alcohol/Drug Abuse:

If a substance abuse problem is disclosed to the Borough only after there has been (1) a positive drug or alcohol test, (2) a violation of a Borough rule or standard, (3) a violation of law, or (4) a violation of this policy, it shall be counted as a positive test. However, in addition to counting as a positive test, if the employee tests positive for drugs or alcohol and is determined by a physician to be an alcoholic or addicted to drugs, the Borough will assist in referring the employee to Community Assistance Programs. An unpaid leave of absence may be granted for a reasonable period for treatment. The Borough will make every effort to hold the employee's position during the rehabilitation process, but the Borough cannot guarantee that the employee shall retain his/her position.

O. Training:

In an effort to educate employees about the dangers of drug use and the Borough's commitment to keeping drugs out of the workplace, each employee will receive information covering the dangers of substance abuse, the Borough's commitment to an alcohol and drug free workplace, and the penalties for violation of this policy.

Supervisory employees will receive at least one hour of training on identifying those individuals who might be impaired by the use of drugs.

P. Employee Acknowledgement:

Each employee or prospective employee shall be given a copy of this policy. He/she must acknowledge receipt and understanding of the policy as a condition of employment.

SECTION 3

Workplace Policies:

A. Job Description Policy:

A job description including qualifications shall be maintained for each position. All job descriptions must be approved by the Business Administrator. The Business Administrator or his/her designee will make copies available upon request.

B. Attendance Policy:

All employees are expected to be at work and ready to assume their duties at the beginning of the scheduled workday. Lateness and absence will be tolerated only in emergencies or when the employee's supervisor gives prior approval. All absences must be reported to the supervisor prior to the start of the normal workday. The normal working hours for administrative departments are 9:00 AM to 5:00 PM. The normal working hours for the Municipal Court is 8:00 AM to 4:00 PM. The normal working hours for the Building Department and the Department of Public Works is 8:00 AM to 5:00 PM. The normal work week administrative, office, and technical employees shall consist of five (5) day, thirty-five (35) hour weeks, exclusive of a one-hour meal break. The work week for all other employees shall consist of five (5) day, forty (40) hour weeks, exclusive of a one-hour meal break.

C. Early Closing and Delayed Opening Policy:

In the event of unsafe conditions, the Business Administrator may authorize Department Heads to close operations earlier than the normal working hours. If such conditions exist prior to scheduled openings, the Business Administrator shall notify Department Heads of a delayed opening and a new opening time. Each Department will have a calling system in place. If the employee chooses not to report to work on a work day with a delayed opening, a full vacation day or compensatory time will be charged. Sick time will only be charged for a legitimate illness. If work is called off for the day, no time will be charged for the day. This provision does not apply to the Department of Public Works or Police or any personnel who may be required to assist in an emergency.

D. Breaks:

Full-time employees are entitled to a one (1) hour unpaid lunch that is to be arranged by their supervisor so that offices and departments continue to function. All employees may take a 15-minute break in the morning and in the afternoon as scheduled by the supervisor.

E. Dress Code Policy:

Dress, grooming and personal hygiene must be appropriate for the employee's position. Uniforms are required for certain jobs and are to be worn in accordance with applicable

departmental standards. Uniforms are to be worn only while performing employment duties for the Borough and may be worn traveling to and from work. All other employees are required to dress in a manner that is normally acceptable in similar business establishments and consistent with applicable safety standards. Employees shall not wear suggestive attire, jeans, athletic clothing, shorts, sneakers, sandals, T-shirts, novelty buttons, baseball hats and similar items of casual attire that do not present a businesslike appearance unless specifically approved by the appropriate Department Head and/or Business Administrator. Hair, sideburns, moustaches and beards must be clean, combed and neatly trimmed. Unkempt hair is not permissible regardless of length. Body piercings, other than on the ear, may not be visible. With the advance approval of the Business Administrator, the Borough of Red Bank will make reasonable religious accommodations that do not violate safety standards. Employees violating this policy shall be required to take corrective action or will be sent home without pay.

F. No Smoking Policy:

In accordance with State law, the Borough has adopted a smoke-free policy for all buildings. The New Jersey Legislature has declared that in all governmental buildings the rights of non-smokers to breathe clean air supersedes the rights of smokers. Borough facilities shall be smoke-free and no employee or visitor will be permitted to smoke anywhere in any Borough building. Employees are permitted to smoke outside of Borough buildings only in such locations that will not allow the re-entry of smoke into building entrances. Smoking inside vehicles owned by the Borough and near equipment that may be sensitive to smoke is also prohibited. This policy shall be strictly enforced and any employee found in violation will be subject to disciplinary action.

G. Use of Vehicles Policy:

Borough of Red Bank owned vehicles shall be used only on official business. (An employee who is also employed by another governmental entity may use a Borough of Red Bank vehicle for that employment only if the employment is pursuant to an inter-local agreement between the Borough of Red Bank and the other jurisdiction) and all passengers must be on Borough business. The Borough provides these vehicles to employees in its sole discretion, and the Borough reserves the right to alter the list of employees who are provided Borough vehicles (subject to contractual obligations). No unauthorized individuals are permitted to drive a municipal vehicle at any time. Any violation of this policy constitutes cause for disciplinary action. Use of Borough vehicles shall be further defined and established as follows:

Class A

As an exception to the above policy, Class A Municipal Vehicles are permitted for any use, twenty-four (24) hours a day, seven (7) days a week, provided that the employee using the vehicle is available to respond to any and all appropriate Borough business or emergency that requires the presence of the employee.

Job titles designated and assigned Class A Vehicles are: Police Chief, Deputy Police Chief/Captains as approved by the Police Chief, Fire Chief, Deputy Fire Chiefs (2), Fire

Marshal, Deputy Fire Marshal, Fire Sub-code Official, Emergency Management Coordinator, and Public Utilities Director.

Class B

Class B municipal vehicle is permitted only for transportation to and from the employee's home and the employee's regular Borough work location. The vehicle may be used at any and all times to conduct Borough business and/or to respond to an emergency that requires the presence of said employee.

Job Titles designated and assigned Class B Vehicles are: Public Utilities Supervisors, Public Utilities Foreman, Construction Official, Building Sub-code Official, Animal Control Officer, and Code Enforcement Officer.

Class C

Class C municipal vehicles may be provided for use by Borough employee at location of employment. Vehicles may be used in the performance of an employee's official duties in accordance with established policies and procedures for such use.

Nothing contained in this section shall prevent employees from utilizing a municipal vehicle in the performance of official government business. This shall include transportation to and return from a location at which the official business occurs.

Employees authorized to use Borough vehicles for commuting to and from work shall have a fringe benefit value added to the gross income reported on the employee's W-2 (unless the vehicle meets the "qualified non-personal vehicle" criteria specified by the IRS).

The Personnel Committee of the Governing Body will review and may recommend changes to this policy at the time of changes in personnel.

H. Telephone Usage Policy:

Borough of Red Bank telephones are for official business and employees are to limit personal use of Borough telephones, but may make a personal call to inform their family of unexpected overtime. Charges for all other personal calls must be reimbursed to the Borough of Red Bank. Use of hand-held cell phones while driving is prohibited by State law, and, as such, the use of hand-held cell phones while driving Borough of Red Bank vehicles or while driving on Borough of Red Bank business is strictly prohibited. Personal cell phones may not be used while conducting Borough business.

I. Use of Computers and Related Equipment Policy

The following policies are to ensure the security and support of all systems connected to the Borough of Red Bank Computer System:

All equipment is to be used solely for Borough-related functions. Specifically designated Borough personnel or designated Borough contractors (also known as “MIS”) are responsible for the installation, support and maintenance of the Borough’s computers and computer systems. Prior approval is required by MIS for the installation of any software application. All downloads and installation of software and or peripheral equipment must be performed or supervised by MIS personnel.

All data contained on Borough computers, including text, memos, letters, scanned images, digital photos, faxes and E-mail are considered Borough property and are subject to the provisions of NJ records retention and disposition schedule pursuant to N.J.S.A. 47:3-15, et seq. (Destruction of Public Records Act).

Any text or images with implied or explicit improper content, as defined in the Borough harassment training and policies, is strictly prohibited.

All software used on Red Bank computing equipment must comply with copyright compliance. Under no circumstances will exceptions to this policy be authorized or permitted.

Any persons abusing equipment will be held responsible for that cost of that equipment, or the cost of its repair. Any equipment removed from Borough property must be done with approval of management. All equipment, including laptop computers assigned to specific individuals, who are removed from Borough property for business purposes must be returned on a periodic basis for inspection and inventory control.

J. Bring Your Own Device Policy:

INTRODUCTION

The use of a smart device owned by the Employee in connection with Borough business is a privilege granted to the Employee by the approval of management of the Borough. The Borough has the discretion to determine which employees will be eligible for this privilege and reserves the right to revoke the privilege granted herein if the employee does not abide by the terms set forth below. The policies referenced herein are aimed to protect the integrity of data belonging to the Borough and ensure the data remains secure. Each employee who desires to use a smart device owned by employee in connection with employment with the Borough must execute the attached Agreement.

DEFINITIONS

Smart Device: When used in this Policy and the Agreement, a smart device is defined as a personal computing device that connects directly to the Borough network services including but not limited to email and calendar services. This definition includes, without limitation, smart phones, PDAs, and tablets.

Nonpublic Information: Nonpublic information is information that the employee gains during their employment with the Borough that the employee knows, or reasonably should know, has not been made available to the public. It includes information that the employee knows, or reasonably should know:

- Is designated by the Borough as nonpublic information or contains markings such as “Confidential”, “Sensitive”, “Personal”, or similar language;
- Contains Protected Health Information (PHI) or similar nonpublic personal information;
- Is provided to the Borough by customers or third parties under agreement and with the understanding that it will be treated as confidential, nonpublic information; or
- Contains information related to the internal Borough capabilities and operations that is not available to the public or that an individual could use to negotiate or otherwise circumvent security controls.

ELIGIBILITY

The Borough reserves the right, without prior notice to the employee, to disable or disconnect some or all services related to connection of a personal smart device to the Borough network. The following criteria will be considered by the Borough, initially and on a continuing basis, to determine if the employee is eligible to connect a personal smart device to the Borough network:

- Sensitivity of data the employee can access;
- Legislation or regulations prohibiting or limiting the use of a personal smart device for Borough business;
- The personal smart device hardware and operating system version must be supported by the Borough’s relevant provider(s);
- The employee’s adherence to the terms of this policy and the corresponding Agreement; and
- Any technical limitations and other eligibility criteria deemed relevant by the Borough.

REIMBURSEMENT CONSIDERATIONS

The Employee is personally liable for the smart device and carrier service costs and is not eligible for expense reimbursement for hardware or carrier services, except that the Borough will provide a monthly stipend of \$20 to eligible employees. Accordingly, the Borough will NOT reimburse employees for any loss, cost or expense associated with the use or connection of a personal smart device to the Borough network, including but not limited to:

- Expenses for voice minutes used to perform Borough business;
- Data charges related to the use of Borough data services;
- Expenses related to text or other messaging;
- Cost of handheld devices, components, parts, or data plans;
- Cost of replacement handheld devices in case of malfunction whether or not the malfunction was caused by using applications or services sponsored or provided by the Borough;
- Loss related to unavailability of, disconnection from or disabling the connection of a smart device to the Borough network; and
- Loss resulting from compliance with this Policy or applicable laws, rules or policies.

SECURITY CONSIDERATIONS

Compliance by an employee with this Policy and the Borough “Communication Media Policy”, below, is a prerequisite to and continuing condition of an employee’s privilege to connect a personal smart device to the Borough network servers. Additional considerations include but are not limited to:

ACCEPTABLE USE

Employees will use the personal smart device in an ethical manner and will not use the personal smart device in a way not designed or intended by the manufacturer including “jailbreaking” or any other use that could circumvent any controls that separate Borough data from personal information. Use of the personal smart device to remove sensitive information from Borough networks, attack Borough assets or circumvent current security settings and policies or violation of any applicable Borough policy related to the subject matter of Policy may result in the Borough removing all Borough data from the device.

MANAGEMENT CONTROLS

The Borough maintains the right to exercise and enforce a range of security, privacy, and management controls on an employee’s smart device including, but not limited to the mandatory use of device passwords; timeouts; device and media encryption; geo-location tracking; and, remote deletion of Borough applications and data. Employees are required to cooperate with the Borough to satisfy legitimate internal or external investigations, or legitimate discovery requests arising out of administrative, civil or criminal proceedings, which could result in the surrendering of the personal smart device assigned to an Employee. The Borough maintains the right to monitor or inspect Borough applications and data. In doing so, the Borough could inadvertently access personal information on the personal mobile device. As such, Employee should not have any expectation of privacy related to the use of a smart device connected to the Borough network.

EMPLOYEE RESPONSIBILITIES

When the use of personally owned smart devices is necessary to conduct Borough business, an appropriately authorized employee assumes certain responsibilities and shall:

- Follow all relevant elements of the Borough’s security/privacy policies and standards when accessing Borough-provided mobile applications and data;
- Abide by all federal, state and local laws concerning the use of mobile devices when driving and strict prohibition against using messaging functionality including text messaging, calendar or email functions while operating a motor vehicle or engaging in other activities when the concurrent use of the device could result in the harm of the user or others;
- Ensure timely payment of all fees, taxes, and surcharges associated with the use of employee-owned devices to connect to and access Borough-provided systems and data;
- Maintain the device in accordance with manufacturer or carrier recommendations including the prompt implementation of recommended operating system and software upgrades;
- Not “jail break” the device or otherwise install or modify the software that allows the user to alter or bypass standard built-in security features and controls;

- Not enable potentially dangerous mobile services while accessing Borough information services that can export or transmit nonpublic information to unauthorized devices without the user's knowledge (for example serving as a mobile hotspot or enabling Bluetooth or Near Field Communications (NFC) network services without using PINs and other recommended safeguards that prevent unauthorized devices from connecting while connected to Borough information services);
- Not modify or disable security features implemented by the Borough through its mobile device management system(s) (for example geo-location services, password controls and device/media card encryption);
- Not share or otherwise allow access to the device by others;
- Not transfer or allow the transfer of nonpublic information from the smart device to any device not specifically authorized by the Borough to receive such information including the use of unapproved cloud-based storage locations or synchronization of Borough data between participating smart devices and other personal computing devices;
- Cooperate with the Borough in deleting from the approved personal smart device of all Borough applications and data upon termination of employment or the termination of the employee's participation in the BYOD program; and
- Cooperate with the Borough to satisfy legitimate discovery requests arising out of administrative, civil or criminal proceedings or Open Public Record Act Requests.

K. Communication Media Policy:

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

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

The Borough respects the individual privacy of its employees. However, employee communications transmitted by the Borough's Communication Media are not private to the individual. All Communication Media and all communications and stored information transmitted, received, or contained in or through such media, including employees' internet usage, may be monitored by the Borough. The Borough reserves the absolute right to access, review, audit and disclose all matters entered into, sent over, placed in storage in the Borough's Communication Media. By using the Borough's equipment and/or Communication Media, employees consent to have such use monitored at any time, with or without notice, by Borough personnel. In addition, the Borough has the right to restrict access to specific types of prohibited content through the use of a content filtering system. The existence of passwords

does not restrict or eliminate the Borough's ability or right to access electronic communications. However, the Borough cannot require the employee to provide its password to his/her personal account.

All email, voicemail and Internet messages (including any technology-based messaging) are official documents subject to the provisions of the Open Public Records Act (N.J.S.A. 47:1A-1). Employees of the Borough are required to use the assigned municipal email account for ALL Borough business and correspondence. The use of private email accounts for ANY Borough business or during business hours is strictly prohibited.

Employees can only use the Borough's Communication Media for legitimate business purposes. Employees may not use the Borough's Communication Media in any way that is defamatory, discriminatory, obscene, or harassing or in violation of any Borough rules or policy. Examples of forbidden transmissions or downloads include sexually-explicit messages; unwelcome propositions; ethnic or racial slurs; or any other message that can be construed to be harassment or disparaging to others based on their actual or perceived age, race, religion, sex, sexual orientation, gender identity or expression, genetic information, disability, national origin, ethnicity, citizenship, marital status or any other legally recognized protected basis under federal, state or local laws, regulations or ordinances.

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

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

Acceptable Usage:

The acceptable use of the global Internet, the Borough of Red Bank Local Area Network, and any connected Local Area Network (LAN) server, or workstation, and system components including Email, is solely for Borough of Red Bank business purposes. As such, the access to and use of the variety of Internet, Local Area Network, and Email services, both internal and external to the Borough, are considered a business privilege and should be treated as such by all users.

Unacceptable Usage:

By example, the Borough of Red Bank characterizes as unethical and unacceptable any activity which purposely:

1. Seeks to use Internet services for private or personal business;
2. Seeks to gain unauthorized access to any resources within or outside of Red Bank;
3. Disrupts the intended use of the Red Bank Computer System and/or the global Internet;
4. Wastes resources through such action;
5. Destroys the integrity of or misuses any host/server information assets;
6. Compromises the privacy of any users or other departments;
7. Does not comply with applicable local and national laws;
8. Compromises Borough proprietary or otherwise-sensitive information;
9. Does not comply with other Borough policies or procedures.

Any users found in violation of the above Acceptable Use Policy may be subject to, at minimum, denial of access, up to termination of employment and/or criminal prosecution.

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

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

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

On an annual basis, all users of the Borough of Red Bank Computer Systems, Internet and/or Email are required to read the above, sign a copy of this policy on the form provided, and return to the appropriate manager. Failure to sign this document may lead to denial of access to the Borough of Red Bank Computer System.

L. Social Media Policy

A. Purpose

- a. The intended purpose behind establishing the Borough of Red Bank social media sites is for the sole purpose of disseminating information from the Borough, about the Borough, to its residents, employees and visitors. The Borough understands that social networking and internet services have become a common form of communication in the workplace and among citizens. Social networks are online communities of people or organizations that share interests or activities and use a wide variety of Internet technology to make the interaction a rich and robust experience.

For purposes of this policy, “social media” is understood to be content created by individuals, using accessible, expandable, and upgradable publishing technologies, through and on the Internet, to include notification services. Examples of social media and notification services include, but are not limited to, Facebook, blogs, RSS, YouTube, Twitter, LinkedIn, Flickr, Instagram, Nixle, CodeRed, mass e-mails, newsletters and all others that may be in existence or created hereafter. For purposes of this policy, “comments” include text, information, articles, links, video and other multimedia, graphics and pictures.

This Social Media Policy (the “Policy”) sets forth guidelines for the establishment and use by the Borough of Red Bank ("the Borough") of all social media sites as a means of conveying Borough-related information to its residents, employees and visitors. The purpose of this policy is to communicate the Borough’s policies regarding the use of social media sites and establish processes for authorization and use of social media sites by Borough employees and departments and offices. This policy is meant to provide clear and concise guidelines for the proper use of social media by its employees, residents and visitors.

B. Scope

- a. This policy shall apply to any and all employees, individuals, volunteers, agencies, departments, officials, committee and/or governing body members who are now or hereinafter permitted as authorized users by the Borough to post content on the Borough’s social media sites, including, but not limited to, members of the public that are permitted to comment on Borough social media posts or tag photos in Borough social media posts. The Borough’s social media sites encompassed by this Policy include all sites and accounts authorized and/or created by the Borough and any of its departments, agencies, boards, commissions and authorities. References to “comments” or “commenting” in this Policy shall also encompass tweets directed at a Borough Twitter account, social media posts that “tag” a Borough social media account, and any post or comment that may appear on the home page of any Borough social media site.

The Borough shall identify employees, including but not limited to the Business Administrator and/or his/her designees, who are authorized to engage in social media activities on the behalf of the Borough for the limited purpose of discussing Borough programs, activities and services.

Anyone who participates in social media on behalf of the Borough, whether on or off duty, is expected to understand and follow these policies and guidelines.

These policies and guidelines are subject to change as new technologies and social networking tools emerge.

C. General Policy

- a. Because the Borough of Red Bank has an overriding interest and expectation in deciding who may “speak” and what is “spoken” on behalf of the Borough of Red Bank on social media sites, this policy is established for the use of all social media.

The Borough of Red Bank shall have a single presence on social media sites deemed appropriate for use by the Administrator. Individual departments, agencies, boards, commissions and authorities of the Borough may maintain a separate social media presence when deemed appropriate and confirmed in writing by the Administrator. Any request by a Borough department, agency, board, commission or authority to maintain a social media presence shall be made in writing to the Administrator for consideration. Such request shall contain enough information for the Administrator to assess the need for such social media presence, its purpose, and its compliance with this policy. The request shall also set forth the person or persons (designee) recommended to be responsible for and authorized to post content on such sites and accounts. Any social media site created by the Borough remains the property of the Borough, including all the followers and friends generated by the site. If the person who created the site is no longer an employee, official, or volunteer of the Borough, they must relinquish everything related to the site including user names, passwords and/or access codes or information. The Borough, through the Administrator and/or his/her designees, may at any time choose to revoke permission previously given to individual departments, agencies, boards, commissions and authorities of the Borough for separate media presence.

No Borough of Red Bank social media site, including those maintained by departments, agencies, boards, commissions and authorities of the Borough, shall be established without prior approval of the Administrator as set forth above. All Borough social media sites shall be administered by permissible users which shall be the Administrator and/or designee. Where a department, agency, board, commission or authority of the Borough maintains its own social media presence, such department, agency, board, commission or authority shall designate, with approval from the Administrator, a person or persons responsible for and authorized to post content on such sites and accounts.

Designees must comply with government records retention policies, the Open Public Records Act, and ensure adherence to this policy, including appropriate use, messaging, and branding that is consistent with the interests, goals, and objectives of the Borough. The designee will be responsible for the content they may create or post.

The designated person must provide a copy of all social media account passwords to the Administrator. No personal email addresses may be used to set up a Borough social media account. Email addresses for all social media accounts must be obtained from the Administrator. A “designee” or a person appointed by the Business Administrator is never to be allowed to transfer his/her social media account information or allow someone access to his/her account on their behalf without prior written authorization from the Business Administrator.

Any and all permissible users of any social media site shall be provided with a copy of this policy and sign an Acknowledgment of Use (attached hereto) prior to managing or posting to any Borough social media sites.

The Business Administrator will provide guidance on the engagement of Borough personnel in social media to ensure the portrayal of a consistent and accurate message and branding of the Borough of Red Bank via online media outlets. The Business Administrator will oversee the coordination of social media activity for the Borough of Red Bank and its departments.

The Borough social media sites shall clearly set forth that they are maintained by the Borough and that the sites follow this Social Media Policy.

Wherever possible, the Borough social media sites should link back to the official Borough website for forms, documents, online services and other information necessary to conduct business with the Borough of Red Bank. The Borough of Red Bank Website (currently located at <http://www.redbanknj.org>) will remain the Borough’s primary and predominant Internet presence.

The Borough of Red Bank social media sites are intended to be informational only and are not intended to be used as an open public forum for making comments, including any official communications to the Borough; for example, reporting crimes or misconduct, reporting dangerous conditions, giving notice required by any statute, ordinance or regulations such as but not limited to notices of claim. Prominent notice of this paragraph shall be displayed on every Borough social media site, along with the appropriate contact information for submitting official communications.

This Policy and the Borough’s Terms of Use Disclosure (attached hereto) shall be placed on the Borough of Red Bank Website, and displayed to social media users or made available by hyperlink on each of the Borough’s social media sites, including those maintained by a department, agency, board, commission or authority of the Borough.

The Borough's social media sites and this Policy are subject to all applicable federal and New Jersey State laws and regulations, as well as applicable record retention requirements. This includes adherence to established laws and policies regarding copyright, records retention, Freedom of Information Act (FOIA), Open Public Records Act (OPRA), First Amendment, privacy laws, sunshine laws and information security policies established by the Borough of Red Bank, its departments, agencies, boards, commissions and authorities.

All Borough of Red Bank social media sites covered under this Policy remain the property of the Borough, including the list of all the followers and friends generated by each of the Borough's social media sites. If a person appointed to maintain a social media site no longer serves in such capacity, for any reason, he/she must relinquish and return to the Administrator or his/her designee everything related to the site including user names, passwords and/or access codes or information.

D. Post/Comment Policy

- a. As a public entity the Borough must abide by certain standards to serve all its constituents in a civil and unbiased manner.

When a post, comment, link, photograph, or other notification is made by an authorized designee on behalf of the Borough of Red Bank, the authorized designee shall not share personal information about himself or herself, or other Borough of Red Bank employees and or officials.

The Borough Government Website does not allow for any public comments whatsoever. It is reserved for the Borough government to engage in its own expressive conduct to promote its own message and disseminate information. From time to time, the Borough may post surveys on its website which may allow for comments or the reporting of information. Commenting shall be limited to those surveys and the topics thereof and shall not make it a public forum. Borough social media sites shall disable public comment and messaging if possible. The Borough does not police comments made by the public related to Borough activities.

A comment posted by a member of the public on any Borough social media site is the opinion of the commentator or poster only, and publication of a comment does not imply endorsement of, or agreement by, the Borough, nor do such comments necessarily reflect the opinions or policies of the Borough. If commenting or messaging cannot be disabled, comments or messages by the general public may not be edited or removed, in whole or in part, regardless of whether it is favorable or unfavorable to the Borough.

Any attempt to hack or otherwise compromise the Borough's Internet or social media sites will be reported to law enforcement.

The Borough of Red Bank may not deny access to its social media sites for any individual.

All members of the public who choose to comment on Borough social media sites are advised that such posts, comments, tweets, etc. may be subject to OPRA, FOIA, and other records retention laws.

Employees who are authorized by the Borough to participate in social networks as a representative of the Borough shall adhere to the following guidelines:

- Protect your privacy, the privacy of citizens, and the Borough's confidential information when engaging in social media activities. Follow all privacy protection laws, i.e., HIPPA, and protect sensitive and confidential Borough information. For purposes of this policy, "confidential information" refers to any information that is not publicly known, that is not otherwise available through New Jersey's Open Public Records Act, N.J.S.A. 47:1A-1, ("OPRA"), or that is considered private information pursuant to federal, state or local law. It does not include any information that is subject to disclosure by OPRA or is otherwise disclosable pursuant to the Employer-Employee Relations Act.
- Follow all copyright laws, open public records laws, document retention laws, fair use and financial disclosure laws and any other laws that might apply when engaging in social media activities.
- Do not tag vendors, suppliers, clients, citizens, co-workers or other stakeholders without their express prior approval.
- Do not use ethnic slurs, profanity, personal insults, or engage in any conduct that would not be acceptable in the Borough's workplace.
- Do not engage in political activity. Political activity is activity directed toward the success or failure of a political party, candidate for political office, or political group.
- Posts or comments that demonstrate unfair preference, bias or partiality or that have the appearance of such are prohibited.
- Add value to the Borough through your interaction. Provide worthwhile information and perspective.
- All Borough information that is considered non-public and that is not disclosable under OPRA or the Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., must be protected. Respect and maintain the confidentiality entrusted to you. Do not divulge or discuss proprietary information, personal details about other employees or other confidential material.

E. Links / Posts By or About Non-Municipal Groups

- a. From time to time, the Borough (or a department, agency, board, commission or authority thereof) may find it necessary or beneficial to the public to post on its social media sites about groups unaffiliated with the Borough. Such content shall be limited to those that promote the health, safety, and well-being of Borough residents and those groups must be other government departments, agencies, boards, commissions, authorities or registered non-profits. Such posts will be requested via written application and made at the discretion of the person or persons designated to maintain such social media site. Such posts will be made at the discretion of the person or persons designated to maintain such social media site.

F. Personal Social Media Use

- a. The Borough recognizes that employees have the right to use and maintain personal Web sites or to engage in social networking. However, the line between public and private activity has been blurred by these social networking tools, which is the primary reason these guidelines have been promulgated. Information from your personal Facebook page, blog entries and tweets – even if they are intended as personal messages between family and friends – can easily reach beyond your intended audience and represent you and the Borough to the outside world. For that reason, the Borough’s policies, rules, regulations, code of conduct and ethics, its equal employment opportunity, anti-harassment policy and disciplinary policy, and other sections of this Social Media Policy should be your guides when you use these tools.

To the extent that employees use social media outside of their employment and in so doing employees identify themselves as Borough employees, or if they discuss matters related to the Borough on a social media site, employees must add a disclaimer on the front page, stating that it does not express the views of the Borough, and the employee is expressing only their personal views. For example: **“The views expressed on this website/web log are mine alone and do not necessarily reflect the views of my employer.”** The disclaimer shall be placed in a prominent position and repeated for each posting that is expressing an opinion related to the Borough or the Borough’s business. Employees must keep in mind that, if they post information on a social media site that is in violation of Borough policy and/or federal, state or local laws, the disclaimer will not shield them from disciplinary action.

Here are some additional guidelines for employees’ personal social networking sites:

- Recognize that everything you post or receive on a social media site is public. Anyone with access to the web can get access to your activity on social media sites. You are solely responsible for the content you post.

- Remember that your personal and professional lives overlap in your online activity and that as a public employee you can be disciplined for inappropriate off-duty activity and conduct.
- Before posting, consider how your comment or behavior would be received if it appeared in the mass media.
- Use privacy settings to keep items you share with friends and family separate from what you share with your work-related “friends.”
- The foregoing provisions are not intended to interfere with any employee’s rights pursuant to the First Amendment of the United States Constitution or Article I Section 6 of New Jersey’s Constitution. Likewise, this policy is not intended to restrict the right of any employee to engage in protected concerted activities as defined by the Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., and as recognized by the National Labor Relations Board. This policy shall not be construed as prohibiting a bargaining-unit member’s protected right to discuss wages or working conditions with fellow employees and engaged in other protected concerted activities. Any person who believes their right to engage in such activities has been or is being violated by this policy should contact the Business Administrator’s Office. The Business Administrator shall address such concerns after consulting with legal counsel.

G. Legal

- a. The Borough reserves the right to report any violation of a social media site’s Rules, Terms and Conditions, Rights and Responsibilities, etc., to that site with the intent of that site taking appropriate and reasonable responsive action. All Borough of Red Bank policies are applicable to interactions on social media sites when acting in an official capacity and representing the Borough.

All of the Borough’s policies, rules, regulations, and code of conduct and ethics including, but not limited to, its equal employment opportunity, anti-harassment policy, Information Systems Policies and Guidelines Policies on the Use of Borough Information Systems and disciplinary policy, apply to employees who engage in social networking activities while conducting Borough business. Use of your Borough e-mail address and communicating in your official capacity will constitute conducting Borough business.

K. Bulletin Board Policy:

The bulletin boards located in the Borough of Red Bank administrative building and other facilities are intended for official notices regarding policies, procedures, meetings and special events. Only personnel authorized by the Business Administrator may post, remove, or alter any notice. Space on the bulletin boards will be provided for the recognized employee bargaining units.

L. Employee Dating Policy:

The Borough of Red Bank recognizes the right of employees to engage in social relationships with each other, including relationships of a romantic or intimate nature. However, the municipality also recognizes that such relationships can be a problem in the workplace. They may result in favoritism, discrimination, unfair treatment, friction among coworkers, or the perception that they generate such problems.

To try to achieve a balance between employee rights and workplace needs, the Borough of Red Bank has adopted the following policy on the subject of supervisor/subordinate dating.

If such a relationship exists or develops, both parties involved shall report the fact to A) their immediate supervisor or B) the Business Administrator or his/her designee.

For the purposes of this policy, a supervisor/subordinate status means a situation where one employee, irrespective of job title, makes or has the authority to make decisions or to take action concerning another employee's compensation, promotion, demotion, discipline, daily tasks, or any other terms, conditions or privileges of employment with the Borough.

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

Any employee who violates this policy will be subject to disciplinary action, up to and including discharge. The Borough regards a violation of this policy as particularly serious because such workplace relationships can cause favoritism, discrimination, unfair treatment for other interference with municipal operations.

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

SECTION 4

Paid and Unpaid Time-Off Policies:

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

A. Paid Holiday Policy:

Employees are entitled to the following fourteen (14) paid holidays:

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

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

B. Vacation Policy:

Vacation is an accrued benefit for full-time employees based on the following schedule (for employees hired prior to January 1, 2014):

- During the first calendar year of appointment, an employee will earn one-half (1/2) day for each full month of service.
- During the first full calendar year after appointment, the employee will be credited with ten (10) days' vacation on January 1.
- Ten (10) days for the second (2nd) through fifth (5th) year.
- Fifteen (15) days for the sixth (6th) through tenth (10th) years.
- Twenty (20) days for the eleventh (11th) through fifteenth (15th) years.
- Twenty-five (25) days for the sixteenth (16th) through twenty-ninth (29th) years.

- Thirty (30) days from the thirtieth (30th) year on.

Employees hired between January 1, 2014 and December 31, 2017 will receive vacation based upon the following schedule:

1. During the calendar year of appointment, an employee will earn one-half (1/2) day for each month worked.
2. During the calendar year after appointment, the employee will be credited with ten (10) days' vacation on January 1, but the vacation shall not be taken prior to June 1.
3. After the first full calendar year and through the fifth (5th) year: ten (10) days of vacation.
4. From the sixth (6th) year up through the twelfth (12th) year: fifteen (15) days of vacation.
5. Beginning with the thirteenth (13th) year: twenty (20) days of vacation.

Employees hired on or after January 1, 2018 will receive vacation based on the following schedule:

- During the calendar year of appointment, an employee will earn one (1) day for each month worked not to exceed ten (10) days.
- During the calendar year after appointment, the employee will be credited with ten (10) days' vacation on January 1, but the vacation shall not be taken prior to June 1.
- After the first full calendar year and through the fifth (5th) year: ten days of vacation.
- From the sixth (6th) year up through the twelfth (12th) year: fifteen (15) days of vacation.
- Beginning with the thirteenth (13th) year: twenty (20) days of vacation.

All vacations must be scheduled and approved by Department Heads. Employees must receive their supervisor's approval at least five (5) days in advance of the first vacation day. Employees seeking to take more than five (5) consecutive vacation days shall provide their Department Head with at least thirty (30) calendar days' written notice of their intention to do so. Approval of vacation shall not be arbitrarily denied, and approval will only be withheld for articulated valid business purposes.

Vacation may not be accumulated year to year, except that an employee may carry over up to five (5) days of vacation into the ensuing year. The employee must notify his/her respective Department Head of a request to carry over any vacation time. Approval in writing must be obtained from the Department Head or Business Administrator. Any carried over vacation days must be taken during the ensuing year.

Vacation time will be charged on an hourly basis.

Permanent part-time employees will receive five (5) days paid vacation after one (1) full year of service.

If an official holiday falls during an employee's vacation period, an additional day of vacation will be granted.

It is assumed that an employee shall remain in the service of the Borough for the calendar year and the total number of vacation days shall be pro-rated and credited to the employee. If separation occurs before the end of the year and the employee has taken more vacation leave than that to which the employee is entitled, that employee shall be assessed the per diem rate of pay for the excess vacation leave, and same shall be deducted from final pay.

Employees who leave the employ of the Borough will be paid for any unused, accrued vacation time within the parameters of accrual of vacation time as set forth above.

C. Personal Days Policy:

Full-time employees are entitled to four (4) personal days per year. Any unused days are forfeited at the end of each calendar year. Personal days are earned *pro-rata* on the basis of one (1) personal day for each three (3) months worked. Personal time is charged on an hourly basis. An employee wishing to take a personal day must obtain approval from his/her Department Head.

D. Sick Days Policy:

Full-time employees are entitled to fifteen (15) working sick days per calendar year. However, during the first calendar year of service, a full-time employee shall earn one (1) working sick day for each month of service, but no more than five (5) days during that first calendar year of service, unless inconsistent with the New Jersey Paid Sick Leave Act. Sick time is charged on an hourly basis. Part-time employees will accrue one (1) hour of sick time for every thirty (30) hours of work up to a maximum of forty (40) hours of sick time in any calendar year.

Sick time may be used for the following:

- (1) time needed for diagnosis, care, or treatment of, or recovery from, an employee's mental or physical illness, injury or other adverse health condition, or for preventive medical care for the employee;
- (2) time needed for the employee to aid or care for a family member of the employee during diagnosis, care, or treatment of, or recovery from, the family member's mental or physical illness, injury or other adverse health condition, or during preventive medical care for the family member;
- (3) absence necessary due to circumstances resulting from the employee, or a family member of the employee being a victim of domestic or sexual violence, if the leave is to allow the employee to obtain for the employee or the family member: medical attention needed to recover from physical or psychological injury or disability caused by domestic or sexual violence; services from a designated domestic violence agency or other victim services organization; psychological or other counseling; relocation; or legal services, including obtaining a restraining order or

preparing for, or participating in, any civil or criminal legal proceeding related to the domestic or sexual violence;

(4) time during which the employee is not able to work because of a closure of the employee's workplace, or the school or place of care of a child of the employee, by order of a public official due to an epidemic or other public health emergency, or because of the issuance by a public health authority of a determination that the presence in the community of the employee, or a member of the employee's family in need of care by the employee, would jeopardize the health of others; or

(5) time needed by the employee in connection with a child of the employee to attend a school-related conference, meeting, function or other event requested or required by a school administrator, teacher, or other professional staff member responsible for the child's education, or to attend a meeting regarding care provided to the child in connection with the child's health conditions or disability.

For purposes of this section, "family member" shall mean a child, grandchild, sibling, spouse, domestic partner, civil union partner, parent, or grandparent of an employee, or a spouse, domestic partner, or civil union partner of a parent or grandparent of the employee, or a sibling of a spouse, domestic partner, or civil union partner of the employee, or any other individual related by blood to the employee or whose close association with the employee is the equivalent of a family relationship.

Verification for sick days may be requested at any time, irrespective of the number of days an employee is out sick. A doctor's note is required for any employee who is out sick for more than three (3) days.

Abuse of sick time is grounds for disciplinary action. Employees who need to call out sick leave must notify their Department Head no later than thirty (30) minutes before their scheduled starting time each day of the required absence.

At the end of each calendar year, an employee's unused sick time is added to the allotment for the following year. Any employee that uses no sick time within a calendar year shall be granted one (1) additional personal day in the following calendar year.

E. Workers' Compensation Policy:

Employees who suffer job related injuries and illnesses may be entitled to medical expenses, lost income and other compensation pursuant to the New Jersey Workers' Compensation Act. Any occupational injury or illness must be immediately reported to the supervisor or Department Head. All required medical treatment must be performed by a Workers' Compensation Physician appointed by the Borough's insurance carrier or the Borough. Payment for unauthorized medical treatment may not be covered pursuant to the Act.

An employee injured on the job will receive his/her full salary from the Borough of Red Bank for thirty (30) days after the injury. After that time, the employee may utilize any accrued sick time to make up the difference between the employee's salary and Workers' Compensation benefits in order to receive full compensation. After thirty (30) days, time credited toward the pension will cease until the employee returns to work. Health insurance benefits, however, will

continue pursuant to state and federal law on the same conditions as coverage is otherwise provided, including the employee's payment of his/her share of the cost of coverage. All employee rights and responsibilities while out of work on Workers' Compensation shall be defined and administered in accordance with the provisions of the New Jersey Workers' Compensation Act.

Before an employee who has been out on Workers' Compensation is permitted to return to work, a medical release must be submitted to the Business Administrator for approval.

F. 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 Borough; and, at least 1,000 hours of work (for New Jersey FLA leave) and 1,250 hours of work (for Federal FMLA leave) during the previous twelve (12) months.

FLMA applies to both the employee and his/her immediate family members. FLA leave applies exclusively to immediate family members. For the purpose of these Acts, "immediate family" means spouse, domestic partner or civil union partner, child, step-child, foster child, or other individuals residing in the employee's household, or mother or father. Upon written notice of eligibility, employees are entitled to a family or medical leave to care for a newly born or adopted child or a seriously ill immediate family member, or for the employee's own serious health condition that makes the employee unable to perform the functions of the employee's position. If the leave is for the care of an immediate family member, the two forms of leave may run concurrently.

FLMA/FLA pertains to job protection and continuation of health benefits during the applicable period of leave. FMLA/FLA is distinct from an employee's sick, personal or vacation time, and runs concurrently with the utilization of accrued paid time off from work. Employees with accrued sick, vacation and personal days must use all accrued available sick, vacation and personal days during the leave period and will continue to be paid to the extent of their accrued time. The use of any accrued time, however, does not extend the leave period. After exhausting accrued time, the employee will no longer be paid for the remainder of the leave, except an employee may qualify for paid family leave insurance, as discussed below.

Eligible employees who are out sick for more than five (5) consecutive work days should apply for FLMA/FLA. Any employee anticipating that they may be required to take a Leave of Absence under FMLA and/or FLA, should immediately notify and meet with the Business Administrator or his/her designee to obtain further information and fill out and sign the required application forms, irrespective of whether or not they have accumulated sick, vacation and personal days. Although an employee should apply for FMLA/FLA leave if an applicable situation exists, it is the responsibility of the Borough to place an employee on FMLA/FLA leave if the Borough has sufficient information to make a decision that the employee or employee's immediate family member is seriously ill and that the employee is out of work for this reason.

Eligible employees may receive up to twelve (12) weeks of leave per year under FMLA, or twelve (12) weeks every twenty-four (24) months under FLA. The method to calculate the aforementioned twelve (12) or twenty-four (24) month periods shall be the “rolling back method,” which uses a “rolling” 12- or 24-month period, as applicable, measured backward from the date an employee uses any FMLA and/or FLA leave to determine one’s eligibility for leave.

During the leave period, the employee’s health benefits will be continued on the same conditions as coverage is otherwise provided to the employee when not on said leave. The employee will not accrue vacation, sick or personal days for the unpaid portion of 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 position with the same terms and benefits that existed prior to the exercise of leave.

The period of medical leave or leave to care for a sick family member must be supported by a Medical Certification from a physician or other licensed health care provider. If an employee on FMLA/FLA cannot return to work at the end of the twelve (12) week period, but can provide a reasonable date of return, supported by medical verification, the employee’s job will be reinstated as set forth above. Prior to the return to work, the Borough of Red Bank may require an employee to be examined by a physician designated by the Borough to verify fitness to return to normal duties. An employee will not be permitted to return to work until the verification is received.

Paid Family Leave Insurance (“FLI”) benefits for up to six (6) weeks in a twelve (12) month period are available from the State of New Jersey for eligible employees who are absent on an approved family leave to care 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 earning at least minimum wage within the last 52 weeks or earned 1000 times the minimum wage. The weekly benefit is two-thirds (2/3) of weekly compensation up to a maximum per week as determined by law. FLI benefits will run concurrently with FMLA and/or FLA family 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 before receiving any FLI benefits.

Employees taking paid family leave in connection with a family member’s serious health condition may take leave intermittently or consecutively or on a reduced work schedule. 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 any family leave is required to provide the Borough with 15 days’ notice unless an emergency or other unforeseen circumstance precludes prior notice. The employee seeking intermittent family leave shall make a reasonable attempt to schedule leave in a non-disruptive manner. Employees requesting such leave shall provide the Borough with a regular schedule of days for intermittent leave.

G. Leave of Absence Policy:

Apart from FMLA/FLA/FLI leave, employees may be granted a personal leave of absence of up to 12 weeks at the sole discretion of the Business Administrator, for a period of time to be determined by the Business Administrator, if the leave does not cause undue operational disruption. The leave must include the use of any accrued vacation, personal and sick leave time, regardless of the length of leave requested. In situations where FMLA, and/or FLA is applicable, FMLA/FLA leave must be utilized and exhausted prior to the employee making a request for a personal leave of absence.

The portion of any leave of absence that runs beyond the exhaustion of vacation, personal and sick leave will be without pay or longevity credit. In exceptional circumstances, the Business Administrator may extend a leave of absence beyond the aforementioned 12 week period, if such extension is deemed by the Borough to be in the best interest of the Borough of Red Bank.

An employee who has exhausted his/her paid sick leave, vacation and personal days, and time out of work pursuant to the FMLA and/or FLA may, at the sole discretion of the Borough of Red Bank, be granted an additional unpaid sick leave of absence, during which time health benefits shall continue to be paid by the Borough, with the employee paying his/her share of the benefits. If, at the end of the leave of absence approved by the Borough, the employee is unable to return to work, he/she will be terminated from employment.

Personal leaves are not granted for the purpose of seeking or accepting employment with another employer, or for extended vacation time. Employees on personal leave of absence for more than two weeks in any month will not receive holiday pay, and will not accrue personal leave, sick leave or vacation time for that month. A personal leave is granted with the understanding that the employee intends to return to work for the Borough of Red Bank. 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.

H. Bereavement Leave Policy:

Employees are entitled to five (5) day's leave of absence for each death of an employee's immediate relative. "Immediate relative" includes spouse, domestic partner, civil union partner or significant other, child, parent, stepparent, stepchild, foster child, sibling, grandparents, daughter-in-law, son-in-law, parents-in-law, grandchildren, or any person residing in an employee's household who is not a tenant. Employees are entitled to three (3) day's leave in the event of the death of a relative not a member of the employee's immediate family or household. All requests must be approved by the Department Head. Employees are paid for all working days during the Bereavement Leave. Any additional leave must be approved by the employee's Department Head and charged against vacation, sick, or personal leave. Reasonable proof of death and relationship may be required.

I. Jury Duty Policy:

An employee required to render jury service shall be entitled to be absent from work during that service and will be paid the employee's regular salary. If an employee is released early from jury duty, he/she shall contact the Department Head to determine whether his/her services are required for the remainder of that day. The employee must submit appropriate documentation from the court to the Business Administrator or his/her designee confirming his/her jury duty service prior to receiving his/her next paycheck.

J. 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 up 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 Borough for at least twelve (12) 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 a restraining order, letter from a prosecutor, proof of conviction, medical documentation or a certification from an agency or professional involved in assisting the employee.

In certain circumstances, the basis for the leave may also qualify under the federal Family and Medical Leave Act and/or the New Jersey Family Leave Act. If so, the Borough 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 Borough 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 Borough shall not retaliate, harass or discriminate against any employee exercising his/her right to take the leave provided by this policy.

K. Military Leave Policy:

The Borough of Red Bank shall comply with the provisions of the Uniformed Services Employment and Reemployment Rights Act ("USERRA"). When a full-time employee (either permanent or temporary) who is a member of the reserve component of any United States armed force or the National Guard of any state including the Naval Militia and Air National Guard is required to engage in field training or is called for active duty, the employee will be granted a military leave of absence for the duration of the service. The first thirty (30) workdays of the leave shall be with full pay except that a member of the New Jersey National Guard shall receive full pay for the first ninety (90) days. Thereafter, the employee shall be paid the difference between military salary and the employee's regular salary for a period not to exceed 180 days. The paid leave will not be counted against any available time off including but not limited to vacation, sick or personal time. A full-time temporary employee who has served less than one (1) year shall not be entitled to paid leave but shall be granted non-paid military leave without loss of time.

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

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

SECTION 5

Compensation & Employee Benefits Policies:

The policies within this section cover non-union employees. They also cover union employees to the extent that their collective bargaining agreements do not address these issues.

A. Payroll Policy:

Salary ranges and/or rates of pay are established by ordinance and/or applicable collective bargaining agreements. Employees are paid semi-monthly on the 15th and last day of each month. If payday date falls on a Saturday, Sunday or holiday, paychecks will be dated and distributed on the last business day preceding the regular issue date. Overtime will be paid in the pay period subsequent to the reporting of the overtime hours. Employees who are going on vacation and would like their checks in advance must make a written request the Business Administrator or his/her designee at least two weeks in advance of the vacation. Any questions or discrepancies relating to paychecks should be addressed to the Business Administrator or his/her designee.

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

B. Overtime Compensation Policy:

Under the Federal Fair Labor Standards Act, certain employees in managerial, supervisory, administrative or professional positions are exempt from the overtime provisions of the Act. The Business Administrator or his/her designee shall notify all Exempt employees of their status under the Act. Exempt employees are not eligible to receive overtime compensation and are required to work the normal workweek and any additional hours needed to fulfill their responsibilities.

All other employees are classified as Non-Exempt and are subject to the overtime provisions of the Act. Non-Exempt Employees work up to forty (40) hours in a week, unless paid overtime is approved. Overtime must be budgeted and approved by the Department Head, the Chief Financial Officer and the Business Administrator. Non-Exempt employees working overtime without prior approval will be subject to disciplinary action.

Non-Exempt employees approved to work overtime will receive overtime compensation for hours worked in excess of forty (40) hours at one and one-half times (1.5) their regularly scheduled rate in a weekly period. Employees may choose overtime compensation in the form of overtime pay or compensatory time off (1.5 hours for each over-time hour worked). The maximum number of hours that an employee may accrue for future compensatory time off is sixty (60) hours. Once this maximum has been accumulated, all additional hours will be compensated by overtime pay. Accrued and taken overtime compensatory hours must be noted on the employee's time sheet.

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

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

C. Reimbursements for Out-of-Pocket Expenses:

Employees who must use their personal vehicles as a condition of employment are entitled to a vehicle maintenance allowance at a rate to be determined at the adoption of the annual budget. The total annual reimbursement shall in no case exceed the amount appropriated in the current year's departmental budget unless authorized by the Chief Financial Officer.

An employee who has received approval to expend cash for Borough supplies or to attend a meeting/conference on Borough business will be reimbursed for legitimate expenses, provided they are supported by a detailed voucher and appropriate receipts.

Requests for reimbursements shall be submitted to and approved by Department Heads.

D. Educational Benefits, Conference and Seminar Policy:

Requests to attend an educational course, conference or seminar must be approved by the Department Head and the Business Administrator. Requests shall be made sufficiently in advance to take advantage of discounts for early registration, and must be submitted to the Department Head at least thirty (30) days before the event. Requests must be in writing, including the conference schedule, registration information and estimated costs. The Department Head is responsible to detail all training requests during the budget formulation process. Approval of any conference or seminar request is conditioned upon the availability of funds.

E. Years of Service Policy

Years of service is defined as uninterrupted full-time employment with the Borough of Red Bank. Employees who leave the Borough in good standing and return will be granted credit for prior service with the Borough upon the completion of five (5) years employment after their return. Permanent part-time employees who become full-time may be granted pro-rated service credit based upon their part-time hours of work as a percentage of full-time hours for that position.

All returning employees shall receive benefits applicable at the time of their return and not based upon when they initially started with the Borough. For example, all returning employees will now contribute towards their health insurance. Employees who retired from the Borough and are subsequently rehired by the Borough in a different position from which they retired are not eligible for service credit for the years of employment prior to said retirement.

F. Seniority Policy

Seniority is defined as an employee's continuous length of service with the Borough, beginning with the employee's latest date of hire.

G. Health Insurance Policy:

Employees regularly scheduled to work thirty (30) hours or more per week and their immediate family members are provided medical, hospital, dental and co-pay prescription insurance coverage commencing the first day of the month following the date of hire. The complete benefit plan is on file in the administrative office and a Summary Plan Description will be provided to all eligible employees. All employees hired on or after January 1, 2018, will be enrolled in 3-Tier Health Plan options and Step Therapy/Generic Prescription plans. Benefit plans for eligible non-unionized employees are subject to change at the discretion of the Borough of Red Bank.

All eligible non-Union Employees will contribute at Tier 4 level in 2017, Tier 3 level in 2018 and Tier 2 level in 2019/2020 and thereafter. However, all employee health insurance contributions will comply with the provisions of Chapter 78, P.L. 2011, including the provisions for minimum employee contribution for health benefits as required by State law.

Employees hired after January 1, 2018 shall not be entitled to retiree health benefits.

Health insurance coverage for eligible employees on a leave of absence or who cease Borough of Red Bank employment will terminate at the end of the month in which the leave begins or employment is terminated unless otherwise agreed between the Borough and the employee. Coverage will continue for up to twelve (12) weeks for employees on leave pursuant to the Family and Medical Leave Act and/or Family Leave Act, and up to thirty (30) weeks for employees on Military Leave. Upon termination of coverage, employees may extend health insurance coverage for themselves and/or their dependents by taking advantage of the COBRA provision for a period of up to eighteen months. For more information, consult the Business Administrator or his/her designee.

Eligible employees and their immediate family members are provided medical, hospital, dental and co-pay prescription insurance coverage commencing the first day of the month following the date of hire. The complete benefit plan is on file in the administrative office and a Summary Plan Description will be provided to all employees. All employees hired on or after January 1, 2018, will be enrolled in 3-Tier Health Plan options and Step Therapy/Generic Prescription plans. Benefit plans for non-unionized employees are subject to change at the discretion of the Borough of Red Bank.

All eligible non-Union Employees will contribute at Tier 4 level in 2017, Tier 3 level in 2018 and Tier 2 level in 2019/2020 and thereafter. However, all employee health insurance contributions will comply with the provisions of Chapter 78, P.L. 2011, including the provisions for minimum employee contribution for health benefits as required by State law.

Employees hired after January 1, 2018 shall not be entitled to retiree health benefits.

Health insurance coverage for employees on a leave of absence or who cease Borough of Red Bank employment will terminate at the end of the month in which the leave begins or employment is terminated unless otherwise agreed between the Borough and the employee.

Coverage will continue for up to twelve weeks for employees on leave pursuant to the Family and Medical Leave Act and up to thirty weeks for employees on Military Leave. Upon termination of coverage, employees may extend health insurance coverage for themselves and/or their dependents by taking advantage of the COBRA provision for a period of up to eighteen months. For more information, consult the Business Administrator or his/her designee.

In accordance with N.J.S.A. 40A:10-23, the Borough will provide paid medical benefits for the retiring employee and spouse for those employees hired prior to January 1, 2018 as follows:

- Retire on a disability pension approved by the Public Employees Retirement System;
- Retire with twenty-five years (25) of service credit in the Public Employees Retirement System with the last twenty (20) consecutive years of employment with the Borough at the time of retirement;
- Upon reaching the age of sixty-two (62) years of age or older with the last twenty (20) years of service credit in the Public Employees Retirement System with the last fifteen (15) years of service with the Borough at the time of retirement;
- If the retiree is eligible for free insurance through other employment, the Borough will not carry him/her. The retiree would be required to sign an affidavit stating that he/she does not have other coverage. This shall apply to those who retire after January 1, 1982;
- Any other full-time employee may continue on a full contributory basis;
- Part-time employees who have participated in the Borough's Group Health Plan during employment may continue in the plan on a full contributory basis upon retirement.

H. Retirement Policy:

Under State law, all employees must enroll in the New Jersey Public Employees Retirement System or the Police and Fire Fighters Retirement System, as applicable. The employee's contribution to the Plan will be deducted from the employee's pay. An employee who has completed the required number of years and who has reached the required age under the Plan may retire. Employees planning to retire should first notify the Department Head in writing. The State retirement plans request six months advance notice to process the application. Anything to do with the employee's pension should be addressed to the Division of Pensions. After giving notice of retirement, employees are expected to assist their supervisor and co-employees by providing information concerning their current projects and help in the training of a replacement. The Department Head will prepare an Employee Action form showing any pay or other money owed the employee. The Business Administrator or his/her designee will conduct a confidential exit interview to discuss benefits including COBRA options, appropriate

retirement issues and pay due. A COBRA notification letter will be sent to the employee's home address. The exit interview will also include an open discussion with the employee.

On the last day of work, the employee must return the Employee Identification Card, all keys and equipment and pay any money owed to the Borough. At this time, the employee will sign the termination memo designating all money owed and this memo will be retained in the official personnel file.

Upon retirement, employees hired before January 1, 1994 shall be paid for up to 260 days of accumulated unused sick time. Employees hired after January 1, 1994 shall be paid, upon retirement, for half of their total accumulated unused sick time or \$15,000, whichever is less.

Employees hired after January 1, 2018 shall not be entitled to paid accumulated unused sick time retirement benefits.

Upon retirement, employees shall also be paid for any unused accrued vacation time in accordance with the provisions of the Vacation Policy.

I. Retirement Policy:

A. Policy.

(1) All permanent employees who have not yet attained their 60th birthday will be enrolled in the Public Employees Retirement System Life Insurance Program. This coverage consists of 1 1/2 times their annual salary on a noncontributory basis, and 1 1/2 times their annual salary on a contributory basis, for a total of three times their annual salary. Employees are required to participate in the contributory enrollment plan for a period of one year. After the completion of one year, they may elect to continue or cancel this contributory coverage. Those who have attained age 60 must provide proof of insurability before this coverage can be effective.

(2) For further information, please refer to the Public Employees Retirement System brochure, which fully describes this coverage.

(3) All police officers and fire fighters enrolled in the New Jersey Police and Firemen's Retirement Plan will have life insurance coverage amounting to 3 1/2 times their annual salary on a noncontributory basis.

(4) For further information, please refer to the Police and Firemen's Retirement Plan brochure.

B. Procedure. Enrollment will be completed by the Business Administrator or his/her designee at the time application is completed for membership in the pension plan. Appointed and elected officials are eligible for enrollment immediately upon their appointment to a Borough position.

J. Workplace Democracy Enhancement Act:

The Borough of Red Bank shall comply with its duties under the provisions of the Workplace Democracy Enhancement Act and any regulations promulgated thereunder.

SECTION 6

Managerial/Supervisory Procedures:

A. Employment Procedure:

- **Recruitment:** The Business Administrator, in conjunction with his/her designee, will coordinate the employment recruitment process for all vacancies to ensure compliance with contractual, legal, and equal opportunity requirements. When a vacancy occurs, it is the responsibility of the Department Head to notify the Business Administrator who will distribute notification of the vacancy to all departments. The Business Administrator will undertake to recruit qualified applicants in accordance with applicable Federal and State law. Where positions are advertised, the media or other periodical utilized must have as wide circulation as possible to encourage applications from candidates from diverse backgrounds and must prominently state that the Borough of Red Bank is an equal opportunity employer.
- **Applications:** All candidates must fully complete an application form. A resume will not be considered as a substitute for this form. The application 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.
- **Interviews:** The Business Administrator or Department Head will coordinate the interview process including the scheduling of applicants, development of interview questions and standards to measure candidate responses. All questions must be in accordance with the New Jersey Division of Civil Rights Guidelines for Pre-Employment Inquiries. Reasonable accommodations must be made for disabled applicants provided that the applicant is otherwise qualified to perform the essential functions of the job and also provided that the accommodation does not impose an unreasonable hardship on the Borough.
- **Physical Examinations:** Offers of employment are made subject to the applicant meeting the physical requirements of the specific position sought. The Business Administrator shall require prospective employees, prior to employment, to successfully pass a physical examination consistent with the Americans with Disabilities Act, to assure that the person is medically qualified to perform the essential functions of the position without reasonable accommodations to meet the requirements of the position. The Business 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 Borough of Red Bank at

the expense of the Borough of Red Bank. All medical records of employees and prospective employees are confidential and are to be maintained by the Business Administrator or his/her designee separate from the employee's official personnel file.

- **Job Offers:** The final decision as to hiring will be made, pursuant to Borough Ordinance, by the Business Administrator, subject to the approval of the Mayor and Council, after all references and other information has been verified. Every effort shall be made to offer reasonable accommodations pursuant the Americans with Disabilities Act and the New Jersey Law Against Discrimination, as requested by the candidate, provided that the candidate 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 Borough. The employment offer must be made in a letter to the candidate outlining all terms and conditions of the offer. The letter will also establish a deadline for acceptance. The letter will state that this offer is contingent upon the candidate passing any required drug/alcohol test and physical examination that may be required for the position.
- **Acceptances and Rejections:** If the first offer is rejected, the Business Administrator will decide either to hire another candidate or re-open the position. Once a candidate accepts the employment offer, all other candidates will be notified in writing that they were not accepted for the position.
- **Employability Proof:** Within the first three (3) days of employment, all new employees shall be required to fill out an Employment Eligibility Verification Form I-9 and to provide acceptable proof of identity right to work in the United States.
- **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 Business Administrator or his/her designee. Documents related to the successful candidate will be placed in the employee's official personnel file, except medical records, including records of physical examinations, must be maintained in a separate file. All records documents related to other candidates must be retained for at least one year. Records and documents created during the hiring process are confidential and must be retained in a locked cabinet.

Background Checks and Procedures for Candidates, Employees and Volunteers:

- **Background checks required:** Background checks are required of all candidates, whether for paid or volunteer positions, working directly or indirectly with children/youth/minors, as a condition of the job offer. Background checks will also be administered for each employee or volunteer, that works directly or indirectly with children/youth/minors, every three (3) years.

The Borough will perform or initiate criminal background checks and be the recipient of reports from outside agencies or contractors. These reports shall include, but are not limited, to court records; police department and corrections agency records; registries or watch lists; state

criminal record repositories; and the Interstate Identification Index maintained by the FBI. The Business Administrator or his/her designee will discuss potentially disqualifying information received with the employee's or volunteer's Department Head, and a determination that the information is disqualifying shall be made based on whether the disqualification is job-related for the position and is consistent with business necessity. Written information received as a result of a "Request for Criminal History Record Information for a Noncriminal Justice Purpose" will be destroyed immediately after it has served its authorized purpose, as required by the State Police. Such information will be kept confidential and will not be published or disclosed in any manner not consistent with the procedures listed herein. Such information will not be deemed a public record under P.L. 1963, c.73 (c:47:1a-1, et seq.) as amended and supplemented by P.L. 2001, c.404 (c:47:1a-5, et seq.).

When a disqualification decision has been made as a result of the Borough's "targeted screening process" described below, the Business Administrator or his/her designee will inform the candidate or employee, in writing, of any information that would disqualify the person from working with children/youth. If the Borough contracts with an outside vendor to process the background checks, that contractor may be authorized to inform the person in writing of any information that would disqualify the person from working with children/youth/minors. In addition, the individual shall be advised that he/she has the opportunity to appeal the disqualification, pursuant to the Appeal Process set forth below, to explain the criminal record and to demonstrate why the exclusion based on the Borough's targeted screening process should not apply to him/her under the circumstances.

- **Conditions Under Which An Employee Will Be Disqualified From Working With Children/Youth:** A candidate, volunteer, or employee may be disqualified from employment in a position that works with children/youth/minors if that person's criminal record history background check reveals a record of conviction of any of the following crimes and disorderly persons offenses as defined by New Jersey law or by analogous laws in other States:
 - Homicide (N.J.S.A. 2C:11)
 - Assault, reckless endangerment, threats, stalking (N.J.S.A. 2C:12)
 - Kidnapping (N.J.S.A. 2C:13)
 - Sexual Offenses (N.J.S.A. 2C:14)
 - Offenses Against the Family, Children and Incompetents (N.J.S.A. 2C:24)
 - Controlled Dangerous Substances (N.J.S.A. 2C:35 except for 2C:35-10(a)4)
 - Robbery (N.J.S.A. 2C:15)
 - Theft (N.J.S.A. 2C:20)

A disqualification from any position will be based only on a conviction for one or more of the above disqualifying crimes and offenses. An acquittal, a dismissal, successful completion of Pre-Trial Intervention (PTI), or an expungement of a criminal offense, including a disqualifying criminal offense, is not a disqualifying conviction.

- **Appeal Process:** The Appeals Committee will be comprised of the Police Chief, the Business Administrator and his/her designee.

Once a candidate, employee or volunteer has been notified of a disqualifying conviction, the employee has fourteen (14) calendar days to file a Notice of Appeal with the Borough. Such Notice of Appeal must be sent in writing to the Business Administrator or his/her designee. The Notice of Appeal shall include a Notice of Rehabilitation and/or a Notice that the information is inaccurate or incorrect, pursuant to N.J.A.C. 13:59-1.6.

During the 14-day period listed above, and until the issuance of the decision of the Appeals Committee, an employee will be on a suspension with pay, pending the outcome of the Notice of Appeal.

In making a determination on the appeal, the following information will be considered:

1. The nature and responsibility of the position which the convicted individual would hold, has held, or currently holds, as the case may be.
2. The nature and seriousness of the crime or offense.
3. The circumstances under which the crime or offense occurred.
4. The date of the crime or offense.
5. The age of the individual when the crime or offense was committed.
6. Whether the crime or offense was an isolated or a repeated incident.
7. Any social conditions which may have contributed to the commission of the crime or offense.
8. Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received.
9. Acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of those who have had the individual under their supervision.

The Borough will issue a written determination on the employee's appeal of their disqualifying conviction, setting forth the reasons for the determination.

B. Open Public Meetings Act Procedure Concerning Personnel Matters:

Discussions by the governing body or any public body of the Borough of Red Bank concerning appointment, termination, terms and conditions of employment, performance evaluation, promotion or discipline of any current or prospective officer or employee may be held in closed session, unless the affected employee submits a timely request that discussions regarding his/her employment be conducted in a public session. Ultimately, the guidance as to notification of employees and the right to have the discussion in executive or the open session should be

discussed with and be based upon the guidance and advice of the Legal Counsel for the Borough and recent court decisions.

C. Processing and Orientation of New Employees Procedure:

All new full-time and part-time employees will be scheduled to meet with the Department Head, the Business Administrator and his/her designee on their first day for a general orientation. Copies of all forms and acknowledgements must be returned to the Business Administrator or his/her designee 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 Personnel Policies and Procedures Manual and acknowledgement of receipt;
- The Employee Complaint Policy letter and acknowledgement;
- A safety orientation and acknowledgement; and
- Arrangements for the new employee to complete required PEOSHA safety training.

D. Initial Employment Period Procedure:

Except where State requirements or contracts direct otherwise, new employees (or present employees transferring to new positions) will be hired subject to an initial employment period of ninety (90) working days. During this initial employment period, the new employee or transferee will be provided with training and guidance from the supervisor. At the end of the initial employment period, the supervisor will conduct an employee evaluation. New employees may be discharged at any time during this period without recourse to any grievance procedures or rights to appeal, if the Business Administrator concludes that the employee is not progressing or performing satisfactorily. Under appropriate circumstances, the Business Administrator may extend the initial employment period. Newly hired employees are not eligible for payment of paid time off except holidays until the successful completion of their initial employment period.

Nothing in the procedure set forth in this section shall alter the Borough's employment at will policy.

E. Personnel Policies and Procedure Manual:

Copies of this Personnel Policies and Procedures Manual will be distributed (in lieu of an Employee Handbook) to all employees and elected officials of the Borough. Employees will be required to sign an acknowledgement of receipt that will be placed in the official personnel file. The Manual will be revised and re-distributed whenever there is a significant change in personnel practice or at the Borough's discretion.

F. Personnel File Procedure:

The official personnel files shall be maintained by the Business Administrator or his/her designee and employee medical information will be maintained in a separate file. At least annually, the Business Administrator or his/her designee will review files to make sure they are up-to-date and will follow-up with the Department Heads as necessary. Employees are responsible to notify the Business Administrator or his/her designee any changes in vital information.

The Official file shall include at least the following:

- The original application signed by the employee;
- Notes from any pre-employment interview and reference check;
- The original letter detailing an offer of employment and any additional correspondence concerning the employee's hiring;
- A signed acknowledgement that the employee received a copy of the Employee Complaint Policy letter;
- A signed acknowledgement that the employee has received the Personnel Policies and Procedures Manual;
- A signed acknowledgement that the employee received the safety orientation;
- Annual written performance evaluations including documentation that the evaluation was reviewed with the employee;
- Counseling Action Plans;
- Records relating to on-the-job accidents;
- Disciplinary actions including an acknowledgement that the employee was notified of the proposed disciplinary action and was given an opportunity to respond;

- Records relating to any other employment actions including promotions, demotions, transfers, resignations, leaves, etc.;
- Educational transcripts; and
- Any other pertinent information.

G. Requests for Employment Verification and Reference Procedure:

Inquiries and written requests for references or employment verification regarding a current or former employee must be referred to the Business Administrator or his/her designee. No employee may issue a reference letter without the permission of the Business Administrator or his/her designee. Under no circumstances should any information be released over the phone.

In response to a request for information, the Business Administrator or his/her designee will only verify an employee's name, dates of employment, job title, department and final salary. No other data or information will be furnished unless; (1) the Borough of Red Bank is required to release the information by law, or (2) the employee or former employee authorizes the Borough of Red Bank in writing to furnish this information and releases the Borough of Red Bank from liability.

H. Continuing Education Procedure:

The Business Administrator or his/her designee will arrange for employment practices seminars at least annually to train all managerial/supervisory personnel.

The Borough of Red Bank will also offer non-mandatory training to all other employees with special emphasis on employee rights and protections under various Federal and State laws as well as Borough of Red Bank employment practices. Records will be maintained in the official personnel files of all employees trained under this procedure.

Managerial and supervisory personnel will also update employees periodically by department meetings and memos that should address specific problems and concerns that may arise. Every effort will be made to encourage employee suggestions about ways to avoid employer-employee disputes and violations of employment rights.

APPENDIX:

Model Forms

- Notice of Personnel Discussion
- Employee Letter Concerning Employee Complaint Procedure
- Employee Complaint Form
- Application for Employment
- Sample Notices Concerning Whistleblower Act
- FMLA/FLA Request for Family and Medical Leave (Self or Family Member)
- FMLA/FLA Certification of Health Care Provider Forms (Self or Family Member)
- Bring Your Own Device Agreement
- Receipt of Social Media Policy Form
- Social Media Policy Terms of Disclosure

NOTE: Forms provided herein may be revised from time to time and the Borough reserves the right to utilize updated current versions of these forms and shall make such updated forms available to all employees.

Borough of Red Bank

NOTICE OF PERSONNEL DISCUSSION

Certified and regular mail

To: _____

Address: _____

This letter serves as notice to you that the terms and conditions of your employment with The Borough of Red Bank will be discussed at the regularly scheduled meeting of the Borough Council.

Date of Meeting(s): _____

Time: _____

Location: _____

The discussion will be in closed session, not open to the public, unless at least 24 hours before the meeting the Borough Clerk receives a request, in writing, in which you request that the discussion be held in public. If the discussion will affect other employees or potential employees, it may be closed to the public unless all such affected persons submit such signed requests. You are not required to attend this meeting. If you have any questions about this matter, please contact me.

Notice Date: _____ Signed: _____ (title) _____

Borough of Red Bank Employee Complaint Procedure

The Borough of Red Bank has a “no tolerance” policy towards workplace wrongdoing. Under Federal and State law, you have a right to formally or informally report any statement, act, or behavior by a co-employee, supervisor, elected official or visitor that you perceive to be improper, including harassment of any kind, violence or threat of violence, retaliation, wrongful termination, breach of an employment agreement, failure to promote, wrongful demotion, violation of any employment protection law or regulation, discrimination of any nature, misrepresentation, defamation, or any other statements, acts, or behaviors that violate employment rights.

You also have the right to:

Disclose to a supervisor, Department Head, the Business Administrator or his/her designee, or to member of the governing body or to a public body, as defined in the Employment Protection Act (N.J.S.A. 34:19) an activity, policy or practice that you reasonably believe is in violation of a law, a rule or regulation promulgated pursuant to law; or

Provide information to, or testify before any public body conducting an investigation, hearing, an inquiry into any violation of law, or a rule or regulation promulgated pursuant to law; or

Object to or refuse to participate in any activity, policy, or practice that you reasonably believe is a violation of a law, rule or regulation promulgated pursuant to law; is fraudulent or criminal; or is incompatible with a clear mandate of public policy concerning the public health, safety, or welfare; or

Participate in political activities or join political organizations, as long as you do so on your own time and maintain a clear separation between your official responsibilities and your political affiliations.

Immediately report any wrongdoing to your supervisor, or, if you prefer your Department Head, the Business Administrator or his/her designee, or the Borough Attorney. No retaliatory measures will be taken against any employee who, in good faith, complains of wrongdoing or harassment. To the maximum extent feasible, the confidentiality of all such complaints will be maintained on a need-to-know basis. However, investigation of such complaints may require disclosure to the accused party and other witnesses in order to gather pertinent facts.

I, hereby acknowledge receipt of a copy of this letter.

Name _____

Date _____

Signature _____

The original signed copy of this letter must be filed in the employee’s personnel folder

Borough of Red Bank Employee Complaint Form

Date _____

Attach additional sheets if necessary to fully complete all questions

NAME: _____ DEPARTMENT: _____

TITLE: _____ SUPERVISOR: _____

Time period covered by this complaint: _____

Individuals who allegedly committed the acts being complained of:

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

Identify all persons with knowledge of the complained conduct:

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

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

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

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

What is your requested remedy for this complaint?

ACKNOWLEDGMENT

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

BY: _____ DATE: _____

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

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

BY: _____ DATE: _____

Borough of Red Bank

Date: _____

Employment Application:

Applicant Information:

Name (Last, First, Middle): _____

Address: _____

City/Town: _____

Phone (Work): () _____ (Home): () _____

Social Security Number: _____ - _____ - _____

Position applied for: _____

Have you ever applied to the Borough of Red Bank before: ____ Yes ____ No If yes, give date. _____

Date you can start: _____ Salary desired: _____

Are you available to work: ____ Full time ____ Part time ____ Shift work ____ Temporary

Are you currently employed: ____ Yes ____ No May we contact you at work: ____ Yes ____ No

May we contact your current employer: ____ Yes ____ No

Have you ever been fired: ____ Yes ____ No

If so, state the reason:

Are you currently on layoff status and subject to recall: ____ Yes ____ No

Do you possess a current driver's license: ____ Yes ____ No

Do you possess a current commercial driver's license: ____ Yes ____ No

Please list any endorsements: _____

If you are under eighteen years of age, can you provide proof of eligibility to work: ____ Yes ____ No

Are you legally eligible to work in the United States of America: ____ Yes ____ No

EA-1

Pursuant to Federal Law, proof of US Citizenship or immigration status will be required if you are hired.

Employment is conditional upon the results of the criminal background check. An answer of "Yes" may disqualify you from employment depending upon the circumstances involved. If "Yes", please explain below.

EA-2

The Borough of Red Bank is an Equal Opportunity Employer M/F

Employment History: This section must be completed even if you attach a resume. List your last four employers, major assignments within the same employer. Begin with the most recent. Include any military service. Explain any gaps in employment in the space on this form marked comments located on the bottom of this page.

Employer:	Date started:	Date left:	Work performed/ responsibilities:
Address:	Starting Salary:		
Job Title:	Final Salary:		
Reason for leaving:			
Supervisor's name and phone number:			
May we contact for a reference: ☐ Yes ☐ No			
Employer:	Date started:	Date left:	Work performed/ responsibilities:
Address:	Starting Salary:		
Job Title:	Final Salary:		
Reason for leaving:			
Supervisor's name and phone number:			
May we contact for a reference: ☐ Yes ☐ No			
Employer:	Date started:	Date left:	Work performed/ responsibilities:
Address:	Starting Salary:		
Job Title:	Final Salary:		
Reason for leaving:			
Supervisor's name and phone number:			
May we contact for a reference: ☐ Yes ☐ No			
Employer:	Date started:	Date left:	Work performed/ responsibilities:
Address:	Starting Salary:		
Job Title:	Final Salary:		
Reason for leaving:			
Supervisor's name and phone number:			
May we contact for a reference: ☐ Yes ☐ No			

Comments:

Education: Provide information on your formal schooling and education. Include elementary, secondary, and post-secondary education, if any. Include any formal vocational or professional education. For high school and post-secondary education, indicate any major or specialty, such as Academic, Business, or Trade.

School:	Years completed: (Circle)	Graduated: (Circle)	Major Field:
Elementary:	5 6 7 8	Yes No	N/A
High:	1 2 3 4	Yes No	
College:	1 2 3 4	Yes No	
Other:	1 2 3 4	Yes No	

Languages: List any foreign languages you know and indicate your level of proficiency.

Language:	Speak Some:	Speak Fluently:	Read:	Write:

Special Skills & Experience: State any special skills, experience, training, licenses, certifications or other factors that make you especially qualified for the position for which you are applying.

Comments & Additional Information: Is there any additional information about you we should consider?

References: Provide the names, addresses and phone numbers of three people whom we may contact as a reference. They should not be relatives or former supervisors.

Name & Address:	Phone Number:	Years Known:

Understandings and Agreements:

AS AN APPLICANT FOR A POSITION WITH THE BOROUGH OF RED BANK, I UNDERSTAND AND AGREE THAT I MUST PROVIDE TRUTHFUL AND ACCURATE INFORMATION IN THIS APPLICATION. I UNDERSTAND THAT MY APPLICATION MAY BE REJECTED IF ANY INFORMATION IS NOT COMPLETE, TRUE AND ACCURATE. IF HIRED, I UNDERSTAND THAT I MAY BE SEPARATED FROM EMPLOYMENT IF THE BOROUGH OF RED BANK LATER DISCOVERS THAT INFORMATION ON THIS FORM WAS INCOMPLETE, UNTRUE, OR INACCURATE. I GIVE THE BOROUGH OF RED BANK THE RIGHT TO INVESTIGATE THE INFORMATION I HAVE PROVIDED, TALK WITH FORMER EMPLOYERS (EXCEPT WHERE I HAVE INDICATED THEY MAY NOT BE CONTACTED). I GIVE THE BOROUGH OF RED BANK THE RIGHT TO SECURE ADDITIONAL JOB-RELATED INFORMATION ABOUT ME. I RELEASE THE BOROUGH OF RED BANK AND ITS REPRESENTATIVES FROM ALL LIABILITY FOR SEEKING SUCH INFORMATION. I UNDERSTAND THAT THE BOROUGH OF RED BANK IS AN EQUAL-OPPORTUNITY EMPLOYER AND DOES NOT DISCRIMINATE IN ITS HIRING PRACTICES. I UNDERSTAND THAT THE BOROUGH OF RED BANK WILL MAKE REASONABLE ACCOMMODATIONS AS REQUIRED BY THE AMERICANS WITH DISABILITIES ACT. I UNDERSTAND THAT IF I AM OFFERED EMPLOYMENT WITH THE BOROUGH OF RED BANK, SUCH AN OFFER DOES NOT CONSTITUTE AN EMPLOYMENT CONTRACT, AND IF EMPLOYED, SUCH EMPLOYMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT. I MAY RESIGN AT ANY TIME AND THE BOROUGH OF RED BANK MAY TERMINATE ME AT ANY TIME IN ACCORDANCE WITH ITS ESTABLISHED POLICIES AND PROCEDURES. NO REPRESENTATIVES OF THE BOROUGH OF RED BANK MAY MAKE ANY ASSURANCES TO THE CONTRARY. I UNDERSTAND THAT ANY OFFER OF EMPLOYMENT MAY BE SUBJECT TO JOB-RELATED MEDICAL, PHYSICAL, DRUG, OR PSYCHOLOGICAL TESTS. I ALSO UNDERSTAND THAT SOME POSITIONS MAY INVOLVE COMPLETE BACKGROUND AND CRIMINAL CHECKS.

Applicant's Signature _____ Date _____

Conditions of Employment:

Please be advised that all offers of employment are conditional on the applicant passing a mandatory criminal background check and drug test. A pre-employment physical may also be required. Pursuant to our personnel policy, all job applicants are required to sign a consent form for drug testing and if the test results are positive and are not accounted for by the legal use of prescription or non-prescription drugs the applicant shall be ineligible for hire unless they can establish a legal basis for the use of the drug or controlled substance for which they test positive. *For your application to be considered, you must sign and date below.*

Applicant's Signature _____ Date _____

Voluntary Affirmative Action Information

You are not required to provide this information. Provide only if you wish.

If you provide information on this page, it will be filed separately from the job application. This information will be used only for purposes of the affirmative action program

Applicant Information:

Name: _____

Address: _____

City/town: _____

Phone: () _____

Position Applied For: _____

How did you learn about this position? ☐ Advertisement ☐ Employment Agency
☐ Friend ☐ Relative ☐ Walk-in ☐ Other (Explain) _____

Information Regarding Status:

Gender:

☐ Male

☐ Female

Equal Employment Opportunity identification groups:

☐ White

☐ African-American (non-Hispanic)

☐ Hispanic

☐ American Indian/Alaskan native

☐ Asian/Pacific Islander

☐ Other _____

For Borough of Red Bank use only

Hired: ☐ Yes ☐ No Position _____ Date _____

Which EEO job classification best describes the position for which the applicant applied?

1. Officials and Managers

4. Sales workers

7. Operators(semi-skilled)

2. Professionals

5. Office and clerical workers

8. Laborers (unskilled)

3. Technicians

6. Craft workers (skilled)

9. Service workers

Borough of Red Bank Official _____

Date _____

This page for Borough of Red Bank use only!
Results of interview

Interviewer: _____

Date: _____ **Time:** _____

Conscientious Employee Protection Act “Whistleblower Act”

Employer retaliatory action; protected employee actions; employee responsibilities

1. New Jersey law prohibits an employer from taking any retaliatory action against an employee because the employee does any of the following:
 - a. Discloses, or threatens to disclose, to a supervisor or to a public body an activity, policy or practice of the employer or another employer, with whom there is a business relationship, that the employee reasonably believes is in violation of a law, or a rule or regulation issued under the law, or, in the case of an employee who is a licensed or certified health care professional, reasonably believes constitutes improper quality of patient care;
 - b. Provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any violation of law, or a rule or regulation issued under the law by the employer or another employer, with whom there is a business relationship, or, in the case of an employee who is a licensed or certified health care professional, provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into quality of patient care; or
 - c. Provides information involving deception of, or misrepresentation to, any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity.
 - d. Provides information regarding any perceived criminal or fraudulent activity, policy or practice of deception or misrepresentation which the employee reasonably believes may defraud any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity.
 - e. Objects to, or refuses to participate in, any activity, policy or practice which the employee reasonably believes:
 - (1) is in violation of a law, or a rule or regulation issued under the law or, if the employee is a licensed or certified health care professional, constitutes improper quality of patient care;
 - (2) is fraudulent or criminal; or
 - (3) is incompatible with a clear mandate of public policy concerning the public health, safety or welfare or protection of the environment. N.J.S.A. 34:19-3.
2. The protection against retaliation, when a disclosure is made to a public body, does not apply unless the employee has brought the activity, policy or practice to the attention of a supervisor of the employee by written notice and given the employer a reasonable opportunity to correct the activity, policy or practice. However, disclosure is not required where the employee reasonably believes that the activity, policy or practice is known to one or more supervisors of the employer or where the employee fears physical harm as a result of the disclosure, provided that the situation is emergency in nature.

CONTACT INFORMATION

Your employer has designated the following contact person to receive written notifications, pursuant to paragraph 2 above (N.J.S.A. 34:19-4):

Name: _____

Address: _____

Telephone Number: _____

This notice must be conspicuously displayed.

Once each year, employers with 10 or more employees must distribute notice of this law to their employees. If you need this document in a language other than English or Spanish, please call (609) 292-7832.



La Ley de protección al empleado consciente

“Ley de protección del denunciante”

Acciones de represalia del empleador; protección de las acciones del empleado

1. La ley de New Jersey prohíbe que los empleadores tomen medidas de represalia contra todo empleado que haga lo siguiente:
 - a. Divulgue o amenace con divulgar, ya sea a un supervisor o a una agencia pública toda actividad, directriz o norma del empleador o de cualquier otro empleador con el que exista una relación de negocios y que el empleado tiene motivos fundados para pensar que violan alguna ley, o en el caso de un trabajador licenciado o certificado de la salud y que tiene motivos fundados para pensar que se trata de una manera inadecuada de atención al paciente;
 - b. Facilite información o preste testimonio ante cualquier agencia pública que conduzca una investigación, audiencia o indagación sobre la violación de alguna ley, regla o reglamento que el empleador o algún otro empleador con el que exista una relación de negocios; o en el caso de un trabajador licenciado o certificado de la salud que facilite información o preste testimonio ante cualquier agencia pública que conduzca una investigación, audiencia o indagación sobre la calidad de la atención al paciente; o
 - c. Ofrece información concerniente al engaño o la tergiversación con accionistas, inversionistas, usuarios, pacientes, clientes, empleados, ex empleados, retirados o pensionados del empleador o de cualquier agencia gubernamental.
 - d. Ofrece información con respecto a toda actividad que se pueda percibir como delictiva o fraudulenta, toda directiva o práctica engañosa o de tergiversación que el empleado tenga motivos fundados para pensar que pudieran estafar a accionistas, inversionistas, usuarios, pacientes, clientes, empleados, ex empleados, retirados o pensionados del empleador o de cualquier agencia gubernamental.
 - e. Se opone o se niega a participar en alguna actividad, directriz o práctica que el empleado tiene motivos fundados para pensar que:
 - (1) viola alguna ley, o regla o reglamento que dicta la ley o en el caso de un empleado licenciado o certificado en cuidado de la salud que tiene motivos fundados para pensar que constituya atención inadecuada al paciente;
 - (2) es fraudulenta o delictiva; o
 - (3) es incompatible con algún mandato establecido por las directrices públicas relacionadas con la salud pública, la seguridad o el bienestar o la protección del medio ambiente. Artículo 34:19-3 de las Leyes comentadas de New Jersey de protección del empleado consciente (N.J.S.A., por sus siglas en inglés)
2. No se puede acoger a la protección contra la represalia, cuando se hace una divulgación a un organismo público, a no ser que el empleado le informe al empleador de tal actividad, política o norma a través de un aviso por escrito y le haya dado al empleador una oportunidad razonable para corregir tal actividad, política o norma. Sin embargo, no es necesaria la divulgación en los casos en que el empleado tenga indicios razonables para creer que un supervisor o más de un supervisor del empleador tienen conocimiento de tal actividad, política o norma o en los casos en los que el empleado teme que tal divulgación pueda traer como consecuencia daños físicos a su persona siempre y cuando la naturaleza de la situación sea la de una situación de emergencia.

Información del Contacto

Su empleador ha designado a la siguiente persona para recibir notificaciones de acuerdo al párrafo 2, de la ley (N.J.S.A. 34:19-4):

Nombre: _____

Dirección: _____

Número de teléfono: _____

Este aviso se debe exponer a la vista de todos.

Anualmente, patronos con 10 o más empleados, deberán distribuir notificación de esta ley a todos sus empleados. Si necesita este documento en algún otro idioma que no sea inglés o español, sírvase llamar al (609) 292-7832.



**Borough of Red Bank
90 MONMOUTH STREET
RED BANK, NEW JERSEY 07701**

FAMILY MEDICAL LEAVE (FMLA/FLA) REQUEST FORM

USE THIS FORM WHEN REQUESTING LEAVE FOR SELF

Date: _____

To: Ziad Andrew Shehady / Business Administrator

Name: _____

Department: _____

Position: _____

I, _____, would like to request my use of FMLA for
(Print Employee Name)

the following reason:

A. Reason for requesting an extended leave of absence;

☐ Birth of a son or daughter and in order to care for such child

☐ Placement of a child with me for adoption or foster care

Date of birth or placement (if applicable): _____

☐ To care for my child, parent, parent-in-law or spouse, who has a serious health condition

☐ I am unable to perform the functions of my position due to a serious health condition

Date FMLA starts: _____ FMLA Ends: _____

B. If request is for intermittent or reduced leave:

Date(s) _____

Describe adjustment in schedule which would be required:

C. ☐ Physician Certification (Form WH-380-E)

***(THIS FORM MUST BE COMPLETED BY YOUR PHYSICIAN AND ATTACHED FOR
ANY CONTINUANCE OF LEAVE TO BE CONSIDERED)***

Date

Employee signature

**PLEASE BE SURE TO RETURN FORMS TO THE BOROUGH OF RED BANK
90 MONMOUTH ST., RED BANK, NJ 07701
ATTENTION: Z. SHEHADY / OFFICE OF THE BUSINESS ADMINISTRATOR**

**Borough of Red Bank
90 MONMOUTH STREET
RED BANK, NEW JERSEY 07701**

FAMILY MEDICAL LEAVE (FMLA/FLA) REQUEST FORM
USE THIS REQUEST FORM WHEN REQUESTING LEAVE FOR FAMILY MEMBER

Date: _____

To: Ziad Andrew Shehady / Business Administrator

Name: _____

Department: _____

Position: _____

I, _____, would like to request my use of FMLA for
(Print Employee Name)

the following reason:

A. Reason for requesting an extended leave of absence;

☐ Birth of a son or daughter and in order to care for such child

☐ Placement of a child with me for adoption or foster care

Date of birth or placement (if applicable): _____

☐ To care for my child, parent, parent-in-law or spouse, who has a serious health condition

☐ I am unable to perform the functions of my position due to a serious health condition

Date FMLA starts: _____ FMLA Ends: _____

B. If request is for intermittent or reduced leave:

Date(s) _____

Describe adjustment in schedule which would be required:

C. ☐ Physician Certification (Form WH-380-F)

**(THIS FORM MUST BE COMPLETED BY YOUR FAMILY MEMBER'S PHYSICIAN AND
ATTACHED FOR ANY CONTINUANCE OF LEAVE TO BE CONSIDERED)**

Date

Employee signature

**PLEASE BE SURE TO RETURN FORMS TO THE BOROUGH OF RED BANK
90 MONMOUTH ST., RED BANK, NJ 07701
ATTENTION: Z. SHEHADY / OFFICE OF THE BUSINESS ADMINISTRATOR**

Certification of Health Care Provider for
Employee's Serious Health Condition
Leave Act)

U.S. Department of Labor
Wage and Hour Division (Family and Medical



OMB Control Number: 1235-0003
Expires: 5/31/2018

SECTION I: For Completion by the EMPLOYER

INSTRUCTIONS to the EMPLOYER: The Family and Medical Leave Act (FMLA) provides that an employer may require an employee seeking FMLA protections because of a need for leave due to a serious health condition to submit a medical certification issued by the employee's health care provider. Please complete Section I before giving this form to your employee. Your response is voluntary. While you are not required to use this form, you may not ask the employee to provide more information than allowed under the FMLA regulations, 29 C.F.R. §§ 825.306-825.308. Employers must generally maintain records and documents relating to medical certifications, recertifications, or medical histories of employees created for FMLA purposes as confidential medical records in separate files/records from the usual personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies, and in accordance with 29 C.F.R. § 1635.9, if the Genetic Information Nondiscrimination Act applies.

Employer name and contact: _____

Employee's job title: _____ Regular work schedule: _____

Employee's essential job functions: _____

Check if job description is attached: _____

SECTION II: For Completion by the EMPLOYEE

INSTRUCTIONS to the EMPLOYEE: Please complete Section II before giving this form to your medical provider. The FMLA permits an employer to require that you submit a timely, complete, and sufficient medical certification to support a request for FMLA leave due to your own serious health condition. If requested by your employer, your response is required to obtain or retain the benefit of FMLA protections. 29 U.S.C. §§ 2613, 2614(c)(3). Failure to provide a complete and sufficient medical certification may result in a denial of your FMLA request. 29 C.F.R. § 825.313. Your employer must give you at least 15 calendar days to return this form. 29 C.F.R. § 825.305(b).

Your name: _____

First

Middle

Last

SECTION III: For Completion by the HEALTH CARE PROVIDER

INSTRUCTIONS to the HEALTH CARE PROVIDER:

Your patient has requested leave under the FMLA.

Answer, fully and completely, all applicable parts. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be your best estimate based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as "lifetime," "unknown," or "indeterminate" may not be sufficient to determine FMLA coverage. Limit your responses to the condition for which the employee is seeking leave. Do not provide information about genetic tests, as defined in 29 C.F.R. § 1635.3(f), genetic services, as defined in 29 C.F.R. § 1635.3(e), or the manifestation of disease or disorder in the employee's family members, 29 C.F.R. § 1635.3(b). Please be sure to sign the form on the last page.

Provider's name and business address:

_____ Type of practice /

Medical specialty: _____

Telephone: (_____) _____ Fax: (_____) _____

PART A: MEDICAL FACTS

1. Approximate date condition commenced: _____

Probable duration of condition:

Mark below as applicable:

Was the patient admitted for an overnight stay in a hospital, hospice, or residential medical care facility? ___ No ___ Yes. If so, dates of admission:

_____ Date(s) you treated the patient for condition:

_____ Will the patient need to have treatment visits at least twice per year due to the condition?
___ No ___ Yes.

Was medication, other than over-the-counter medication, prescribed? ___ No ___ Yes.

Was the patient referred to other health care provider(s) for evaluation or treatment (e.g., physical therapist)? ___ No ___ Yes. If so, state the nature of such treatments and expected duration of treatment:

2. Is the medical condition pregnancy? ___ No ___ Yes. If so, expected delivery date: _____

3. Use the information provided by the employer in Section I to answer this question. If the employer fails to provide a list of the employee's essential functions or a job description, answer these questions based upon the employee's own description of his/her job functions.

Is the employee unable to perform any of his/her job functions due to the condition:
___ No ___ Yes.

If so, identify the job functions the employee is unable to perform:

4. Describe other relevant medical facts, if any, related to the condition for which the employee seeks leave (such medical facts may include symptoms, diagnosis, or any regimen of continuing treatment such as the use of specialized equipment):

PART B: AMOUNT OF LEAVE NEEDED

5. Will the employee be incapacitated for a single continuous period of time due to his/her medical condition, including any time for treatment and recovery? ___ No ___ Yes.

If so, estimate the beginning and ending dates for the period of incapacity:

6. Will the employee need to attend follow-up treatment appointments or work part-time or on a reduced schedule because of the employee's medical condition? ___ No ___ Yes.

If so, are the treatments or the reduced number of hours of work medically necessary? ___ No ___ Yes.

Estimate treatment schedule, if any, including the dates of any scheduled appointments and the time required for each appointment, including any recovery period:

_____ Estimate the part-time or reduced work schedule the employee needs, if any:

_____ hour(s) per day; _____ days per week from _____ through _____

7. Will the condition cause episodic flare-ups periodically preventing the employee from performing his/her job functions? ___ No ___ Yes.

Is it medically necessary for the employee to be absent from work during the flare-ups?

___ No ___ Yes. If so, explain:

Based upon the patient's medical history and your knowledge of the medical condition, estimate the frequency of flare-ups and the duration of related incapacity that the patient may have over the next 6 months (e.g., 1 episode every 3 months lasting 1-2 days):

Frequency: _____ times per _____ week(s) _____ month(s)

Duration: _____ hours or _____ day(s) per episode

11/11/2011

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Date

If submitted, it is mandatory for employers to retain a copy of this disclosure in their records for three years. 29 U.S.C. § 2616; 29 C.F.R. § 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 20 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Ave., NW, Washington, DC 20210.

DO NOT SEND COMPLETED FORM TO THE DEPARTMENT OF LABOR; RETURN TO THE PATIENT.

Certification of Health Care Provider for U.S. Department of Labor
Family Member's Serious Health Condition Wage and Hour
Division (Family and Medical Leave Act)



DO NOT SEND COMPLETED FORM TO THE DEPARTMENT OF LABOR; RETURN TO THE PATIENT.

OMB Control Number: 1235-0003
Expires: 5/31/2018

SECTION I: For Completion by the EMPLOYER

INSTRUCTIONS to the EMPLOYER: The Family and Medical Leave Act (FMLA) provides that an employer may require an employee seeking FMLA protections because of a need for leave to care for a covered family member with a serious health condition to submit a medical certification issued by the health care provider of the covered family member. Please complete Section I before giving this form to your employee. Your response is voluntary. While you are not required to use this form, you may not ask the employee to provide more information than allowed under the FMLA regulations, 29 C.F.R. §§ 825.306-825.308. Employers must generally maintain records and documents relating to medical certifications, recertification's, or medical histories of employees' family members, created for FMLA purposes as confidential medical records in separate files/records from the usual personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies, and in accordance with 29 C.F.R. § 1635.9, if the Genetic Information Nondiscrimination Act applies.
Employer name and contact:

SECTION II: For Completion by the EMPLOYEE

INSTRUCTIONS to the EMPLOYEE: Please complete Section II before giving this form to your family member or his/her medical provider. The FMLA permits an employer to require that you submit a timely, complete, and sufficient medical certification to support a request for FMLA leave to care for a covered family member with a serious health condition. If requested by your employer, your response is required to obtain or retain the benefit of FMLA protections. 29 U.S.C. §§ 2613, 2614(c)(3). Failure to provide a complete and sufficient medical certification may result in a denial of your FMLA request. 29 C.F.R. § 825.313. Your employer must give you at least 15 calendar days to return this form to your employer. 29 C.F.R. § 825.305.

Your name: _____

First

Middle

Last

Name of family member for whom you will provide care:

First

Middle

Last

Relationship of family member to you:

If family member is your son or daughter, date of birth: _____

Describe care you will provide to your family member and estimate leave needed to provide care:

Was the patient referred to other health care provider(s) for evaluation or treatment (e.g., physical therapist)? ____ No ____ Yes. If so, state the nature of such treatments and expected duration of treatment:

2. Is the medical condition pregnancy? ____ No ____ Yes. If so, expected delivery date:

3. Describe other relevant medical facts, if any, related to the condition for which the patient needs care (such medical facts may include symptoms, diagnosis, or any regimen of continuing treatment such as the use of specialized equipment):

PART B: AMOUNT OF CARE NEEDED: When answering these questions, keep in mind that your patient's need for care by the employee seeking leave may include assistance with basic medical, hygienic, nutritional, safety or transportation needs, or the provision of physical or psychological care:

4. Will the patient be incapacitated for a single continuous period of time, including any time for treatment and recovery? ____ No ____ Yes.

Estimate the beginning and ending dates for the period of incapacity:

_____ During this time, will the patient need care? ____

No ____ Yes.

Explain the care needed by the patient and why such care is medically necessary:

5. Will the patient require follow-up treatments, including any time for recovery? ____ No ____ Yes.

Estimate treatment schedule, if any, including the dates of any scheduled appointments and the time required for each appointment, including any recovery period:

Explain the care needed by the patient, and why such care is medically necessary:

6. Will the patient require care on an intermittent or reduced schedule basis, including any time for recovery?

☐ No ☐ Yes.

Estimate the hours the patient needs care on an intermittent basis, if any:

_____ hour(s) per day; _____ days per week from _____ through _____

Explain the care needed by the patient, and why such care is medically

necessary:

7. Will the condition cause episodic flare-ups periodically preventing the patient from participating in normal daily activities? ☐ No ☐ Yes.

Based upon the patient's medical history and your knowledge of the medical condition, estimate the frequency of flare-ups and the duration of related incapacity that the patient may have over the next 6 months (e.g., 1 episode every 3 months lasting 1-2 days):

Frequency: _____ times per _____ week(s) _____ month(s)

Duration: _____ hours or _____ day(s) per episode

Does the patient need care during these flare-ups? ☐ No ☐ Yes.

Explain the care needed by the patient, and why such care is medically necessary:

CONTINUED ON NEXT PAGE

ADDITIONAL INFORMATION: IDENTIFY QUESTION NUMBER WITH YOUR ADDITIONAL ANSWER.

Signature of Health Care Provider

Date

PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT

If submitted, it is mandatory for employers to retain a copy of this disclosure in their records for three years. 29 U.S.C. § 2616; 29 C.F.R. § 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 20 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Ave., NW, Washington, DC 20210.

DO NOT SEND COMPLETED FORM TO THE DEPARTMENT OF LABOR; RETURN TO THE PATIENT.

**BOROUGH OF RED BANK
BRING YOUR OWN DEVICE AGREEMENT**

THIS WILL CERTIFY THAT I, _____, (THE “EMPLOYEE”) HAVE BEEN GIVEN A COPY OF THE BOROUGH OF RED BANK’S BRING YOUR OWN DEVICE POLICY (“BYOD POLICY”) AND THAT I FULLY UNDERSTAND SAID POLICY AND AGREE TO COMPLY WITH ALL TERMS AND REQUIREMENTS SET FORTH THEREIN AND HEREIN. THIS INCLUDES, BUT IS NOT LIMITED TO, MY ACKNOWLEDGEMENT AND CONSENT THAT:

- The Borough has the discretion to determine which employees will be eligible for this privilege and reserves the right to revoke the privilege granted herein if the Employee does not abide by the terms set forth in the Borough’s BYOD Policy and this Agreement.
- The Borough reserves the right, without prior notice to the Employee, to disable or disconnect some or all services related to connection of a personal smart device to the Borough network.
- The Borough maintains the right to exercise and enforce a range of security, privacy, and management controls on Employee’s smart device including, but not limited to the mandatory use of device passwords; timeouts; device and media encryption; geo-location tracking; and, remote or non-remote deletion of Borough applications and data.
- Employees are required to cooperate with the Borough to satisfy legitimate internal or external investigations, or legitimate discovery requests arising out of administrative, civil or criminal proceedings, which could result in the surrendering of the personal smart device assigned to the Employee.
- The Borough maintains the right to monitor or inspect Borough applications and data. In doing so, the Borough could inadvertently access personal information on the personal mobile device. As such, Employee should not have any expectation of privacy related to the use of a smart device connected to the Borough network.
- The Employee has the responsibility to report the loss, theft, or destruction of the Employee’s enrolled personal mobile device to the Borough and to report an upgrade, repair, or trade-ins 48 hours in advance.
- Compliance by the Employee with the BYOD Policy, the Borough “Communication Media Policy”, and this Agreement is a prerequisite to and continuing condition of the Employee’s privilege to connect a personal smart device to the Borough network servers.
- The Employee acknowledges that violation of the BYOD Policy and/or this Agreement may be cause for disciplinary action, up to and including termination.
- The Borough expressly disclaims, and the Employee releases the Borough from all liability for any loss, cost or expense of any nature whatsoever sustained by the Employee in connection with the privilege afforded the Employee under the terms of this Agreement and the Borough expressly reserves the right to delete data or applications from the smart device as set forth in the BYOD Policy or herein.

EMPLOYEE: _____ DATE: _____

WITNESS: _____ DATE: _____

**Borough of Red Bank
Receipt of Social Media Policy**

I, _____, acknowledge that:

A. I received a copy of the Borough of Red Bank's Social Media Policy on _____;
Date

B. I have been given an opportunity to ask questions about said Policy and I have been provided with satisfactory information in response to my questions;

C. I understand the language used in this Policy;

D. I acknowledge that the Borough reserves the right to add, amend or discontinue any of the provisions of this policy for any reason or none at all, in whole or in part, at any time, with or without notice;

E. I acknowledge that I understand this Policy and I agree that I will comply with all of its provisions. If there is any policy or provision in the Handbook that I do not understand, I will seek clarification from my supervisor, Department Head or Business Administrator.

F. No supervisor or other representative of the Borough of Red Bank has the authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the above. I understand that nothing contained in the Handbook may be construed as creating a promise of future benefits or binding contract with Borough of Red Bank for benefits or for any other purpose. I also understand that these policies are continually evaluated and may be amended, modified or terminated at any time.

G. For employees who are members of the various bargaining units, this does not supersede your respective contracts. It is being distributed to advise you of Borough policies that are not addressed in those agreements.

Date

Signature

Terms of Use Disclosure
(To be posted on all Borough of Red Bank Social Media Sites)

A. Information Disclaimer

- a. By visiting this site, you understand and agree that the Borough of Red Bank government site is provided "AS IS". Borough of Red Bank government makes every effort to provide accurate and complete information on this website. The information contained herein is not official nor in any way shall it be deemed to constitute legal notice where such legal notice is required by law. The information contained in this site is provided as a service and convenience to people needing information about the Borough of Red Bank government. Portions of the information on this site may be incorrect or not current. Borough of Red Bank government, its officers, employees or agents shall not be liable for damages or losses of any kind arising out of or in connection with the use or performance of information, including but not limited to, damages or losses caused by reliance upon the accuracy or timeliness of any such information, or damages incurred from the viewing, distributing, or copying of those materials.

B. Linking Policy

- a. The Borough of Red Bank government site contains links to outside websites. These websites are not owned, operated, controlled or reviewed by the Borough of Red Bank government. These links are provided solely as a courtesy and convenience to you, the visitor.

The Borough of Red Bank government, its officers or employees, exercise no control over the organizations, views, accuracy, copyright or trademark, compliance or the legality of the material contained in these outside websites. The Borough of Red Bank government, its officers or employees, do not sponsor, endorse, or approve the information, content, proceeds, materials, opinions or services contained on such outside websites. The visitor proceeds to these outside websites at his/her own risk. The Borough of Red Bank government specifically disclaims any and all liability from damages, which may result from the accessing of a third-party site, which is linked to the Borough of Red Bank government website or from reliance upon only such information.

C. Endorsement Disclaimer

- a. Reference in this website to any specific commercial products, processes, or services, or the use of any trade firm or corporation name is for the information and convenience of the public, and does not constitute endorsement, recommendation, or favoring by the Borough of Red Bank government or its officers, employees or agents.

D. Copyright and Trademark Limitations

- a. Borough of Red Bank government makes no warranty that materials contained herein are free of copyright or trademark claims or other restrictions or limitations on free use or display. Making a copy of such material may be subject to copyright or trademark laws.

E. Use of Material from this site

- a. The Borough of Red Bank government has made the informational content posted on these pages available to the public and anyone may view, copy or distribute Borough of Red Bank government information found here without obligation to the Borough of Red Bank government for non-commercial, personal use only, unless otherwise stated on particular material or information to which a restriction on free use may apply.
- b. The design of this site, original graphics, and original creations are all copyrighted by the Borough of Red Bank and may not be re-engineered, distributed, modified, transmitted, re-used, reposted, or duplicated without the express written permission of the Borough of Red Bank in each instance. All requests to use any part of the original design, code or graphics of this site should be made via e-mail to the Business Administrator.

F. Unauthorized Modifications

- a. Unauthorized attempts to modify or otherwise alter any information or image stored on any Borough of Red Bank government website may result in criminal prosecution.

L. Social Media Policy

A. Purpose

- a. The intended purpose behind establishing the Borough of Red Bank social media sites is for the sole purpose of disseminating information from the Borough, about the Borough, to its residents, employees and visitors. The Borough understands that social networking and internet services have become a common form of communication in the workplace and among citizens. Social networks are online communities of people or organizations that share interests or activities and use a wide variety of Internet technology to make the interaction a rich and robust experience.

For purposes of this policy, “social media” is understood to be content created by individuals, using accessible, expandable, and upgradable publishing technologies, through and on the Internet, to include notification services. Examples of social media and notification services include, but are not limited to, Facebook, blogs, RSS, YouTube, Twitter, LinkedIn, Flickr, Instagram, Nixle, CodeRed, mass e-mails, newsletters and all others that may be in existence or created hereafter. For purposes of this policy, “comments” include text, information, articles, links, video and other multimedia, graphics and pictures.

This Social Media Policy (the “Policy”) sets forth guidelines for the establishment and use by the Borough of Red Bank ("the Borough") of all social media sites as a means of conveying Borough-related information to its residents, employees and visitors. The purpose of this policy is to communicate the Borough’s policies regarding the use of social media sites and establish processes for authorization and use of social media sites by Borough employees and departments and offices. This policy is meant to provide clear and concise guidelines for the proper use of social media by its employees, residents and visitors.

B. Scope

- a. This policy shall apply to any and all employees, individuals, volunteers, agencies, departments, officials, committee and/or governing body members who are now or hereinafter permitted as authorized users by the Borough to post content on the Borough’s social media sites, including, but not limited to, members of the public that are permitted to comment on Borough social media posts or tag photos in Borough social media posts. The Borough’s social media sites encompassed by this Policy include all sites and accounts authorized and/or created by the Borough and any of its departments, agencies, boards, commissions and authorities. References to “comments” or “commenting” in this Policy shall also encompass tweets directed at a Borough Twitter account, social media posts that “tag” a Borough social media account, and any post or comment that may appear on the home page of any Borough social media site.

The Borough shall identify employees, including but not limited to the Business Administrator and/or his/her designees, who are authorized to engage in social media activities on the behalf of the Borough for the limited purpose of discussing Borough programs, activities and services.

Anyone who participates in social media on behalf of the Borough, whether on or off duty, is expected to understand and follow these policies and guidelines.

These policies and guidelines are subject to change as new technologies and social networking tools emerge.

C. General Policy

- a. Because the Borough of Red Bank has an overriding interest and expectation in deciding who may “speak” and what is “spoken” on behalf of the Borough of Red Bank on social media sites, this policy is established for the use of all social media.

The Borough of Red Bank shall have a single presence on social media sites deemed appropriate for use by the Administrator. Individual departments, agencies, boards, commissions and authorities of the Borough may maintain a separate social media presence when deemed appropriate and confirmed in writing by the Administrator. Any request by a Borough department, agency, board, commission or authority to maintain a social media presence shall be made in writing to the Administrator for consideration. Such request shall contain enough information for the Administrator to assess the need for such social media presence, its purpose, and its compliance with this policy. The request shall also set forth the person or persons (designee) recommended to be responsible for and authorized to post content on such sites and accounts. Any social media site created by the Borough remains the property of the Borough, including all the followers and friends generated by the site. If the person who created the site is no longer an employee, official, or volunteer of the Borough, they must relinquish everything related to the site including user names, passwords and/or access codes or information. The Borough, through the Administrator and/or his/her designees, may at any time choose to revoke permission previously given to individual departments, agencies, boards, commissions and authorities of the Borough for separate media presence.

No Borough of Red Bank social media site, including those maintained by departments, agencies, boards, commissions and authorities of the Borough, shall be established without prior approval of the Administrator as set forth above. All Borough social media sites shall be administered by permissible users which shall be the Administrator and/or designee. Where a department, agency, board, commission or authority of the Borough maintains its own social media presence, such department, agency, board, commission or authority shall designate, with approval from the Administrator, a person or persons responsible for and authorized to post content on such sites and accounts.

Designees must comply with government records retention policies, the Open Public Records Act, and ensure adherence to this policy, including appropriate use, messaging, and branding that is consistent with the interests, goals, and objectives of the Borough. The designee will be responsible for the content they may create or post.

The designated person must provide a copy of all social media account passwords to the Administrator. No personal email addresses may be used to set up a Borough social media account. Email addresses for all social media accounts must be obtained from the Administrator. A “designee” or a person appointed by the Business Administrator is never to be allowed to transfer his/her social media account information or allow someone access to his/her account on their behalf without prior written authorization from the Business Administrator.

Any and all permissible users of any social media site shall be provided with a copy of this policy and sign an Acknowledgment of Use (attached hereto) prior to managing or posting to any Borough social media sites.

The Business Administrator will provide guidance on the engagement of Borough personnel in social media to ensure the portrayal of a consistent and accurate message and branding of the Borough of Red Bank via online media outlets. The Business Administrator will oversee the coordination of social media activity for the Borough of Red Bank and its departments.

The Borough social media sites shall clearly set forth that they are maintained by the Borough and that the sites follow this Social Media Policy.

Wherever possible, the Borough social media sites should link back to the official Borough website for forms, documents, online services and other information necessary to conduct business with the Borough of Red Bank. The Borough of Red Bank Website (currently located at <http://www.redbanknj.org>) will remain the Borough’s primary and predominant Internet presence.

The Borough of Red Bank social media sites are intended to be informational only and are not intended to be used as an open public forum for making comments, including any official communications to the Borough; for example, reporting crimes or misconduct, reporting dangerous conditions, giving notice required by any statute, ordinance or regulations such as but not limited to notices of claim. Prominent notice of this paragraph shall be displayed on every Borough social media site, along with the appropriate contact information for submitting official communications.

This Policy and the Borough’s Terms of Use Disclosure (attached hereto) shall be placed on the Borough of Red Bank Website, and displayed to social media users or made available by hyperlink on each of the Borough’s social media sites, including those maintained by a department, agency, board, commission or authority of the Borough.

The Borough's social media sites and this Policy are subject to all applicable federal and New Jersey State laws and regulations, as well as applicable record retention requirements. This includes adherence to established laws and policies regarding copyright, records retention, Freedom of Information Act (FOIA), Open Public Records Act (OPRA), First Amendment, privacy laws, sunshine laws and information security policies established by the Borough of Red Bank, its departments, agencies, boards, commissions and authorities.

All Borough of Red Bank social media sites covered under this Policy remain the property of the Borough, including the list of all the followers and friends generated by each of the Borough's social media sites. If a person appointed to maintain a social media site no longer serves in such capacity, for any reason, he/she must relinquish and return to the Administrator or his/her designee everything related to the site including user names, passwords and/or access codes or information.

D. Post/Comment Policy

- a. As a public entity the Borough must abide by certain standards to serve all its constituents in a civil and unbiased manner.

When a post, comment, link, photograph, or other notification is made by an authorized designee on behalf of the Borough of Red Bank, the authorized designee shall not share personal information about himself or herself, or other Borough of Red Bank employees and or officials.

The Borough Government Website does not allow for any public comments whatsoever. It is reserved for the Borough government to engage in its own expressive conduct to promote its own message and disseminate information. From time to time, the Borough may post surveys on its website which may allow for comments or the reporting of information. Commenting shall be limited to those surveys and the topics thereof and shall not make it a public forum. Borough social media sites shall disable public comment and messaging if possible. The Borough does not police comments made by the public related to Borough activities.

A comment posted by a member of the public on any Borough social media site is the opinion of the commentator or poster only, and publication of a comment does not imply endorsement of, or agreement by, the Borough, nor do such comments necessarily reflect the opinions or policies of the Borough. If commenting or messaging cannot be disabled, comments or messages by the general public may not be edited or removed, in whole or in part, regardless of whether it is favorable or unfavorable to the Borough.

Any attempt to hack or otherwise compromise the Borough's Internet or social media sites will be reported to law enforcement.

The Borough of Red Bank may not deny access to its social media sites for any individual.

All members of the public who choose to comment on Borough social media sites are advised that such posts, comments, tweets, etc. may be subject to OPRA, FOIA, and other records retention laws.

Employees who are authorized by the Borough to participate in social networks as a representative of the Borough shall adhere to the following guidelines:

- Protect your privacy, the privacy of citizens, and the Borough's confidential information when engaging in social media activities. Follow all privacy protection laws, i.e., HIPPA, and protect sensitive and confidential Borough information. For purposes of this policy, "confidential information" refers to any information that is not publicly known, that is not otherwise available through New Jersey's Open Public Records Act, N.J.S.A. 47:1A-1, ("OPRA"), or that is considered private information pursuant to federal, state or local law. It does not include any information that is subject to disclosure by OPRA or is otherwise disclosable pursuant to the Employer-Employee Relations Act.
- Follow all copyright laws, open public records laws, document retention laws, fair use and financial disclosure laws and any other laws that might apply when engaging in social media activities.
- Do not tag vendors, suppliers, clients, citizens, co-workers or other stakeholders without their express prior approval.
- Do not use ethnic slurs, profanity, personal insults, or engage in any conduct that would not be acceptable in the Borough's workplace.
- Do not engage in political activity. Political activity is activity directed toward the success or failure of a political party, candidate for political office, or political group.
- Posts or comments that demonstrate unfair preference, bias or partiality or that have the appearance of such are prohibited.
- Add value to the Borough through your interaction. Provide worthwhile information and perspective.
- All Borough information that is considered non-public and that is not disclosable under OPRA or the Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., must be protected. Respect and maintain the confidentiality entrusted to you. Do not divulge or discuss proprietary information, personal details about other employees or other confidential material.

E. Links / Posts By or About Non-Municipal Groups

- a. From time to time, the Borough (or a department, agency, board, commission or authority thereof) may find it necessary or beneficial to the public to post on its social media sites about groups unaffiliated with the Borough. Such content shall be limited to those that promote the health, safety, and well-being of Borough residents and those groups must be other government departments, agencies, boards, commissions, authorities or registered non-profits. Such posts will be requested via written application and made at the discretion of the person or persons designated to maintain such social media site. Such posts will be made at the discretion of the person or persons designated to maintain such social media site.

F. Personal Social Media Use

- a. The Borough recognizes that employees have the right to use and maintain personal Web sites or to engage in social networking. However, the line between public and private activity has been blurred by these social networking tools, which is the primary reason these guidelines have been promulgated. Information from your personal Facebook page, blog entries and tweets – even if they are intended as personal messages between family and friends – can easily reach beyond your intended audience and represent you and the Borough to the outside world. For that reason, the Borough’s policies, rules, regulations, code of conduct and ethics, its equal employment opportunity, anti-harassment policy and disciplinary policy, and other sections of this Social Media Policy should be your guides when you use these tools.

To the extent that employees use social media outside of their employment and in so doing employees identify themselves as Borough employees, or if they discuss matters related to the Borough on a social media site, employees must add a disclaimer on the front page, stating that it does not express the views of the Borough, and the employee is expressing only their personal views. For example: **“The views expressed on this website/web log are mine alone and do not necessarily reflect the views of my employer.”** The disclaimer shall be placed in a prominent position and repeated for each posting that is expressing an opinion related to the Borough or the Borough’s business. Employees must keep in mind that, if they post information on a social media site that is in violation of Borough policy and/or federal, state or local laws, the disclaimer will not shield them from disciplinary action.

Here are some additional guidelines for employees’ personal social networking sites:

- Recognize that everything you post or receive on a social media site is public. Anyone with access to the web can get access to your activity on social media sites. You are solely responsible for the content you post.

- Remember that your personal and professional lives overlap in your online activity and that as a public employee you can be disciplined for inappropriate off-duty activity and conduct.
- Before posting, consider how your comment or behavior would be received if it appeared in the mass media.
- Use privacy settings to keep items you share with friends and family separate from what you share with your work-related “friends.”
- The foregoing provisions are not intended to interfere with any employee’s rights pursuant to the First Amendment of the United States Constitution or Article I Section 6 of New Jersey’s Constitution. Likewise, this policy is not intended to restrict the right of any employee to engage in protected concerted activities as defined by the Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., and as recognized by the National Labor Relations Board. This policy shall not be construed as prohibiting a bargaining-unit member’s protected right to discuss wages or working conditions with fellow employees and engaged in other protected concerted activities. Any person who believes their right to engage in such activities has been or is being violated by this policy should contact the Business Administrator’s Office. The Business Administrator shall address such concerns after consulting with legal counsel.

G. Legal

- a. The Borough reserves the right to report any violation of a social media site’s Rules, Terms and Conditions, Rights and Responsibilities, etc., to that site with the intent of that site taking appropriate and reasonable responsive action. All Borough of Red Bank policies are applicable to interactions on social media sites when acting in an official capacity and representing the Borough.

All of the Borough’s policies, rules, regulations, and code of conduct and ethics including, but not limited to, its equal employment opportunity, anti-harassment policy, Information Systems Policies and Guidelines Policies on the Use of Borough Information Systems and disciplinary policy, apply to employees who engage in social networking activities while conducting Borough business. Use of your Borough e-mail address and communicating in your official capacity will constitute conducting Borough business.

K. Bulletin Board Policy:

The bulletin boards located in the Borough of Red Bank administrative building and other facilities are intended for official notices regarding policies, procedures, meetings and special events. Only personnel authorized by the Business Administrator may post, remove, or alter any notice. Space on the bulletin boards will be provided for the recognized employee bargaining units.

**Borough of Red Bank
Receipt of Social Media Policy**

I, _____, acknowledge that:

A. I received a copy of the Borough of Red Bank's Social Media Policy on _____;
Date

B. I have been given an opportunity to ask questions about said Policy and I have been provided with satisfactory information in response to my questions;

C. I understand the language used in this Policy;

D. I acknowledge that the Borough reserves the right to add, amend or discontinue any of the provisions of this policy for any reason or none at all, in whole or in part, at any time, with or without notice;

E. I acknowledge that I understand this Policy and I agree that I will comply with all of its provisions. If there is any policy or provision in the Handbook that I do not understand, I will seek clarification from my supervisor, Department Head or Business Administrator.

F. No supervisor or other representative of the Borough of Red Bank has the authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the above. I understand that nothing contained in the Handbook may be construed as creating a promise of future benefits or binding contract with Borough of Red Bank for benefits or for any other purpose. I also understand that these policies are continually evaluated and may be amended, modified or terminated at any time.

G. For employees who are members of the various bargaining units, this does not supersede your respective contracts. It is being distributed to advise you of Borough policies that are not addressed in those agreements.

Date

Signature

ACKNOWLEDGMENT OF RECEIPT

I, _____, ACKNOWLEDGE RECEIPT OF THE BOROUGH OF RED BANK'S PERSONNEL POLICIES AND PROCEDURES MANUAL WHICH CONTAINS, AMONG OTHER THINGS, THE BOROUGH'S ANTI-DISCRIMINATION AND ANTI-HARASSMENT POLICIES. I HAVE READ THE MANUAL AND UNDERSTAND ITS POLICIES AND PROVISIONS. IF THERE ARE ANY PROVISIONS OF THIS MANUAL I DO NOT UNDERSTAND OR ABOUT WHICH I HAVE QUESTIONS, I WILL CONSULT WITH MY SUPERVISOR

I UNDERSTAND THAT THE BOROUGH OF RED BANK HAS THE RIGHT, AT ITS SOLE DISCRETION, TO REVIEW, CHANGE, OR ELIMINATE ANY OR ALL OF THE POLICIES AND/OR PROVISIONS OF THE MANUAL.

I UNDERSTAND THAT MY EMPLOYMENT WITH THE BOROUGH OF RED BANK IS AT WILL AND THAT THE BOROUGH MAY TERMINATE MY EMPLOYMENT AT ANY TIME AND FOR ANY REASON WITH OR WITHOUT CAUSE AND WITHOUT PRIOR NOTICE. I ALSO UNDERSTAND THAT I CAN RESIGN WITH OR WITHOUT A REASON AT ANY TIME. NO PROCEDURES NEED BE COMPLIED WITH IN ORDER TO END THE EMPLOYMENT RELATIONSHIP UNLESS THAT AT-WILL RELATIONSHIP IS SUBJECT TO EXTERNAL LAW, A COLLECTIVE BARGAINING AGREEMENT, OR THE NEW JERSEY DEPARTMENT OF PERSONNEL REGULATIONS. I UNDERSTAND THAT NOTHING CONTAINED IN THIS EMPLOYEE MANUAL, OR ANY OTHER STATEMENT OF THE BOROUGH OF RED BANK POLICY, CREATES A CONTRACT FOR CONTINUED EMPLOYMENT UNDER ANY PARTICULAR TERMS OR CONDITIONS, OR FOR ANY SPECIFIC TIME PERIOD.

Date

Employee's Name

Department

Employee's Signature

**THIS WILL CERTIFY THAT I, _____ HAVE
BEEN GIVEN A COPY OF THE BOROUGH OF RED BANK'S POLICY ADDRESSING
ALCOHOL AND DRUGS IN THE WORKPLACE AND THAT I FULLY UNDERSTAND
SAID POLICY AND AGREE TO COMPLY WITH ALL TERMS AND
REQUIREMENTS SET FORTH HEREIN.**

EMPLOYEE: _____

DATE: _____

WITNESS: _____

DATE: _____

Borough of Red Bank Employee Complaint Procedure

The Borough of Red Bank has a “no tolerance” policy towards workplace wrongdoing. Under Federal and State law, you have a right to formally or informally report any statement, act, or behavior by a co-employee, supervisor, elected official or visitor that you perceive to be improper, including harassment of any kind, violence or threat of violence, retaliation, wrongful termination, breach of an employment agreement, failure to promote, wrongful demotion, violation of any employment protection law or regulation, discrimination of any nature, misrepresentation, defamation, or any other statements, acts, or behaviors that violate employment rights.

You also have the right to:

Disclose to a supervisor, Department Head, the Business Administrator or his/her designee, or to member of the governing body or to a public body, as defined in the Employment Protection Act (N.J.S.A. 34:19) an activity, policy or practice that you reasonably believe is in violation of a law, a rule or regulation promulgated pursuant to law; or

Provide information to, or testify before any public body conducting an investigation, hearing, an inquiry into any violation of law, or a rule or regulation promulgated pursuant to law; or

Object to or refuse to participate in any activity, policy, or practice that you reasonably believe is a violation of a law, rule or regulation promulgated pursuant to law; is fraudulent or criminal; or is incompatible with a clear mandate of public policy concerning the public health, safety, or welfare; or

Participate in political activities or join political organizations, as long as you do so on your own time and maintain a clear separation between your official responsibilities and your political affiliations.

Immediately report any wrongdoing to your supervisor, or, if you prefer your Department Head, the Business Administrator or his/her designee, or the Borough Attorney. No retaliatory measures will be taken against any employee who, in good faith, complains of wrongdoing or harassment. To the maximum extent feasible, the confidentiality of all such complaints will be maintained on a need-to-know basis. However, investigation of such complaints may require disclosure to the accused party and other witnesses in order to gather pertinent facts.

I, hereby acknowledge receipt of a copy of this letter.

Name _____

Date _____

Signature _____

The original signed copy of this letter must be filed in the employee’s personnel folder

**Borough of Red Bank
Receipt of Social Media Policy**

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Date

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C. I understand the language used in this Policy;

D. I acknowledge that the Borough reserves the right to add, amend or discontinue any of the provisions of this policy for any reason or none at all, in whole or in part, at any time, with or without notice;

E. I acknowledge that I understand this Policy and I agree that I will comply with all of its provisions. If there is any policy or provision in the Handbook that I do not understand, I will seek clarification from my supervisor, Department Head or Business Administrator.

F. No supervisor or other representative of the Borough of Red Bank has the authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the above. I understand that nothing contained in the Handbook may be construed as creating a promise of future benefits or binding contract with Borough of Red Bank for benefits or for any other purpose. I also understand that these policies are continually evaluated and may be amended, modified or terminated at any time.

G. For employees who are members of the various bargaining units, this does not supersede your respective contracts. It is being distributed to advise you of Borough policies that are not addressed in those agreements.

Date

Signature

BOROUGH OF RED BANK

PERSONNEL

POLICIES AND PROCEDURES

MANUAL

NOVEMBER 2018

IMPORTANT NOTICE

THIS MANUAL IS NOT AN EMPLOYMENT CONTRACT BETWEEN THE BOROUGH OF RED BANK (THE “BOROUGH”) AND OUR EMPLOYEES.

THERE ARE NO PROMISES OF ANY KIND BY THE BOROUGH CONTAINED IN THIS MANUAL. REGARDLESS OF WHAT THIS MANUAL SAYS OR PROVIDES, EXCEPT TO THE EXTENT COVERED BY A COLLECTIVE BARGAINING UNIT AGREEMENT OR OTHER EMPLOYMENT CONTRACT, THE BOROUGH PROMISES NOTHING AND RESERVES ITS RIGHT TO CHANGE WAGES AND ANY AND ALL OTHER WORKING CONDITIONS, AND ANY OTHER POLICY OR PROVISION SET OUT IN THIS MANUAL AT ANY TIME, AND WITHOUT HAVING TO CONSULT ANYONE AND WITHOUT ANYONE'S AGREEMENT. EMPLOYEES WITH QUESTIONS REGARDING THE APPLICABILITY OF A PARTICULAR POLICY OR PRACTICE OF THE BOROUGH, OR ANY PROVISION OF THIS MANUAL SHOULD ASK THEIR SUPERVISOR, THE BUSINESS ADMINISTRATOR OR HIS/HER DESIGNEE.

THE POLICIES, PRACTICES AND PROCEDURES PUBLISHED BY THE BOROUGH AS CONTAINED IN THIS MANUAL ARE NOT IN ANY WAY TO BE INTERPRETED AS AN EMPLOYMENT CONTRACT BETWEEN THE BOROUGH AND ANY OF OUR EMPLOYEES. BOTH THE BOROUGH AND OUR EMPLOYEES HAVE THE RIGHT TO END THE EMPLOYMENT RELATIONSHIP AT ANY TIME, WITH OR WITHOUT CAUSE AND WITH OR WITHOUT PRIOR NOTICE, EXCEPT TO THE EXTENT COVERED BY A COLLECTIVE BARGAINING UNIT AGREEMENT OR OTHER EMPLOYMENT CONTRACT. NOTHING IN THIS MANUAL SHOULD BE INTERPRETED AS IN ANY WAY CHANGING OR MODIFYING YOUR AT WILL EMPLOYMENT OR AS CONSTITUTING A GUARANTEE OF EMPLOYMENT WITH THE BOROUGH FOR ANY SPECIFIC PERIOD OF TIME.

THIS MANUAL SUPERSEDES AND REPLACES ALL PRIOR OR EXISTING HANDBOOKS, MANUALS, WRITTEN POLICIES, MEMOS, E-MAILS, ORAL POLICIES OR PRACTICES IN EFFECT, OR ORAL, WRITTEN OR ELECTRONIC STATEMENTS MADE, PRIOR TO THE MOST RECENT EFFECTIVE DATE PRINTED ON THE COVER OF THIS MANUAL. TO THE EXTENT ANY PROVISION OF THIS MANUAL CONTRADICTS THE TERMS OF ANY COLLECTIVE BARGAINING UNIT AGREEMENT OR OTHER EMPLOYMENT CONTRACT, THE TERMS OF THAT AGREEMENT OR CONTRACT WILL PREVAIL OVER THE TERMS SET OUT IN THIS MANUAL OR ANY POLICY OR PROCEDURE CONTAINED IN THIS MANUAL.

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I, _____, ACKNOWLEDGE RECEIPT OF THE BOROUGH OF RED BANK'S PERSONNEL POLICIES AND PROCEDURES MANUAL WHICH CONTAINS, AMONG OTHER THINGS, THE BOROUGH'S ANTI-DISCRIMINATION AND ANTI-HARASSMENT POLICIES. I HAVE READ THE MANUAL AND UNDERSTAND ITS POLICIES AND PROVISIONS. IF THERE ARE ANY PROVISIONS OF THIS MANUAL I DO NOT UNDERSTAND OR ABOUT WHICH I HAVE QUESTIONS, I WILL CONSULT WITH MY SUPERVISOR

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Date

Employee's Name

Department

Employee's Signature

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ALCOHOL AND DRUGS IN THE WORKPLACE AND THAT I FULLY UNDERSTAND
SAID POLICY AND AGREE TO COMPLY WITH ALL TERMS AND
REQUIREMENTS SET FORTH HEREIN.**

EMPLOYEE: _____

DATE: _____

WITNESS: _____

DATE: _____

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GENERAL PERSONNEL POLICY

It is the policy of the Borough of Red Bank to treat employees in a manner consistent with all applicable employment laws and regulations. The personnel policies and procedures of the Borough apply to all employees, volunteers, elected or appointed officials and independent contractors. This manual supersedes the previous Borough of Red Bank Policy and Procedures Manual, and to the extent that any provisions of this manual differ from the prior manual, the provisions of this manual are in effect. In the event there is a conflict between these provisions and any collective bargaining agreement, personal services contract, the Police Department Rules and Regulations for the Governing of the Police Department, or Federal or State law, the terms and conditions of that agreement, contract, rules and regulations, or law shall prevail. If any provision of this manual is deemed invalid, that part of the manual will be suspended, but the remainder of the manual will remain in effect. In all other cases, these policies and procedures shall prevail.

The Business Administrator is designated as the Personnel Officer, and is empowered to appoint all Borough employees subject to law, statute and ordinance. No person shall be employed or promoted unless there exists a position created by an ordinance or resolution adopted by the Mayor and Council, as well as the necessary budget appropriation and salary ordinance.

The Business Administrator and all managerial/supervisory personnel are authorized and responsible for personnel policies and procedures. The Business Administrator and his/her designee shall also have access to the Borough Attorney appointed by the Mayor and Council for guidance in personnel matters.

As a general principle, the Borough of Red Bank has a “no tolerance” policy towards workplace wrongdoing. Borough of Red Bank officials, employees and independent contractors are to report anything perceived to be improper to their supervisor or Borough of Red Bank official. The Borough of Red Bank believes strongly in an Open Door Policy and encourages employees to talk with their supervisor, Department Head, Business Administrator, or his/her designee concerning any problem.

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

To the maximum extent permitted by law, the Borough of Red Bank operates under the legal doctrine known as “employment at will.” Within Federal and State law, and any applicable bargaining unit agreement, the Borough of Red Bank shall have the right to terminate an employee at any time and for any reason, with or without notice, except that the Borough of Red Bank shall comply with all Federal and State Laws regarding termination or dismissal.

SPECIFIC EMPLOYMENT POLICIES AND PROCEDURES

SECTION 1

Policies Relating to Employee Rights and Obligations:

A. Anti-Discrimination Policy/New Jersey Pregnant Worker’s Fairness Act:

The Borough is committed to the principle of equal employment opportunity and anti-discrimination practices pursuant to Title VII of the 1964 Civil Rights Act, as amended by the Equal Opportunity Act of 1972, the Age Discrimination and Employment Act, the Americans with Disabilities Act (“ADA”) and the New Jersey Law Against Discrimination (“NJLAD”) as amended by the New Jersey Pregnant Worker’s Fairness Act and the Diane B. Allen Equal Pay Act. It is the Borough’s policy to prohibit discrimination and/or harassment of an employee by another employee, management representative, supplier, volunteer, or business invitee on the basis of actual or perceived sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, civil union status, gender identity or expression, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), pregnancy (including pregnancy related medical condition), childbirth, liability for service in the United States Armed Forces, and/or any other characteristic protected by law. Decisions regarding hiring, promotion, pay and/or benefits, assignment, training, transfer, discipline, demotion and termination are based solely on the Borough’s requirements, and the qualifications and performance of the employee or prospective employee, and shall never be based upon any discriminatory practice or basis. Any type of harassment, including but not limited to slurs, epithets, directs, derogatory comments, unwelcome jokes, teasing, and other similar verbal or physical conduct based on a protected category is strictly forbidden. If any employee or prospective employee feels they have been treated unfairly based on one of the protected categories, they have the right to address their concern with their supervisor, or if they prefer their Department Head, the Business Administrator or his/her designee.

B. Reasonable Accommodation For Individuals with Disabilities and Pregnancy or Related Medical Conditions:

In compliance with the Americans with Disabilities Act (“Act”), the ADA Amendments Act and the NJLAD as amended by the New Jersey Pregnant Worker’s Fairness Act, the Borough of Red Bank does not discriminate against any employee or job applicant with respect to any

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

Employees should present requests for reasonable accommodation to their supervisor, the Business Administrator or his/her designee. In response to a request for accommodation, the Business Administrator shall initiate an interactive dialogue with disabled/pregnant employees and prospective employees or their respective health care provider to identify reasonable accommodations that do not create an undue hardship. Accommodations include modifications to facilities, equipment and work procedures, auxiliary aides, services and permanent reassignment to vacant positions. Employees who are reassigned to a different position shall receive the salary of their new position. In the case of an employee breastfeeding her infant child, the accommodation shall include reasonable break time each day to the employee and a suitable room or other location with privacy, other than a toilet stall, in close proximity to her work area for the employee to express breast milk for the child. Accommodations shall not be so expensive, extensive and disruptive or fundamentally alter the nature of the operation so as to be an undue hardship. The law does not require the Borough of Red Bank to offer permanent "light duty", relocate essential functions or provide personal use items such as eyeglasses, hearing aids, wheelchairs, or other personal items. To be eligible for accommodations, individuals must (1) be able to perform the essential function of the position, with or without reasonable accommodations, (2) not create a real safety hazard to themselves, their co-employees or the public, and (3) must otherwise be qualified for the position in that they possess the prerequisites including education, experience, training, skills, licenses or certificates and other job-related requirements. All decisions with respect to accommodations shall be made by the Business Administrator or Mayor and Council as appropriate.

Employee should also offer assistance, to the extent possible, to any member of the public who requests or needs an accommodation when visiting Borough facilities. Any questions concerning proper assistance should be directed to the Business Administrator or his/her designee.

C. Transitional Duty Policy:

The Borough will attempt to bring employees with temporary disabilities back on the job as soon as possible and may assign transitional duty to employees, who temporarily cannot perform the essential functions of their positions because of injury or illness. Transitional duty is not guaranteed and will not exceed 45 workdays. If a department already has one employee on transitional duty, it is unlikely that another employee from that department will be assigned transitional duty.

An employee requesting transitional duty, or, when relevant, the Workers' Compensation Physician, shall notify the Business Administrator as soon as the temporarily disabled employee is aware that he or she will be able to return to work with restrictions. Transitional duty will only be assigned if it is the Borough's expectation that the employee will be able to perform the essential functions of the position after the transitional duty period. The Business Administrator will consult with the employee's supervisor to determine if there is any meaningful work that can be performed consistent with the restrictions. Transitional duty assignments may be made in any department, and are not required to take place in the employee's currently-assigned department. The Business Administrator will decide if it is in the best interest of the Borough to approve a transitional duty request. The Borough reserves the right to terminate the transitional duty assignment at any time without cause or prior notice.

Employees may not refuse transitional duty assignments that are recommended or approved by the Workers' Compensation Physician. Failure to report to work as directed shall constitute immediate grounds for dismissal. If the employee believes that the transitional duty assignment is beyond the employee's abilities, the employee may request a meeting with the Business Administrator who will render a written response within a business day.

Employees on transitional duty will receive their regular salaries and are prohibited from engaging in any outside employment of any kind unless they receive prior written approval from the Business Administrator. If transitional duty is approved, the employee or Workers' Compensation Physician must keep the Business Administrator informed of the employee's medical progress. (Employees assigned to transitional duty will be allotted time off to attend medical or physical therapy appointments upon prior notice of at least 24 hours, but must request leave time for any other reason.) If, at the end of transitional duty period, the employee is not able to return to work without restrictions, the Borough reserves the right, at its sole discretion, to extend the transitional duty or place the employee back on medical leave for Workers' Compensation or temporary disability. This policy does not affect an employee's rights under the Americans with Disabilities Act, the Family and Medical Leave Act, the Fair Labor Standards Act, the Contagious or Life Threatening Illnesses Policy or other Federal or State law.

D. Contagious or Life Threatening Illnesses Policy:

The Borough of Red Bank encourages employees with contagious diseases or life-threatening illnesses, including, but not limited to cancer, heart disease, Hepatitis C and HIV/AIDS, to continue their normal pursuits, including work, to the extent allowed by their condition.

Employees with contagious conditions or life threatening illnesses will only be permitted to perform duties that will not create a risk to themselves, their co-workers or the general public. These individuals will be treated no differently than any other employee. As in the case of other disabilities, the Borough of Red Bank shall make reasonable accommodations in accordance with legal requirements to allow qualified employees with contagious or life-threatening illnesses to perform the essential functions of their jobs so long as they are able to meet acceptable performance standards, and also provided that the accommodation does not impose an undue hardship on the Borough.

- Medical information shall be treated confidentially, and may only be disclosed with the prior written consent of the person who is the subject of the information. Managers and other employees have a responsibility to maintain the confidentiality of employee medical information, and the Borough of Red Bank will take reasonable precautions to protect such information from inappropriate disclosure. Anyone inappropriately disclosing such information shall be subject to disciplinary action, up to and including termination. Information concerning the individual's medical condition, however, may be disclosed without prior consent when required by State and/or Federal law. Information may also 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.

Employees with questions or concerns about contagious or life-threatening illnesses are encouraged to contact the Business Administrator or his/her designee.

E. Safety Policy:

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

F. Driver's License Policy

Any employee whose work requires the operation of Borough vehicles must hold a valid and appropriate New Jersey State Driver's License for the vehicle to be operated.

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

Periodic checks of employee's driver's licenses through visual and formal Motor Vehicles Commission review checks shall be made by supervisors. Any employee who does not hold a valid driver's license will not be allowed to operate a Borough vehicle until such time as a valid license is obtained.

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

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

G. Workplace Violence Policy:

The Borough of Red Bank will not tolerate workplace violence. Violent acts or threats made by an employee against another person or property are cause for immediate dismissal and will be prosecuted to the fullest extent of the law. This includes any violence or threats made on Borough of Red Bank property, at Borough of Red Bank events, or under other circumstances that may negatively affect the Borough of Red Bank's ability to conduct business.

Prohibited conduct includes, but is not limited to:

- Causing physical injury to another person;
- Making threatening remarks;
- Aggressive or hostile behavior that creates a reasonable fear of injury in another person or subjects another individual to emotional distress;
- Intentionally damaging employer property or property of another employee;
- Possession of a weapon while on Borough of Red Bank property, or while on Borough of Red Bank business, except with the authority of the Police Chief; and

- Committing acts motivated by, or related to, sexual or other forms of workplace harassment or domestic violence.

Any potentially dangerous situations must be immediately reported.

H. Anti-Harassment Policy:

Unlawful discrimination and/or harassment undermine the integrity of the employment relationship, compromise equal employment opportunities, debilitate morale and interfere with work productivity. The Borough of Red Bank is committed to maintaining and promoting a healthy, productive and non-threatening work environment that is built upon mutual respect and is free from unlawful discrimination and/or harassment. In keeping with this commitment, the Borough has a ZERO TOLERANCE policy toward unlawful discrimination and harassment. Accordingly, unlawful discrimination and harassment of Borough employees by anyone, including any supervisor, co-employee, vendor, contractor, citizen, or patron of the Borough will not be tolerated.

It is Borough's policy to prohibit harassment of an employee by another employee, or by a supervisor, vendor, contractor, citizen or patron, on the basis of actual or perceived sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, civil union status, gender identity or expression, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), pregnancy (including pregnancy related medical condition), childbirth, breastfeeding, liability for service in the United States armed forces, and/or any other characteristic protected by Federal and/or State law. Harassment of any individual, including non-employees, by any employee is strictly prohibited. Harassment is defined as included, but is not limited to: slurs, epithets, threats, derogatory comments, unwelcome jokes, teasing, caricatures or representations of persons using electronically or physically altered photos, drawings or images, and other similar verbal, written, printed, or physical conduct.

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

This policy applies to both conduct which occurs in the workplace, and conduct that occurs at any location which can be reasonably regarded as an extension of the workplace, i.e., any field location, any off-site Borough-related social function, or any facility where Borough business is being conducted and discussed. This policy shall apply to all Borough employees and shall rescind and supersede all prior policies and procedures which may have been used to report, investigate, and remediate unlawful discrimination and/or harassment complaints in the past.

It is a violation of this policy to engage in any employment practice or procedure that treats an individual less favorably based upon any of the above protected categories. This policy pertains to all employment practices including, but not limited to, recruitment, selection, hiring, training, promotion, transfer, assignment, layoff, return from layoff, termination, demotion,

discipline, job assignment, compensation, fringe benefits, working conditions, and career development.

This policy also applies to communications, whether oral or written, by telephone, e-mail, voicemail, or internet usage, including the transmission or forwarding of communications to others, or other graphic images that denigrate individuals on the basis of the protected categories, including sex.

Notification of appropriate personnel of any harassment problem is essential to the success of this policy and the Borough generally. The Borough cannot resolve a harassment problem unless it knows about it. Therefore, it is the responsibility and obligation of all employees to bring those kinds of problems to the attention of the appropriate officials so that steps are taken to correct them. If an employee is witness to, or believes to have experienced, harassment, immediate notification should be made to their supervisor, the Business Administrator or his/her designee or other appropriate person in authority. (See the Employee Complaint Policy).

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

I. Anti-Sexual Harassment

It is the Borough's policy to prohibit sexual harassment of an employee by another employee, or by a supervisor, vendor, contractor, volunteer, citizen or patron. The Borough prohibits sexual harassment in any form from occurring in the workplace or at any other location at which the Borough sponsored activity takes place. Sexual harassment of non-employees by our employees is also prohibited. The purpose of this policy is not to regulate personal morality or to encroach upon one's personal life, but rather, to demonstrate a strong commitment to maintaining a workplace free of sexual harassment.

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

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

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 person using electronically or physically altered photos, drawings, or images, impeding or blocking movements, touching, assault, notes or invitations; and/or physical conduct.

If any employee is witness to sexual harassment or believes that an employee has experienced sexual harassment, he/she must immediately notify the Business Administrator or his/her designee or other appropriate person in authority. (See the Employee Complaint Policy).

Harassment of Borough employees, in connection with their work, by non-employees is also a violation of this policy. Any employee who experiences harassment by a non-employee, or who observes harassment of an employee by a non-employee, should report such harassment to the Business Administrator or his/her designee. All such reports will be investigated, and, if founded, appropriate action will be taken against the non-employee.

Notification by employee to appropriate personnel of any harassment problem is essential to the success of this policy and the Borough generally. The Borough cannot resolve a harassment problem unless it is reported. Therefore, it is the responsibility and obligation of all employees to bring these problems and incidents to the attention of management so that steps are necessary to correct them.

The Borough has established procedures which shall be followed for prevention and investigation of all complaints.

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

J. “Whistle Blower” Policy:

Employees have the right under the “Conscientious Employee Protection Act” (“CEPA”) and this policy to complain about any activity, policy or practice that an employee reasonably believes is in violation of a law, rule, or regulation promulgated pursuant to law, without fear of retaliation or reprisal. This right shall be communicated to all employees in an annual notice outlining the specific employee complaint procedure and in a posted notice. A written acknowledgement that the employee received, read, and understood this letter or written notification 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 Policies and Procedures Manual. All complaints will be taken seriously and promptly investigated.

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

- Disclosing or threatening to disclose to a supervisor, other official or to a public body, as defined in the Conscientious Employee Protection Act (N.J.S.A. 34:19-1 *et seq.*), of

an activity, policy or practice that the employee reasonably believes is in violation of a law, a rule or regulation promulgated pursuant to law;

- Providing information to, or testifying before, any public body conducting an investigation, hearing, an inquiry into any alleged violation of law, or a rule or regulation promulgated pursuant to law; or
- Objecting to or refusing to participate in any activity, policy, or practice that the employee reasonably believes is a violation of a law, rule or regulation promulgated pursuant to law; or is fraudulent or criminal; or is incompatible with a clear public policy mandate concerning the public health, safety, or welfare, or the protection of the environment.

In accordance with the CEPA statute, the employee must bring the violation to the attention of the Borough in writing. However, disclosure is not required where (1) the employee is reasonably certain that the violation is known to one or more officials; (2) where the employee reasonably fears physical harm; or (3) the situation is an emergency in nature. Employees are encouraged to complain in writing using the Employee Complaint form. (See Employee Complaint Policy). Under the law, the employee must give the Borough a reasonable opportunity to correct the activity, policy or practice. The administration of whistle blower complaints is not subject to the limitations in the Grievance Policy.

CEPA specifically provides that the rights, privileges or remedies under any other federal or state law or regulation, or under the terms of any collective bargaining agreement, are not diminished. Employees should be cognizant, however, that, in accordance with State law, once an action is instituted under CEPA, the employee's rights and remedies under any other contract, collective bargaining agreement, state law, rule or regulation, or under the common law, will, in many instances, be deemed to have been waived.

K. Employee Complaint Policy and Procedure:

Employees who wish to complain of harassment or any other workplace wrongdoing, or who have any question as to whether a certain behavior constitutes harassment or other wrongdoing, are requested to immediately report the matter to their supervisor, or, if they prefer, to their Department Head, the Business Administrator or his/her designee. Employees are encouraged to complain in writing using the Employee Complaint form, but may make an oral complaint at their discretion. No retaliatory measures will be taken against any employee who complains, in good faith, of workplace wrongdoing, even if the complaint is ultimately deemed unfounded. The Borough of Red Bank will, to the maximum extent feasible, maintain the confidentiality of such complaints, reveal such complaints only on a "need-to-know" basis, and undertake a prompt investigation of the matter. Note that it is possible that investigation of the complaints may require disclosure to the accused party and other witnesses in order to gather pertinent facts.

- **Reporting:** Employees are encouraged to report complaints in writing utilizing the Employee Complaint form. However, employees are not restricted to report a

complaint in this manner, but may do so orally at their option. Verbal complaints shall be immediately documented by the receiving party (e.g. manager, supervisor or administrator) upon being notified of same.

- **Identification/Screening:** The supervisor, Department Head, or Business Administrator's designee must report all written or verbal complaints to the Business Administrator, unless the complaint is against the Business Administrator, then the complaints go to the chairs of the personnel committee of the Borough Council. Upon receipt, the Business Administrator will determine if the complaint was made pursuant to the General Anti-Harassment Policy, the Anti-Sexual Harassment Policy, the Whistle Blower Policy, a grievance procedure, or is another form of complaint. A file will be established including the written complaint, the investigation procedure followed, and the response action plan. As soon as possible, but no later than ten (10) days after receiving the complaint, the Investigator appointed by the Business Administrator, will interview the employee. If the employee is reluctant to sign a written complaint, the Investigator will prepare written notes of the date, time and place of the complaint and the specific allegations. These notes will be read back to the employee who will be asked to affirm, preferably in writing, the information's accuracy.
- **Investigation:** The Business Administrator will seek the advice of the Borough Attorney when planning the investigation. The investigation should be conducted by the Borough Attorney or outside counsel or the County Prosecutor, if the complaint alleges potential criminal activity. The investigation will be undertaken in as confidential a manner as possible under the particular circumstances. 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, observed or aware of similar misconduct by the accused. It is important to protect the rights of both the person making the complaint and the alleged wrongdoer.
- **Response Plan – No Corrective Action Required:** The Business Administrator will discuss the conclusions of the investigation with the Borough Attorney and render a decision within fourteen (14) days after the investigation is complete. If the validity of a complaint cannot be determined or the complaint is groundless, the complaining employee will be notified in writing. A general statement will be made 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 Borough of Red Bank is committed to eliminating wrongful employment practices when they are found to exist. If the investigation reveals that the complainant intentionally and maliciously levied false charges against the alleged wrongdoer, the complainant will be notified of the seriousness of filing a false complaint, and the appropriate disciplinary penalty under the circumstances, up to and including termination.
- **Response Plan – Corrective Action Required:** If the investigation reveals that the complaint is justified and substantiated, the Business Administrator will formulate, with

the advice of the Borough 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. The response plan should provide for appropriate remedial action to prevent a recurrence of the wrongful act or behavior. The accused also will be notified in writing that the complaint was sustained and an appropriate response plan will be formulated and will be implemented.

L. Grievance Policy and Procedure:

A grievance is any formal dispute concerning the interpretation, application and enforcement of any personnel policy or procedure of the Borough of Red Bank. Grievances from union employees will be handled pursuant to the terms of the applicable bargaining unit agreement. All grievances from non-union employees must be presented within five (5) working days after arising and failure to report a grievance within such time shall be deemed as a waiver of the grievance. In order to initiate a grievance, the following procedure should be followed:

- **Step One:** Any employee or group of employees with a grievance shall orally communicate the grievance to the supervisor who will discuss the matter with the Department Head. In the absence of an immediate supervisor, the employee should communicate directly with the Department Head. The supervisor or Department Head will communicate their decision to the employee within five (5) business days.
- **Step Two:** If the employee is not satisfied with the decision, the employee must submit a written grievance to the Department Head detailing the facts and the relief requested. The decision in Step One will be deemed final if the employee fails to submit a written grievance within five (5) business days following the Step One decision. In the event that a written grievance is submitted, the Department Head, or designated representative, shall meet within five (5) business days with the employee, unless such a meeting is waived by both parties in writing, and shall respond in writing within ten (10) business days following the close of this meeting.
- **Step Three:** If the employee is not satisfied with the Step Two decision, the employee must submit an appeal in writing to the Business Administrator within five (5) business days of the Step Two decision. The appeal shall include copies of all previous correspondence relating to this matter. After consulting with his/her designee and the Borough Attorney, as appropriate, the Business Administrator will conduct an informal hearing within five (5) business days and shall render a written decision to the employee within five (5) business days after said informal hearing.

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

M. Access to Personnel Files Policy:

The official personnel file for each employee shall be maintained by the Business Administrator or his/her designee. 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. In accordance with Federal law, records relating to any medical condition will be maintained in a separate file and will not be included in the Personnel File. Electronic personnel and medical records must be protected from unauthorized access. Any employee may review their own file in the presence of the Business Administrator or his/her designee, upon reasonable notice.

The Borough endeavors to maintain the privacy of personnel records. There are limited circumstances in which the Borough will release information contained in personnel or medical records to persons outside the Borough. 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 Borough's compliance with applicable law;
- To the Borough's agents, Business Administrator or his/her designees, and attorneys, when necessary;
- In a lawsuit administrative proceeding, grievance, or arbitration in which the employee and the Borough are parties;
- In a workers' compensation proceeding;
- To administer benefit plans and claims;
- To an authorized health care provider;
- To first aid or safety personnel, when necessary; and
- To a potential future employer or other persons requesting a verification of your employment, provided the employee has signed a document authorizing the release of the records and information.

N. Conflict of Interest Policy:

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

The Borough recognizes the right of employees to engage in outside activities that are private in nature and unrelated to Borough of Red Bank business. However, business dealings that appear to create a conflict between the employee's personal interests and the Borough of Red Bank's interests are unlawful under the New Jersey Local Government Ethics Act (the "Act"). Whenever an employee believes that such a conflict will, or may, occur, the employee should immediately disclose the potential conflict to his/her supervisor, the Business Administrator, or Borough Attorney. Under the Act, certain employees and officials are required to annually file with the Borough of Red Bank Clerk a state mandated disclosure form. The Borough of Red

Bank Clerk will notify employees and Borough of Red Bank officials subject to the filing requirements of the Act.

One form of potential or actual conflict of interest occurs whenever an employee, including a Borough of Red Bank official, is in a position to influence a Borough of Red Bank decision that may result in a personal gain for the employee or an employee's immediate relatives, including a spouse, domestic partner, civil union partner 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 all possible conflicts so that the Borough of Red Bank may assess and prevent potential conflicts. If there are any questions as to whether an action or proposed course of conduct would create a conflict of interest, immediately contact the Business Administrator to obtain clarification.

Employees are allowed to hold outside employment as long as it does not interfere with their Borough of Red Bank responsibilities. Outside employment with respect to members and employees of the Police Department is governed by PR:108(4) of the Rules and Regulations for the Governing of the Police Department. Employees are prohibited from engaging in outside employment and outside business activities while on the job and from using Borough of Red Bank time, supplies or equipment in any outside employment or any outside business activities. The Business Administrator may request employees to restrict outside employment if the quality of their Borough of Red Bank work diminishes. Any employees who holds an interest in, or is employed by, any entity doing business with the Borough of Red Bank must submit a written notice of these outside interests to the Business Administrator.

Employees may not accept donations, gratuities, contributions or gifts that could be interpreted as affecting their Borough of Red Bank duties. Under no circumstances may an employee accept donations, gratuities, contributions or gifts from a vendor doing business with or seeking to do business with the Borough of Red Bank or any person or firm seeking to influence Borough of Red Bank decisions. Meals and other entertainment paid for or provided by any individual or entity and valued in excess of \$150 are also prohibited. Employees are required to report to the Business Administrator any offer of a donation, gratuity, contribution or gift including meals and entertainment that is in violation of this policy.

O. 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 are prohibited from using Borough of Red Bank time, supplies or equipment in any political activity. Any violation of this policy must be reported to the supervisor, Department Head, Business Administrator or his/her designee.

P. Employee Evaluation Policy and Procedure:

Periodic evaluations are critical to create a formal record of an employee's performance over time and establish a foundation for personnel actions such as promotion and termination. In addition to day-to-day feedback to the employee, a performance evaluation by the employee's supervisor must be conducted at least annually for all employees. The completed appraisal becomes part of an employee's permanent record.

Performance discussions must also provide employees with guidance regarding their ability to meet job standards. Extraordinary skills or abilities should be recognized, and areas in need of employee improvement addressed. Supervisors should review the employee's future training needs and career planning. The reviewing supervisor should also encourage the employee to make suggestions about how the Borough can improve. In their review, the supervisor should ask employees for feedback regarding the employee's skills as they relate to communication, team building, delegation, and sensitivity to needs of subordinates.

It is crucial that all reviewers complete the evaluation forms with care and with complete candor. Although reviewers are encouraged to set forth areas of strength and utilize tact in presenting criticism, it is important that all performance issues of any significance be addressed thoroughly and in unambiguous terms in the evaluation form, and verbally with the employee. Self-assessment should be part of the evaluation process.

After completing the evaluation, the employee should sign the evaluation, acknowledging that he/she has read and discussed it with the supervisor. The employee's signature does not necessarily indicate agreement with the evaluation. The employee can write comments on the form or submit to the evaluator a rebuttal to the evaluation if he/she does not agree with it. The reviewer will return the form(s) with the signed acknowledgement to the Business Administrator. After review by the Business Administrator, the form(s) and any rebuttal will be included in the employee's official personnel file. As a part of the evaluation, employees have the right to request a conference with the Department Head and/or Business Administrator.

Q. Employee Discipline and Termination Policy and Procedure:

An employee may be subject to discipline for a variety of reasons. Major disciplinary action includes disciplinary demotion or suspension or fine exceeding five working days or termination. Minor discipline includes a formal, written reprimand or a suspension or fine of five working days or less. Employees who object to the terms and/or conditions of the discipline are entitled to a hearing under the applicable grievance procedure. In every case involving employee discipline, employees will be provided with an opportunity to respond to charges.

In general, in cases of employee misconduct, the Borough believes in corrective action to correct and change any undesirable behavior and to prevent a recurrence of undesirable behavior or misconduct. The corrective action taken will be related to the gravity of the situation, the number and kind of previous infractions by that employee, and other relevant

circumstances. In every case, employees will be given an opportunity to state their view of the situation, which will be given due consideration.

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

This manual, the employee discipline and termination policy and procedure, or any other Borough guidelines, policies or practices does not create an employment contract. Employment with the Borough may be terminated at any time with or without cause or reason by the employee or by the Borough, subject to any limitations contained in any collective bargaining unit agreement.

Many of the types of behaviors that may result in disciplinary action have been addressed in other sections of this manual. Since disciplinary action results from specific circumstances, it is not possible to create a comprehensive list. Such actions that will result in disciplinary action being taken against an employee include, but are not limited to: any illegal or unethical activity, being under the influence of intoxicants, any form of harassment and/or discrimination, insubordination, failure to perform work assignments and job functions or substandard performance of work assignments and job functions, excessive or unscheduled absences, chronic tardiness, violation of safety rules, destruction of Borough property, unauthorized use of Borough equipment, including computers and phones, and any other sufficient good cause.

The following are forms of discipline that may be used. The Borough reserves the right to use any form of discipline in any order.

- **Verbal Warning:** Depending on the circumstances, the supervisor may verbally notify the employee that the employee's actions have been improper and warn the employee against further occurrences. The supervisor will prepare a record of the verbal reprimand including the date, time and what was discussed with the employee. This record must be forwarded to the Business Administrator or his/her designee and placed in the employee's official personnel file.
- **Written Reprimand:** When a supervisor determines that a written reprimand is appropriate, the situation must be discussed with the Department Head. In the event that it is the Department Head writing the reprimand, the situation must be discussed with the Business Administrator. The reprimand should clearly identify the problem and outline a course of corrective action within a specific time frame. The employee should clearly understand both the corrective action and the consequence that will result if the problem is not corrected or reoccurs. The employee should acknowledge receipt of the warning and may include additional comments. A copy of the written reprimand with the signed acknowledgement and comments must be forwarded to the

Business Administrator or his/her designee for inclusion in the employee's official personnel file.

- **Suspension:** Department Heads are authorized to suspend employees for up to two (2) days. Employees suspended by Department Heads may contest the suspension through the grievance procedure. Whenever an employee is recommended for suspension for greater than two (2) days, the Business Administrator will make the decision and may seek the advice of the Borough Attorney, if appropriate.
- **Dismissal:** Whenever an employee is recommended for dismissal, the Business Administrator will make the decision only after seeking the advice of the Borough Attorney or Labor Counsel. There must be a complete review of the employee's personnel file and all other facts to determine if there is sufficient cause for the dismissal.

R. Resignation Policy:

An employee who intends to resign in good standing must notify the Department Head in writing at least two (2) weeks in advance. The submission of a written resignation is a final act and is considered accepted by the Borough upon submission to the Department Head and cannot be withdrawn under any circumstances.

Oral resignation shall be deemed binding, but shall not be considered resignation in good standing unless followed by a written confirmation which adheres to these policies and procedures.

After giving notice of resignation, employees are expected to assist their supervisor and co-employees by providing information concerning their current projects and help in the training of a replacement. During the last two weeks of employment with the Borough, the employee may not use paid time off except paid holidays. The Department Head will prepare an Employee Action form showing any pay or other money owed the employee. The Business Administrator or his/her designee will conduct a confidential exit interview to discuss benefits, including COBRA options, appropriate retirement issues, and pay due. A COBRA notification letter will be sent directly from the insurance carrier to the employee's home address. The exit interview will include an open discussion with the employee. On the last day of work, the employee must return the Employee Identification Card, all keys and equipment, and pay any money owed to the Borough. At the discretion of the Borough, any money owed to the Borough may be withheld from the employee's final paycheck. At this time, the employee will sign the termination memo designating all money owed to the Borough, and this memo will be retained in the official personnel file.

SECTION 2

Drugs and Alcohol Policy:

The Borough of Red Bank recognizes that the possession or use of unlawful drugs and the abuse of alcohol pose a threat to the health and safety of all employees. Any employee who is observed to be intoxicated or under the influence of alcohol or drugs during working hours, or is under the reasonable suspicion of being intoxicated or under the influence of alcohol or drugs, shall be immediately tested and, if the test results are positive, the employee is subject to discipline, up to and including termination. Supervisors and other employees should immediately report any reasonable suspicions, as defined below in the “Reasonable Suspicion Testing” section of this manual, to the employee’s supervisor or the Business Administrator.

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

The manufacturing, distribution, dispensation, possession, and use of alcohol or unlawful drugs on Borough premises, or during work hours, by an employee are strictly prohibited.

Employees must notify their supervisor within five (5) days of conviction for a drug or alcohol related violation, whether or not the violation occurred in the workplace. Notification of a conviction for an alcohol related violation is required under this paragraph if the conviction has the potential to impact the employee’s ability to perform his or her job duties.

Employees who are required to maintain a Commercial Driver’s License (CDL) or who are in other safety-sensitive positions are subject to random drug testing. Specific federal requirements and procedures for random drug testing of CDL holders shall be followed. Borough personnel who hold a Commercial Driver’s License (CDL) are subject to the provisions of the Commercial Driver’s Licenses Drug and Alcohol Testing Policy.

Employees using prescription drugs that may affect job performance or safety must be mindful of those affects and not engage in work if it would create a significant risk of harm to the employee, other employees, or the public. In such event, employees may notify their supervisor, who is required to maintain the confidentiality of any information regarding an employee’s medical condition in accordance with the Health Insurance Portability and Protection Act. A program to assist employees who may have a drug/alcohol problem is provided through the Borough of Red Bank’s Employee Assistance Program.

No prescription drug should be used by any person other than the individual to whom it is prescribed. Such substances or non-prescription (over-the-counter) drugs should be used only

as prescribed or indicated. Employees are prohibited from consuming prescription drugs that are not prescribed in their name on Borough property or while performing Borough business. Soliciting or distributing prescription drugs for or to other employees is also strictly prohibited.

A. Pre-Employment Testing:

All applicants for employment offered a position with the Borough will be required to undergo a pre-employment test for the presence of alcohol and illicit drugs. The offer of employment is conditioned upon receipt of a negative test result for illicit drugs. Employees who test positive for illicit drugs will be disqualified for employment at that time and the offer of employment will be withdrawn. A positive alcohol test may result in the withdrawal of the offer of employment.

Failure to keep an appointment with the Agent for the Borough assigned to administer the test, which was previously agreed to by both the prospective employee and the Agent, will be viewed as an attempt to elude the testing or alter its results. No further consideration for employment will be given the prospective employee at that time and the offer of employment will be withdrawn.

B. Random Testing:

All employees holding CDLs or who are in safety-sensitive positions will be subject to random, unannounced alcohol and drug testing. Selection criteria, number of tests, and test frequency will be determined by the language of FHWA regulations and will be communicated to employees.

Upon notification of selection, the employee will report to the designated collection center within one hour. Failure to report will be viewed as an attempt to elude the test or alter its results and could result in disciplinary action up to and including termination.

C. Reasonable Suspicion Testing:

All employees are subject to a fitness for duty evaluation, to include urine and breath testing, when there is reason to believe that alcohol or drug use is affecting, or will adversely affect, job performance. A reasonable cause referral for testing will be made on the basis of documented, objective facts and circumstances which are consistent with the long and short term effects of substance abuse.

Examples of reasonable suspicion include, but are not limited to, the following:

- Adequate documentation of unsatisfactory work performance or on-the-job behavior.
- Physical signs and symptoms consistent with substance abuse.

- Evidence of the manufacture, distribution, dispensing, possession, or use of controlled substances, alcohol, or drugs.
- Fights, assaults, or flagrant disregard or violations of established safety, security, or operating procedures.

A reasonable suspicion testing determination will be made by a supervisor or Borough Official who is trained to detect the signs and symptoms of drug and alcohol use and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to substance abuse. If another supervisor or Borough Official is immediately available, he/she will verify whether or not there is reasonable cause before the employee is transported to the agent's facility. At no time will this determination be made on the basis of third party reports without verification.

Employees are cautioned that various over-the-counter and prescribed medications can adversely affect an individual's ability to operate vehicles and other equipment. It is the employee's responsibility to report to work each day fit for his or her duties.

Employees who are deemed to require a fitness for duty evaluation based on reasonable cause will be sent to a health facility of the Borough's choice. The attending physician will make every attempt to determine the cause of the observed behavior, including authorizing, when his/her medical opinion dictates, an additional alcohol or drug test which is more comprehensive than that required by FHWA, state or contractual requirements. Employees will be placed on an unpaid medical leave of absence until the results of the examination are received by the Borough. Receipt of a negative drug test result, and/or doctor's statement, that the employee is fit for duty is required prior to continued employment. Employees who are returned to duty by this means will be reinstated without prejudice.

Employees who are medically determined to be temporarily unfit to perform their duties, but who test negatively for alcohol or drugs, will be returned to duty when they obtain the original examining doctor's written statement that they are fit for duty.

D. Post-Accident Testing:

Any employee involved in an accident, including a motor vehicle accident, will be required to submit to a post-accident alcohol and drug test if instructed to do so by a police officer, or a Supervisor of the Borough, or if:

- 1) The driver's performance either contributed to an accident or cannot be discounted as a contributing factor to the accident.
- 2) The driver involved in an accident receives a citation for a moving violation.
- 3) There is a fatality as a result of an accident.

- 4) The accident meets the Department of Transportation criteria for an accident that requires such testing.

When a post-accident test is indicated, the Borough will make every effort to have the test performed within two hours of notification of the accident. At no time will a period of more than eight hours transpire between notification and testing. Documentation of the entire post-accident procedure should be made by all personnel involved in the notification and testing process.

If an employee tests positive for alcohol or drugs, post-accident, receipt by the Borough of a subsequent negative alcohol and drug test result is required prior to return-to-duty. A positive test result during return to duty testing will disqualify an employee from further employment or reinstatement at that time or any time in the future. Refusal to comply with the testing process will be considered insubordination and will carry the same disciplinary action as a positive test result.

E. Disciplinary Action:

(This Section Applies only to those who Test Positive during Random, Post-Accident or Reasonable Suspicion Testing.)

Alcohol Testing Positives:

.02 – .039% Blood Alcohol Concentration

Employees who test positive during alcohol breath testing for the first time in the range of .02% to .039% blood alcohol concentration will be suspended from work without pay for a minimum of 24 hours and will be required to pass a return-to-duty breath alcohol test before returning to work. (All return-to-duty testing is done at the employee's expense). The employee may also be subject to additional discipline at the discretion of the Borough.

Employees who test positive during alcohol breath testing for a second time in the range of .02% to .039% blood alcohol concentration will be suspended from work for a minimum of 5 days without pay and until:

- 1) The employee is evaluated by a Substance Abuse Professional. This professional must meet the criteria outlined in the Department of Transportation's Alcohol and Drug Rules for Substance Abuse Professionals.
- 2) The employee complies and completes all recommendations made by the Substance Abuse Professional, and is able to document that all such recommendations have been met.
- 3) The employee submits to a return-to-duty drug test and proof of a negative test result is received by the Borough.

In addition to other discipline that may be imposed on the employee, the employee will be subject to follow-up testing, for up to sixty (60) months. A minimum of six (6) follow-up tests must be performed within the first twelve (12) months after the employee has returned to duty. (All follow-up testing is done at the employee's expense).

Employees who test positive during alcohol breath testing in the range of .02% to .039% blood alcohol concentration for a third time will be terminated.

.04% or Higher Blood Alcohol Concentration

Employees who test positive during alcohol breath-testing (1st offense) in the range of .04% or higher blood alcohol concentration will be suspended from work for a minimum of 5 days without pay and until:

- 1) The employee is evaluated by a Substance Abuse Professional. This professional must meet the criteria outlined in the Department of Transportation's Alcohol and Drug Rules for Substance Abuse Professionals.
- 2) The employee complies and completes all recommendations made by the Substance Abuse Professional and be able to document that all such recommendations have been met.
- 3) The employee submits to a return-to-duty drug test and proof of a negative test result must be received by the Borough. (All follow-up testing is done at the employee's expense).

In addition to other discipline that may be imposed on the employee, the employee will be subject to follow-up testing, for up to sixty (60) months. A minimum of six (6) follow-up tests must be performed within the first twelve (12) months. (All follow-up testing is done at the employee's expense).

Employees who test positive a second time for any level of alcohol after testing positive between .04% and higher blood alcohol concentration will be terminated.

Drug Testing Positives:

Employees who test positive during drug testing for the first time, in addition to other discipline which may be imposed by the Borough, will be suspended from work without pay until:

- 1) The employee is evaluated by a Substance Abuse Professional. This professional must meet the criteria outlined in the Department of Transportation's Alcohol and Drug Rules for Substance Abuse Professionals.
- 2) The employee complies with and completes all recommendations made by the Substance Abuse Professional and be able to document same.

- 3) The employee submits to a return-to-duty drug test and proof of a negative test result must be received by the Borough. (All follow-up testing is done at the employee's expense).

The employee will be subject to follow-up testing, for up to sixty (60) months. A minimum of six (6) follow-up tests must be performed within the first twelve (12) months after the employee has returned to duty. (All follow-up testing is done at the employee's expense).

Employees who test positive during drug testing for a second time will be terminated.

In any case where an employee who tests positive during a random or reasonable suspicion test and is required to remain out of work for a period of more than two (2) weeks, the Borough reserves the right to fill that position. Once the employee completes all required elements outlined above, they will be eligible for re-instatement in the first available opening.

Drug & Alcohol Positives:

Any employee who tests positive during a drug test and had previously tested positive for alcohol will be terminated.

Any employee who tests positive for alcohol and had previously tested positive during a drug test will be terminated.

Return-to-Duty Testing:

All return-to-duty testing is done at the employee's expense.

When the employee is cleared to return to work after a positive random, post-accident or reasonable suspicion test, he/she will be required to pass an alcohol and drug test. Upon receipt of a negative finding the Borough will review the employee's employment, and will then determine whether or not the employee will be allowed to return to work. If an employee is allowed to return to work, he/she will be subject to follow-up testing, as determined by the Borough.

Follow Up Testing:

All follow-up testing is done at the employee's expense.

Any employee returning to work with the Borough after being suspended for a positive alcohol or drug test, or returning to work after a leave of absence for voluntary substance abuse treatment, will be subject to random follow-up testing. The employee will be tested at least six (6) times in the first twelve (12) months after returning to duty and may be subject to follow-up testing for up to sixty (60) months.

Any employee who tests positive for drugs or alcohol during the follow-up testing process will be terminated.

F. Confidentiality of Test Results:

The results of any drug test will be reported and recorded in a confidential manner. Communication of medical or test results will be allowed only in accordance with guidelines established in 49 CFR, Part 40. The results will not be reported to any additional parties without the employee's written authorization, except as outlined in 49 CFR, Part 40. A copy of the individual's test results will be available to the individual upon request.

G. Quality Assurance of Testing Program:

The Borough, through its drug and alcohol testing Agent, will take steps in its arrangements for testing, to ensure that the laboratory is certified by SAMHSA and meets the requirements of the U.S. Department of Transportation (DOT).

The chain of custody for any urine sample shall be maintained at all times. If the chain of custody is broken after the tamperproof seal is applied, the employees shall be re-tested at the Borough's expense.

Any employee who receives a positive test result will have the right to ask the Borough's Medical Review Officer (MRO) to re-test the sample at a NIDA certified laboratory, of the employee's choice, at the employee's expense.

The Borough, through its Agent, will make every effort to ensure that the equipment being used for alcohol breath testing meets all the requirements of the Department of Transportation and all testing will be performed by a qualified Breath Alcohol Technician.

H. Substance Abuse Related Behavior:

Any employee engaging in the manufacture, distribution, dispensing, possession, or use of alcohol or illicit substances, including the illegal possession or abuse of prescription drugs, on Borough premises, in Borough vehicles, or while on Borough business, will be immediately discharged. Any manufacture, distribution, dispensing, possession, or use of alcohol or illicit substances, by any employee, in any manner, which affects the employee's job performance, or which may cause the public or a government or corporate body, to lose confidence in the Borough's ability to perform its responsibilities will result in disciplinary action up to and including termination of employment. Law enforcement officials will be notified, as appropriate, where criminal activity is suspected. Any employee convicted of violating a criminal drug statute will notify the designated Borough Representative within five (5) days of such conviction. Failure to provide such notification subjects the employee to disciplinary action up to and including termination of employment.

I. Refusal to Test:

Any employee who refuses to comply with a request for alcohol and drug testing during random, post-accident, and reasonable suspicion shall be considered as having produced a positive test result and will be discharged. Any employee who provides false information in connection with a test, or who attempts to falsify test results through tampering, contamination, adulteration, or substitution, shall be terminated for insubordination. In the event that the laboratory detects any substance which has been added to the sample to interfere with the normal testing process, it will be considered a “refusal to test” and the same sanctions will apply.

J. Controlled Substances on Site:

The Borough reserves the right to inspect, investigate and search for controlled substances and alcohol at any time, with or without prior notice, on or in any and all Borough premises and vehicles. Refusal to cooperate with any inspection, investigation, or search that is authorized by Borough Representative shall result in termination for insubordination.

K. Prescription Drugs and Over the Counter (OTC) Drugs:

Employees of the Borough shall not take any medication which may diminish their alertness or impair their senses prior to or after reporting for duty unless directed by a physician. When employees are required to take any prescription medication or any non-prescription medication which may diminish their alertness or impair their senses, the employee be mindful of the effects and not engage in work if it would create a significant risk of harm to the employee, other employees, or the public. In such event, employees may notify their supervisor that they are taking prescription medication and of the potential effects of that medication. This notification shall be by the prescribing physician. If the medication is a non-prescription drug the employee shall make this notification. The required notification shall be made prior to the employee reporting for duty. This information so provided shall be confidential.

L. Applicability:

This policy applies to all Borough employees. Borough visitors, vendors, and contractors are also governed by this policy while on Borough property or providing services to or for the Borough. Failure on the part of vendors or contractors to adhere to this policy will cause the Borough to cease to do business with them.

M. Reasonable Accommodation:

Employees Voluntarily Seeking Help:

The Borough strongly encourages an employee with a drug/alcohol abuse problem to voluntarily step forward to tell the Borough.

The Borough will assist in referring the employee to Community Assistance Programs. An unpaid leave of absence may be granted for a reasonable period for treatment. The Borough will make every effort to hold the employee's position during the rehabilitation process, but the Borough cannot guarantee that the employee shall retain his/her position.

If an employee fails to remain drug or alcohol free after the first voluntary rehabilitation, he/she will be disciplined in accordance with this policy, up to and including termination.

N. Employees Testing Positive for Alcohol/Drug Abuse:

If a substance abuse problem is disclosed to the Borough only after there has been (1) a positive drug or alcohol test, (2) a violation of a Borough rule or standard, (3) a violation of law, or (4) a violation of this policy, it shall be counted as a positive test. However, in addition to counting as a positive test, if the employee tests positive for drugs or alcohol and is determined by a physician to be an alcoholic or addicted to drugs, the Borough will assist in referring the employee to Community Assistance Programs. An unpaid leave of absence may be granted for a reasonable period for treatment. The Borough will make every effort to hold the employee's position during the rehabilitation process, but the Borough cannot guarantee that the employee shall retain his/her position.

O. Training:

In an effort to educate employees about the dangers of drug use and the Borough's commitment to keeping drugs out of the workplace, each employee will receive information covering the dangers of substance abuse, the Borough's commitment to an alcohol and drug free workplace, and the penalties for violation of this policy.

Supervisory employees will receive at least one hour of training on identifying those individuals who might be impaired by the use of drugs.

P. Employee Acknowledgement:

Each employee or prospective employee shall be given a copy of this policy. He/she must acknowledge receipt and understanding of the policy as a condition of employment.

SECTION 3

Workplace Policies:

A. Job Description Policy:

A job description including qualifications shall be maintained for each position. All job descriptions must be approved by the Business Administrator. The Business Administrator or his/her designee will make copies available upon request.

B. Attendance Policy:

All employees are expected to be at work and ready to assume their duties at the beginning of the scheduled workday. Lateness and absence will be tolerated only in emergencies or when the employee's supervisor gives prior approval. All absences must be reported to the supervisor prior to the start of the normal workday. The normal working hours for administrative departments are 9:00 AM to 5:00 PM. The normal working hours for the Municipal Court is 8:00 AM to 4:00 PM. The normal working hours for the Building Department and the Department of Public Works is 8:00 AM to 5:00 PM. The normal work week administrative, office, and technical employees shall consist of five (5) day, thirty-five (35) hour weeks, exclusive of a one-hour meal break. The work week for all other employees shall consist of five (5) day, forty (40) hour weeks, exclusive of a one-hour meal break.

C. Early Closing and Delayed Opening Policy:

In the event of unsafe conditions, the Business Administrator may authorize Department Heads to close operations earlier than the normal working hours. If such conditions exist prior to scheduled openings, the Business Administrator shall notify Department Heads of a delayed opening and a new opening time. Each Department will have a calling system in place. If the employee chooses not to report to work on a work day with a delayed opening, a full vacation day or compensatory time will be charged. Sick time will only be charged for a legitimate illness. If work is called off for the day, no time will be charged for the day. This provision does not apply to the Department of Public Works or Police or any personnel who may be required to assist in an emergency.

D. Breaks:

Full-time employees are entitled to a one (1) hour unpaid lunch that is to be arranged by their supervisor so that offices and departments continue to function. All employees may take a 15-minute break in the morning and in the afternoon as scheduled by the supervisor.

E. Dress Code Policy:

Dress, grooming and personal hygiene must be appropriate for the employee's position. Uniforms are required for certain jobs and are to be worn in accordance with applicable

departmental standards. Uniforms are to be worn only while performing employment duties for the Borough and may be worn traveling to and from work. All other employees are required to dress in a manner that is normally acceptable in similar business establishments and consistent with applicable safety standards. Employees shall not wear suggestive attire, jeans, athletic clothing, shorts, sneakers, sandals, T-shirts, novelty buttons, baseball hats and similar items of casual attire that do not present a businesslike appearance unless specifically approved by the appropriate Department Head and/or Business Administrator. Hair, sideburns, moustaches and beards must be clean, combed and neatly trimmed. Unkempt hair is not permissible regardless of length. Body piercings, other than on the ear, may not be visible. With the advance approval of the Business Administrator, the Borough of Red Bank will make reasonable religious accommodations that do not violate safety standards. Employees violating this policy shall be required to take corrective action or will be sent home without pay.

F. No Smoking Policy:

In accordance with State law, the Borough has adopted a smoke-free policy for all buildings. The New Jersey Legislature has declared that in all governmental buildings the rights of non-smokers to breathe clean air supersedes the rights of smokers. Borough facilities shall be smoke-free and no employee or visitor will be permitted to smoke anywhere in any Borough building. Employees are permitted to smoke outside of Borough buildings only in such locations that will not allow the re-entry of smoke into building entrances. Smoking inside vehicles owned by the Borough and near equipment that may be sensitive to smoke is also prohibited. This policy shall be strictly enforced and any employee found in violation will be subject to disciplinary action.

G. Use of Vehicles Policy:

Borough of Red Bank owned vehicles shall be used only on official business. (An employee who is also employed by another governmental entity may use a Borough of Red Bank vehicle for that employment only if the employment is pursuant to an inter-local agreement between the Borough of Red Bank and the other jurisdiction) and all passengers must be on Borough business. The Borough provides these vehicles to employees in its sole discretion, and the Borough reserves the right to alter the list of employees who are provided Borough vehicles (subject to contractual obligations). No unauthorized individuals are permitted to drive a municipal vehicle at any time. Any violation of this policy constitutes cause for disciplinary action. Use of Borough vehicles shall be further defined and established as follows:

Class A

As an exception to the above policy, Class A Municipal Vehicles are permitted for any use, twenty-four (24) hours a day, seven (7) days a week, provided that the employee using the vehicle is available to respond to any and all appropriate Borough business or emergency that requires the presence of the employee.

Job titles designated and assigned Class A Vehicles are: Police Chief, Deputy Police Chief/Captains as approved by the Police Chief, Fire Chief, Deputy Fire Chiefs (2), Fire

Marshal, Deputy Fire Marshal, Fire Sub-code Official, Emergency Management Coordinator, and Public Utilities Director.

Class B

Class B municipal vehicle is permitted only for transportation to and from the employee's home and the employee's regular Borough work location. The vehicle may be used at any and all times to conduct Borough business and/or to respond to an emergency that requires the presence of said employee.

Job Titles designated and assigned Class B Vehicles are: Public Utilities Supervisors, Public Utilities Foreman, Construction Official, Building Sub-code Official, Animal Control Officer, and Code Enforcement Officer.

Class C

Class C municipal vehicles may be provided for use by Borough employee at location of employment. Vehicles may be used in the performance of an employee's official duties in accordance with established policies and procedures for such use.

Nothing contained in this section shall prevent employees from utilizing a municipal vehicle in the performance of official government business. This shall include transportation to and return from a location at which the official business occurs.

Employees authorized to use Borough vehicles for commuting to and from work shall have a fringe benefit value added to the gross income reported on the employee's W-2 (unless the vehicle meets the "qualified non-personal vehicle" criteria specified by the IRS).

The Personnel Committee of the Governing Body will review and may recommend changes to this policy at the time of changes in personnel.

H. Telephone Usage Policy:

Borough of Red Bank telephones are for official business and employees are to limit personal use of Borough telephones, but may make a personal call to inform their family of unexpected overtime. Charges for all other personal calls must be reimbursed to the Borough of Red Bank. Use of hand-held cell phones while driving is prohibited by State law, and, as such, the use of hand-held cell phones while driving Borough of Red Bank vehicles or while driving on Borough of Red Bank business is strictly prohibited. Personal cell phones may not be used while conducting Borough business.

I. Use of Computers and Related Equipment Policy

The following policies are to ensure the security and support of all systems connected to the Borough of Red Bank Computer System:

All equipment is to be used solely for Borough-related functions. Specifically designated Borough personnel or designated Borough contractors (also known as “MIS”) are responsible for the installation, support and maintenance of the Borough’s computers and computer systems. Prior approval is required by MIS for the installation of any software application. All downloads and installation of software and or peripheral equipment must be performed or supervised by MIS personnel.

All data contained on Borough computers, including text, memos, letters, scanned images, digital photos, faxes and E-mail are considered Borough property and are subject to the provisions of NJ records retention and disposition schedule pursuant to N.J.S.A. 47:3-15, et seq. (Destruction of Public Records Act).

Any text or images with implied or explicit improper content, as defined in the Borough harassment training and policies, is strictly prohibited.

All software used on Red Bank computing equipment must comply with copyright compliance. Under no circumstances will exceptions to this policy be authorized or permitted.

Any persons abusing equipment will be held responsible for that cost of that equipment, or the cost of its repair. Any equipment removed from Borough property must be done with approval of management. All equipment, including laptop computers assigned to specific individuals, who are removed from Borough property for business purposes must be returned on a periodic basis for inspection and inventory control.

J. Bring Your Own Device Policy:

INTRODUCTION

The use of a smart device owned by the Employee in connection with Borough business is a privilege granted to the Employee by the approval of management of the Borough. The Borough has the discretion to determine which employees will be eligible for this privilege and reserves the right to revoke the privilege granted herein if the employee does not abide by the terms set forth below. The policies referenced herein are aimed to protect the integrity of data belonging to the Borough and ensure the data remains secure. Each employee who desires to use a smart device owned by employee in connection with employment with the Borough must execute the attached Agreement.

DEFINITIONS

Smart Device: When used in this Policy and the Agreement, a smart device is defined as a personal computing device that connects directly to the Borough network services including but not limited to email and calendar services. This definition includes, without limitation, smart phones, PDAs, and tablets.

Nonpublic Information: Nonpublic information is information that the employee gains during their employment with the Borough that the employee knows, or reasonably should know, has not been made available to the public. It includes information that the employee knows, or reasonably should know:

- Is designated by the Borough as nonpublic information or contains markings such as “Confidential”, “Sensitive”, “Personal”, or similar language;
- Contains Protected Health Information (PHI) or similar nonpublic personal information;
- Is provided to the Borough by customers or third parties under agreement and with the understanding that it will be treated as confidential, nonpublic information; or
- Contains information related to the internal Borough capabilities and operations that is not available to the public or that an individual could use to negotiate or otherwise circumvent security controls.

ELIGIBILITY

The Borough reserves the right, without prior notice to the employee, to disable or disconnect some or all services related to connection of a personal smart device to the Borough network. The following criteria will be considered by the Borough, initially and on a continuing basis, to determine if the employee is eligible to connect a personal smart device to the Borough network:

- Sensitivity of data the employee can access;
- Legislation or regulations prohibiting or limiting the use of a personal smart device for Borough business;
- The personal smart device hardware and operating system version must be supported by the Borough’s relevant provider(s);
- The employee’s adherence to the terms of this policy and the corresponding Agreement; and
- Any technical limitations and other eligibility criteria deemed relevant by the Borough.

REIMBURSEMENT CONSIDERATIONS

The Employee is personally liable for the smart device and carrier service costs and is not eligible for expense reimbursement for hardware or carrier services, except that the Borough will provide a monthly stipend of \$20 to eligible employees. Accordingly, the Borough will NOT reimburse employees for any loss, cost or expense associated with the use or connection of a personal smart device to the Borough network, including but not limited to:

- Expenses for voice minutes used to perform Borough business;
- Data charges related to the use of Borough data services;
- Expenses related to text or other messaging;
- Cost of handheld devices, components, parts, or data plans;
- Cost of replacement handheld devices in case of malfunction whether or not the malfunction was caused by using applications or services sponsored or provided by the Borough;
- Loss related to unavailability of, disconnection from or disabling the connection of a smart device to the Borough network; and
- Loss resulting from compliance with this Policy or applicable laws, rules or policies.

SECURITY CONSIDERATIONS

Compliance by an employee with this Policy and the Borough “Communication Media Policy”, below, is a prerequisite to and continuing condition of an employee’s privilege to connect a personal smart device to the Borough network servers. Additional considerations include but are not limited to:

ACCEPTABLE USE

Employees will use the personal smart device in an ethical manner and will not use the personal smart device in a way not designed or intended by the manufacturer including “jailbreaking” or any other use that could circumvent any controls that separate Borough data from personal information. Use of the personal smart device to remove sensitive information from Borough networks, attack Borough assets or circumvent current security settings and policies or violation of any applicable Borough policy related to the subject matter of Policy may result in the Borough removing all Borough data from the device.

MANAGEMENT CONTROLS

The Borough maintains the right to exercise and enforce a range of security, privacy, and management controls on an employee’s smart device including, but not limited to the mandatory use of device passwords; timeouts; device and media encryption; geo-location tracking; and, remote deletion of Borough applications and data. Employees are required to cooperate with the Borough to satisfy legitimate internal or external investigations, or legitimate discovery requests arising out of administrative, civil or criminal proceedings, which could result in the surrendering of the personal smart device assigned to an Employee. The Borough maintains the right to monitor or inspect Borough applications and data. In doing so, the Borough could inadvertently access personal information on the personal mobile device. As such, Employee should not have any expectation of privacy related to the use of a smart device connected to the Borough network.

EMPLOYEE RESPONSIBILITIES

When the use of personally owned smart devices is necessary to conduct Borough business, an appropriately authorized employee assumes certain responsibilities and shall:

- Follow all relevant elements of the Borough’s security/privacy policies and standards when accessing Borough-provided mobile applications and data;
- Abide by all federal, state and local laws concerning the use of mobile devices when driving and strict prohibition against using messaging functionality including text messaging, calendar or email functions while operating a motor vehicle or engaging in other activities when the concurrent use of the device could result in the harm of the user or others;
- Ensure timely payment of all fees, taxes, and surcharges associated with the use of employee-owned devices to connect to and access Borough-provided systems and data;
- Maintain the device in accordance with manufacturer or carrier recommendations including the prompt implementation of recommended operating system and software upgrades;
- Not “jail break” the device or otherwise install or modify the software that allows the user to alter or bypass standard built-in security features and controls;

- Not enable potentially dangerous mobile services while accessing Borough information services that can export or transmit nonpublic information to unauthorized devices without the user's knowledge (for example serving as a mobile hotspot or enabling Bluetooth or Near Field Communications (NFC) network services without using PINs and other recommended safeguards that prevent unauthorized devices from connecting while connected to Borough information services);
- Not modify or disable security features implemented by the Borough through its mobile device management system(s) (for example geo-location services, password controls and device/media card encryption);
- Not share or otherwise allow access to the device by others;
- Not transfer or allow the transfer of nonpublic information from the smart device to any device not specifically authorized by the Borough to receive such information including the use of unapproved cloud-based storage locations or synchronization of Borough data between participating smart devices and other personal computing devices;
- Cooperate with the Borough in deleting from the approved personal smart device of all Borough applications and data upon termination of employment or the termination of the employee's participation in the BYOD program; and
- Cooperate with the Borough to satisfy legitimate discovery requests arising out of administrative, civil or criminal proceedings or Open Public Record Act Requests.

K. Communication Media Policy:

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

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

The Borough respects the individual privacy of its employees. However, employee communications transmitted by the Borough's Communication Media are not private to the individual. All Communication Media and all communications and stored information transmitted, received, or contained in or through such media, including employees' internet usage, may be monitored by the Borough. The Borough reserves the absolute right to access, review, audit and disclose all matters entered into, sent over, placed in storage in the Borough's Communication Media. By using the Borough's equipment and/or Communication Media, employees consent to have such use monitored at any time, with or without notice, by Borough personnel. In addition, the Borough has the right to restrict access to specific types of prohibited content through the use of a content filtering system. The existence of passwords

does not restrict or eliminate the Borough's ability or right to access electronic communications. However, the Borough cannot require the employee to provide its password to his/her personal account.

All email, voicemail and Internet messages (including any technology-based messaging) are official documents subject to the provisions of the Open Public Records Act (N.J.S.A. 47:1A-1). Employees of the Borough are required to use the assigned municipal email account for ALL Borough business and correspondence. The use of private email accounts for ANY Borough business or during business hours is strictly prohibited.

Employees can only use the Borough's Communication Media for legitimate business purposes. Employees may not use the Borough's Communication Media in any way that is defamatory, discriminatory, obscene, or harassing or in violation of any Borough rules or policy. Examples of forbidden transmissions or downloads include sexually-explicit messages; unwelcome propositions; ethnic or racial slurs; or any other message that can be construed to be harassment or disparaging to others based on their actual or perceived age, race, religion, sex, sexual orientation, gender identity or expression, genetic information, disability, national origin, ethnicity, citizenship, marital status or any other legally recognized protected basis under federal, state or local laws, regulations or ordinances.

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

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

Acceptable Usage:

The acceptable use of the global Internet, the Borough of Red Bank Local Area Network, and any connected Local Area Network (LAN) server, or workstation, and system components including Email, is solely for Borough of Red Bank business purposes. As such, the access to and use of the variety of Internet, Local Area Network, and Email services, both internal and external to the Borough, are considered a business privilege and should be treated as such by all users.

Unacceptable Usage:

By example, the Borough of Red Bank characterizes as unethical and unacceptable any activity which purposely:

1. Seeks to use Internet services for private or personal business;
2. Seeks to gain unauthorized access to any resources within or outside of Red Bank;
3. Disrupts the intended use of the Red Bank Computer System and/or the global Internet;
4. Wastes resources through such action;
5. Destroys the integrity of or misuses any host/server information assets;
6. Compromises the privacy of any users or other departments;
7. Does not comply with applicable local and national laws;
8. Compromises Borough proprietary or otherwise-sensitive information;
9. Does not comply with other Borough policies or procedures.

Any users found in violation of the above Acceptable Use Policy may be subject to, at minimum, denial of access, up to termination of employment and/or criminal prosecution.

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

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

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

On an annual basis, all users of the Borough of Red Bank Computer Systems, Internet and/or Email are required to read the above, sign a copy of this policy on the form provided, and return to the appropriate manager. Failure to sign this document may lead to denial of access to the Borough of Red Bank Computer System.

L. Social Media Policy

A. Purpose

- a. The intended purpose behind establishing the Borough of Red Bank social media sites is for the sole purpose of disseminating information from the Borough, about the Borough, to its residents, employees and visitors. The Borough understands that social networking and internet services have become a common form of communication in the workplace and among citizens. Social networks are online communities of people or organizations that share interests or activities and use a wide variety of Internet technology to make the interaction a rich and robust experience.

For purposes of this policy, “social media” is understood to be content created by individuals, using accessible, expandable, and upgradable publishing technologies, through and on the Internet, to include notification services. Examples of social media and notification services include, but are not limited to, Facebook, blogs, RSS, YouTube, Twitter, LinkedIn, Flickr, Instagram, Nixle, CodeRed, mass e-mails, newsletters and all others that may be in existence or created hereafter. For purposes of this policy, “comments” include text, information, articles, links, video and other multimedia, graphics and pictures.

This Social Media Policy (the “Policy”) sets forth guidelines for the establishment and use by the Borough of Red Bank ("the Borough") of all social media sites as a means of conveying Borough-related information to its residents, employees and visitors. The purpose of this policy is to communicate the Borough’s policies regarding the use of social media sites and establish processes for authorization and use of social media sites by Borough employees and departments and offices. This policy is meant to provide clear and concise guidelines for the proper use of social media by its employees, residents and visitors.

B. Scope

- a. This policy shall apply to any and all employees, individuals, volunteers, agencies, departments, officials, committee and/or governing body members who are now or hereinafter permitted as authorized users by the Borough to post content on the Borough’s social media sites, including, but not limited to, members of the public that are permitted to comment on Borough social media posts or tag photos in Borough social media posts. The Borough’s social media sites encompassed by this Policy include all sites and accounts authorized and/or created by the Borough and any of its departments, agencies, boards, commissions and authorities. References to “comments” or “commenting” in this Policy shall also encompass tweets directed at a Borough Twitter account, social media posts that “tag” a Borough social media account, and any post or comment that may appear on the home page of any Borough social media site.

The Borough shall identify employees, including but not limited to the Business Administrator and/or his/her designees, who are authorized to engage in social media activities on the behalf of the Borough for the limited purpose of discussing Borough programs, activities and services.

Anyone who participates in social media on behalf of the Borough, whether on or off duty, is expected to understand and follow these policies and guidelines.

These policies and guidelines are subject to change as new technologies and social networking tools emerge.

C. General Policy

- a. Because the Borough of Red Bank has an overriding interest and expectation in deciding who may “speak” and what is “spoken” on behalf of the Borough of Red Bank on social media sites, this policy is established for the use of all social media.

The Borough of Red Bank shall have a single presence on social media sites deemed appropriate for use by the Administrator. Individual departments, agencies, boards, commissions and authorities of the Borough may maintain a separate social media presence when deemed appropriate and confirmed in writing by the Administrator. Any request by a Borough department, agency, board, commission or authority to maintain a social media presence shall be made in writing to the Administrator for consideration. Such request shall contain enough information for the Administrator to assess the need for such social media presence, its purpose, and its compliance with this policy. The request shall also set forth the person or persons (designee) recommended to be responsible for and authorized to post content on such sites and accounts. Any social media site created by the Borough remains the property of the Borough, including all the followers and friends generated by the site. If the person who created the site is no longer an employee, official, or volunteer of the Borough, they must relinquish everything related to the site including user names, passwords and/or access codes or information. The Borough, through the Administrator and/or his/her designees, may at any time choose to revoke permission previously given to individual departments, agencies, boards, commissions and authorities of the Borough for separate media presence.

No Borough of Red Bank social media site, including those maintained by departments, agencies, boards, commissions and authorities of the Borough, shall be established without prior approval of the Administrator as set forth above. All Borough social media sites shall be administered by permissible users which shall be the Administrator and/or designee. Where a department, agency, board, commission or authority of the Borough maintains its own social media presence, such department, agency, board, commission or authority shall designate, with approval from the Administrator, a person or persons responsible for and authorized to post content on such sites and accounts.

Designees must comply with government records retention policies, the Open Public Records Act, and ensure adherence to this policy, including appropriate use, messaging, and branding that is consistent with the interests, goals, and objectives of the Borough. The designee will be responsible for the content they may create or post.

The designated person must provide a copy of all social media account passwords to the Administrator. No personal email addresses may be used to set up a Borough social media account. Email addresses for all social media accounts must be obtained from the Administrator. A “designee” or a person appointed by the Business Administrator is never to be allowed to transfer his/her social media account information or allow someone access to his/her account on their behalf without prior written authorization from the Business Administrator.

Any and all permissible users of any social media site shall be provided with a copy of this policy and sign an Acknowledgment of Use (attached hereto) prior to managing or posting to any Borough social media sites.

The Business Administrator will provide guidance on the engagement of Borough personnel in social media to ensure the portrayal of a consistent and accurate message and branding of the Borough of Red Bank via online media outlets. The Business Administrator will oversee the coordination of social media activity for the Borough of Red Bank and its departments.

The Borough social media sites shall clearly set forth that they are maintained by the Borough and that the sites follow this Social Media Policy.

Wherever possible, the Borough social media sites should link back to the official Borough website for forms, documents, online services and other information necessary to conduct business with the Borough of Red Bank. The Borough of Red Bank Website (currently located at <http://www.redbanknj.org>) will remain the Borough’s primary and predominant Internet presence.

The Borough of Red Bank social media sites are intended to be informational only and are not intended to be used as an open public forum for making comments, including any official communications to the Borough; for example, reporting crimes or misconduct, reporting dangerous conditions, giving notice required by any statute, ordinance or regulations such as but not limited to notices of claim. Prominent notice of this paragraph shall be displayed on every Borough social media site, along with the appropriate contact information for submitting official communications.

This Policy and the Borough’s Terms of Use Disclosure (attached hereto) shall be placed on the Borough of Red Bank Website, and displayed to social media users or made available by hyperlink on each of the Borough’s social media sites, including those maintained by a department, agency, board, commission or authority of the Borough.

The Borough's social media sites and this Policy are subject to all applicable federal and New Jersey State laws and regulations, as well as applicable record retention requirements. This includes adherence to established laws and policies regarding copyright, records retention, Freedom of Information Act (FOIA), Open Public Records Act (OPRA), First Amendment, privacy laws, sunshine laws and information security policies established by the Borough of Red Bank, its departments, agencies, boards, commissions and authorities.

All Borough of Red Bank social media sites covered under this Policy remain the property of the Borough, including the list of all the followers and friends generated by each of the Borough's social media sites. If a person appointed to maintain a social media site no longer serves in such capacity, for any reason, he/she must relinquish and return to the Administrator or his/her designee everything related to the site including user names, passwords and/or access codes or information.

D. Post/Comment Policy

- a. As a public entity the Borough must abide by certain standards to serve all its constituents in a civil and unbiased manner.

When a post, comment, link, photograph, or other notification is made by an authorized designee on behalf of the Borough of Red Bank, the authorized designee shall not share personal information about himself or herself, or other Borough of Red Bank employees and or officials.

The Borough Government Website does not allow for any public comments whatsoever. It is reserved for the Borough government to engage in its own expressive conduct to promote its own message and disseminate information. From time to time, the Borough may post surveys on its website which may allow for comments or the reporting of information. Commenting shall be limited to those surveys and the topics thereof and shall not make it a public forum. Borough social media sites shall disable public comment and messaging if possible. The Borough does not police comments made by the public related to Borough activities.

A comment posted by a member of the public on any Borough social media site is the opinion of the commentator or poster only, and publication of a comment does not imply endorsement of, or agreement by, the Borough, nor do such comments necessarily reflect the opinions or policies of the Borough. If commenting or messaging cannot be disabled, comments or messages by the general public may not be edited or removed, in whole or in part, regardless of whether it is favorable or unfavorable to the Borough.

Any attempt to hack or otherwise compromise the Borough's Internet or social media sites will be reported to law enforcement.

The Borough of Red Bank may not deny access to its social media sites for any individual.

All members of the public who choose to comment on Borough social media sites are advised that such posts, comments, tweets, etc. may be subject to OPRA, FOIA, and other records retention laws.

Employees who are authorized by the Borough to participate in social networks as a representative of the Borough shall adhere to the following guidelines:

- Protect your privacy, the privacy of citizens, and the Borough's confidential information when engaging in social media activities. Follow all privacy protection laws, i.e., HIPPA, and protect sensitive and confidential Borough information. For purposes of this policy, "confidential information" refers to any information that is not publicly known, that is not otherwise available through New Jersey's Open Public Records Act, N.J.S.A. 47:1A-1, ("OPRA"), or that is considered private information pursuant to federal, state or local law. It does not include any information that is subject to disclosure by OPRA or is otherwise disclosable pursuant to the Employer-Employee Relations Act.
- Follow all copyright laws, open public records laws, document retention laws, fair use and financial disclosure laws and any other laws that might apply when engaging in social media activities.
- Do not tag vendors, suppliers, clients, citizens, co-workers or other stakeholders without their express prior approval.
- Do not use ethnic slurs, profanity, personal insults, or engage in any conduct that would not be acceptable in the Borough's workplace.
- Do not engage in political activity. Political activity is activity directed toward the success or failure of a political party, candidate for political office, or political group.
- Posts or comments that demonstrate unfair preference, bias or partiality or that have the appearance of such are prohibited.
- Add value to the Borough through your interaction. Provide worthwhile information and perspective.
- All Borough information that is considered non-public and that is not disclosable under OPRA or the Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., must be protected. Respect and maintain the confidentiality entrusted to you. Do not divulge or discuss proprietary information, personal details about other employees or other confidential material.

E. Links / Posts By or About Non-Municipal Groups

- a. From time to time, the Borough (or a department, agency, board, commission or authority thereof) may find it necessary or beneficial to the public to post on its social media sites about groups unaffiliated with the Borough. Such content shall be limited to those that promote the health, safety, and well-being of Borough residents and those groups must be other government departments, agencies, boards, commissions, authorities or registered non-profits. Such posts will be requested via written application and made at the discretion of the person or persons designated to maintain such social media site. Such posts will be made at the discretion of the person or persons designated to maintain such social media site.

F. Personal Social Media Use

- a. The Borough recognizes that employees have the right to use and maintain personal Web sites or to engage in social networking. However, the line between public and private activity has been blurred by these social networking tools, which is the primary reason these guidelines have been promulgated. Information from your personal Facebook page, blog entries and tweets – even if they are intended as personal messages between family and friends – can easily reach beyond your intended audience and represent you and the Borough to the outside world. For that reason, the Borough’s policies, rules, regulations, code of conduct and ethics, its equal employment opportunity, anti-harassment policy and disciplinary policy, and other sections of this Social Media Policy should be your guides when you use these tools.

To the extent that employees use social media outside of their employment and in so doing employees identify themselves as Borough employees, or if they discuss matters related to the Borough on a social media site, employees must add a disclaimer on the front page, stating that it does not express the views of the Borough, and the employee is expressing only their personal views. For example: **“The views expressed on this website/web log are mine alone and do not necessarily reflect the views of my employer.”** The disclaimer shall be placed in a prominent position and repeated for each posting that is expressing an opinion related to the Borough or the Borough’s business. Employees must keep in mind that, if they post information on a social media site that is in violation of Borough policy and/or federal, state or local laws, the disclaimer will not shield them from disciplinary action.

Here are some additional guidelines for employees’ personal social networking sites:

- Recognize that everything you post or receive on a social media site is public. Anyone with access to the web can get access to your activity on social media sites. You are solely responsible for the content you post.

- Remember that your personal and professional lives overlap in your online activity and that as a public employee you can be disciplined for inappropriate off-duty activity and conduct.
- Before posting, consider how your comment or behavior would be received if it appeared in the mass media.
- Use privacy settings to keep items you share with friends and family separate from what you share with your work-related “friends.”
- The foregoing provisions are not intended to interfere with any employee’s rights pursuant to the First Amendment of the United States Constitution or Article I Section 6 of New Jersey’s Constitution. Likewise, this policy is not intended to restrict the right of any employee to engage in protected concerted activities as defined by the Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., and as recognized by the National Labor Relations Board. This policy shall not be construed as prohibiting a bargaining-unit member’s protected right to discuss wages or working conditions with fellow employees and engaged in other protected concerted activities. Any person who believes their right to engage in such activities has been or is being violated by this policy should contact the Business Administrator’s Office. The Business Administrator shall address such concerns after consulting with legal counsel.

G. Legal

- a. The Borough reserves the right to report any violation of a social media site’s Rules, Terms and Conditions, Rights and Responsibilities, etc., to that site with the intent of that site taking appropriate and reasonable responsive action. All Borough of Red Bank policies are applicable to interactions on social media sites when acting in an official capacity and representing the Borough.

All of the Borough’s policies, rules, regulations, and code of conduct and ethics including, but not limited to, its equal employment opportunity, anti-harassment policy, Information Systems Policies and Guidelines Policies on the Use of Borough Information Systems and disciplinary policy, apply to employees who engage in social networking activities while conducting Borough business. Use of your Borough e-mail address and communicating in your official capacity will constitute conducting Borough business.

K. Bulletin Board Policy:

The bulletin boards located in the Borough of Red Bank administrative building and other facilities are intended for official notices regarding policies, procedures, meetings and special events. Only personnel authorized by the Business Administrator may post, remove, or alter any notice. Space on the bulletin boards will be provided for the recognized employee bargaining units.

L. Employee Dating Policy:

The Borough of Red Bank recognizes the right of employees to engage in social relationships with each other, including relationships of a romantic or intimate nature. However, the municipality also recognizes that such relationships can be a problem in the workplace. They may result in favoritism, discrimination, unfair treatment, friction among coworkers, or the perception that they generate such problems.

To try to achieve a balance between employee rights and workplace needs, the Borough of Red Bank has adopted the following policy on the subject of supervisor/subordinate dating.

If such a relationship exists or develops, both parties involved shall report the fact to A) their immediate supervisor or B) the Business Administrator or his/her designee.

For the purposes of this policy, a supervisor/subordinate status means a situation where one employee, irrespective of job title, makes or has the authority to make decisions or to take action concerning another employee's compensation, promotion, demotion, discipline, daily tasks, or any other terms, conditions or privileges of employment with the Borough.

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

Any employee who violates this policy will be subject to disciplinary action, up to and including discharge. The Borough regards a violation of this policy as particularly serious because such workplace relationships can cause favoritism, discrimination, unfair treatment for other interference with municipal operations.

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

SECTION 4

Paid and Unpaid Time-Off Policies:

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

A. Paid Holiday Policy:

Employees are entitled to the following fourteen (14) paid holidays:

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

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

B. Vacation Policy:

Vacation is an accrued benefit for full-time employees based on the following schedule (for employees hired prior to January 1, 2014):

- During the first calendar year of appointment, an employee will earn one-half (1/2) day for each full month of service.
- During the first full calendar year after appointment, the employee will be credited with ten (10) days' vacation on January 1.
- Ten (10) days for the second (2nd) through fifth (5th) year.
- Fifteen (15) days for the sixth (6th) through tenth (10th) years.
- Twenty (20) days for the eleventh (11th) through fifteenth (15th) years.
- Twenty-five (25) days for the sixteenth (16th) through twenty-ninth (29th) years.

- Thirty (30) days from the thirtieth (30th) year on.

Employees hired between January 1, 2014 and December 31, 2017 will receive vacation based upon the following schedule:

1. During the calendar year of appointment, an employee will earn one-half (1/2) day for each month worked.
2. During the calendar year after appointment, the employee will be credited with ten (10) days' vacation on January 1, but the vacation shall not be taken prior to June 1.
3. After the first full calendar year and through the fifth (5th) year: ten (10) days of vacation.
4. From the sixth (6th) year up through the twelfth (12th) year: fifteen (15) days of vacation.
5. Beginning with the thirteenth (13th) year: twenty (20) days of vacation.

Employees hired on or after January 1, 2018 will receive vacation based on the following schedule:

- During the calendar year of appointment, an employee will earn one (1) day for each month worked not to exceed ten (10) days.
- During the calendar year after appointment, the employee will be credited with ten (10) days' vacation on January 1, but the vacation shall not be taken prior to June 1.
- After the first full calendar year and through the fifth (5th) year: ten days of vacation.
- From the sixth (6th) year up through the twelfth (12th) year: fifteen (15) days of vacation.
- Beginning with the thirteenth (13th) year: twenty (20) days of vacation.

All vacations must be scheduled and approved by Department Heads. Employees must receive their supervisor's approval at least five (5) days in advance of the first vacation day. Employees seeking to take more than five (5) consecutive vacation days shall provide their Department Head with at least thirty (30) calendar days' written notice of their intention to do so. Approval of vacation shall not be arbitrarily denied, and approval will only be withheld for articulated valid business purposes.

Vacation may not be accumulated year to year, except that an employee may carry over up to five (5) days of vacation into the ensuing year. The employee must notify his/her respective Department Head of a request to carry over any vacation time. Approval in writing must be obtained from the Department Head or Business Administrator. Any carried over vacation days must be taken during the ensuing year.

Vacation time will be charged on an hourly basis.

Permanent part-time employees will receive five (5) days paid vacation after one (1) full year of service.

If an official holiday falls during an employee's vacation period, an additional day of vacation will be granted.

It is assumed that an employee shall remain in the service of the Borough for the calendar year and the total number of vacation days shall be pro-rated and credited to the employee. If separation occurs before the end of the year and the employee has taken more vacation leave than that to which the employee is entitled, that employee shall be assessed the per diem rate of pay for the excess vacation leave, and same shall be deducted from final pay.

Employees who leave the employ of the Borough will be paid for any unused, accrued vacation time within the parameters of accrual of vacation time as set forth above.

C. Personal Days Policy:

Full-time employees are entitled to four (4) personal days per year. Any unused days are forfeited at the end of each calendar year. Personal days are earned *pro-rata* on the basis of one (1) personal day for each three (3) months worked. Personal time is charged on an hourly basis. An employee wishing to take a personal day must obtain approval from his/her Department Head.

D. Sick Days Policy:

Full-time employees are entitled to fifteen (15) working sick days per calendar year. However, during the first calendar year of service, a full-time employee shall earn one (1) working sick day for each month of service, but no more than five (5) days during that first calendar year of service, unless inconsistent with the New Jersey Paid Sick Leave Act. Sick time is charged on an hourly basis. Part-time employees will accrue one (1) hour of sick time for every thirty (30) hours of work up to a maximum of forty (40) hours of sick time in any calendar year.

Sick time may be used for the following:

- (1) time needed for diagnosis, care, or treatment of, or recovery from, an employee's mental or physical illness, injury or other adverse health condition, or for preventive medical care for the employee;
- (2) time needed for the employee to aid or care for a family member of the employee during diagnosis, care, or treatment of, or recovery from, the family member's mental or physical illness, injury or other adverse health condition, or during preventive medical care for the family member;
- (3) absence necessary due to circumstances resulting from the employee, or a family member of the employee being a victim of domestic or sexual violence, if the leave is to allow the employee to obtain for the employee or the family member: medical attention needed to recover from physical or psychological injury or disability caused by domestic or sexual violence; services from a designated domestic violence agency or other victim services organization; psychological or other counseling; relocation; or legal services, including obtaining a restraining order or

preparing for, or participating in, any civil or criminal legal proceeding related to the domestic or sexual violence;

(4) time during which the employee is not able to work because of a closure of the employee's workplace, or the school or place of care of a child of the employee, by order of a public official due to an epidemic or other public health emergency, or because of the issuance by a public health authority of a determination that the presence in the community of the employee, or a member of the employee's family in need of care by the employee, would jeopardize the health of others; or

(5) time needed by the employee in connection with a child of the employee to attend a school-related conference, meeting, function or other event requested or required by a school administrator, teacher, or other professional staff member responsible for the child's education, or to attend a meeting regarding care provided to the child in connection with the child's health conditions or disability.

For purposes of this section, "family member" shall mean a child, grandchild, sibling, spouse, domestic partner, civil union partner, parent, or grandparent of an employee, or a spouse, domestic partner, or civil union partner of a parent or grandparent of the employee, or a sibling of a spouse, domestic partner, or civil union partner of the employee, or any other individual related by blood to the employee or whose close association with the employee is the equivalent of a family relationship.

Verification for sick days may be requested at any time, irrespective of the number of days an employee is out sick. A doctor's note is required for any employee who is out sick for more than three (3) days.

Abuse of sick time is grounds for disciplinary action. Employees who need to call out sick leave must notify their Department Head no later than thirty (30) minutes before their scheduled starting time each day of the required absence.

At the end of each calendar year, an employee's unused sick time is added to the allotment for the following year. Any employee that uses no sick time within a calendar year shall be granted one (1) additional personal day in the following calendar year.

E. Workers' Compensation Policy:

Employees who suffer job related injuries and illnesses may be entitled to medical expenses, lost income and other compensation pursuant to the New Jersey Workers' Compensation Act. Any occupational injury or illness must be immediately reported to the supervisor or Department Head. All required medical treatment must be performed by a Workers' Compensation Physician appointed by the Borough's insurance carrier or the Borough. Payment for unauthorized medical treatment may not be covered pursuant to the Act.

An employee injured on the job will receive his/her full salary from the Borough of Red Bank for thirty (30) days after the injury. After that time, the employee may utilize any accrued sick time to make up the difference between the employee's salary and Workers' Compensation benefits in order to receive full compensation. After thirty (30) days, time credited toward the pension will cease until the employee returns to work. Health insurance benefits, however, will

continue pursuant to state and federal law on the same conditions as coverage is otherwise provided, including the employee's payment of his/her share of the cost of coverage. All employee rights and responsibilities while out of work on Workers' Compensation shall be defined and administered in accordance with the provisions of the New Jersey Workers' Compensation Act.

Before an employee who has been out on Workers' Compensation is permitted to return to work, a medical release must be submitted to the Business Administrator for approval.

F. 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 Borough; and, at least 1,000 hours of work (for New Jersey FLA leave) and 1,250 hours of work (for Federal FMLA leave) during the previous twelve (12) months.

FLMA applies to both the employee and his/her immediate family members. FLA leave applies exclusively to immediate family members. For the purpose of these Acts, "immediate family" means spouse, domestic partner or civil union partner, child, step-child, foster child, or other individuals residing in the employee's household, or mother or father. Upon written notice of eligibility, employees are entitled to a family or medical leave to care for a newly born or adopted child or a seriously ill immediate family member, or for the employee's own serious health condition that makes the employee unable to perform the functions of the employee's position. If the leave is for the care of an immediate family member, the two forms of leave may run concurrently.

FLMA/FLA pertains to job protection and continuation of health benefits during the applicable period of leave. FMLA/FLA is distinct from an employee's sick, personal or vacation time, and runs concurrently with the utilization of accrued paid time off from work. Employees with accrued sick, vacation and personal days must use all accrued available sick, vacation and personal days during the leave period and will continue to be paid to the extent of their accrued time. The use of any accrued time, however, does not extend the leave period. After exhausting accrued time, the employee will no longer be paid for the remainder of the leave, except an employee may qualify for paid family leave insurance, as discussed below.

Eligible employees who are out sick for more than five (5) consecutive work days should apply for FLMA/FLA. Any employee anticipating that they may be required to take a Leave of Absence under FMLA and/or FLA, should immediately notify and meet with the Business Administrator or his/her designee to obtain further information and fill out and sign the required application forms, irrespective of whether or not they have accumulated sick, vacation and personal days. Although an employee should apply for FMLA/FLA leave if an applicable situation exists, it is the responsibility of the Borough to place an employee on FMLA/FLA leave if the Borough has sufficient information to make a decision that the employee or employee's immediate family member is seriously ill and that the employee is out of work for this reason.

Eligible employees may receive up to twelve (12) weeks of leave per year under FMLA, or twelve (12) weeks every twenty-four (24) months under FLA. The method to calculate the aforementioned twelve (12) or twenty-four (24) month periods shall be the “rolling back method,” which uses a “rolling” 12- or 24-month period, as applicable, measured backward from the date an employee uses any FMLA and/or FLA leave to determine one’s eligibility for leave.

During the leave period, the employee’s health benefits will be continued on the same conditions as coverage is otherwise provided to the employee when not on said leave. The employee will not accrue vacation, sick or personal days for the unpaid portion of 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 position with the same terms and benefits that existed prior to the exercise of leave.

The period of medical leave or leave to care for a sick family member must be supported by a Medical Certification from a physician or other licensed health care provider. If an employee on FMLA/FLA cannot return to work at the end of the twelve (12) week period, but can provide a reasonable date of return, supported by medical verification, the employee’s job will be reinstated as set forth above. Prior to the return to work, the Borough of Red Bank may require an employee to be examined by a physician designated by the Borough to verify fitness to return to normal duties. An employee will not be permitted to return to work until the verification is received.

Paid Family Leave Insurance (“FLI”) benefits for up to six (6) weeks in a twelve (12) month period are available from the State of New Jersey for eligible employees who are absent on an approved family leave to care 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 earning at least minimum wage within the last 52 weeks or earned 1000 times the minimum wage. The weekly benefit is two-thirds (2/3) of weekly compensation up to a maximum per week as determined by law. FLI benefits will run concurrently with FMLA and/or FLA family 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 before receiving any FLI benefits.

Employees taking paid family leave in connection with a family member’s serious health condition may take leave intermittently or consecutively or on a reduced work schedule. 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 any family leave is required to provide the Borough with 15 days’ notice unless an emergency or other unforeseen circumstance precludes prior notice. The employee seeking intermittent family leave shall make a reasonable attempt to schedule leave in a non-disruptive manner. Employees requesting such leave shall provide the Borough with a regular schedule of days for intermittent leave.

G. Leave of Absence Policy:

Apart from FMLA/FLA/FLI leave, employees may be granted a personal leave of absence of up to 12 weeks at the sole discretion of the Business Administrator, for a period of time to be determined by the Business Administrator, if the leave does not cause undue operational disruption. The leave must include the use of any accrued vacation, personal and sick leave time, regardless of the length of leave requested. In situations where FMLA, and/or FLA is applicable, FMLA/FLA leave must be utilized and exhausted prior to the employee making a request for a personal leave of absence.

The portion of any leave of absence that runs beyond the exhaustion of vacation, personal and sick leave will be without pay or longevity credit. In exceptional circumstances, the Business Administrator may extend a leave of absence beyond the aforementioned 12 week period, if such extension is deemed by the Borough to be in the best interest of the Borough of Red Bank.

An employee who has exhausted his/her paid sick leave, vacation and personal days, and time out of work pursuant to the FMLA and/or FLA may, at the sole discretion of the Borough of Red Bank, be granted an additional unpaid sick leave of absence, during which time health benefits shall continue to be paid by the Borough, with the employee paying his/her share of the benefits. If, at the end of the leave of absence approved by the Borough, the employee is unable to return to work, he/she will be terminated from employment.

Personal leaves are not granted for the purpose of seeking or accepting employment with another employer, or for extended vacation time. Employees on personal leave of absence for more than two weeks in any month will not receive holiday pay, and will not accrue personal leave, sick leave or vacation time for that month. A personal leave is granted with the understanding that the employee intends to return to work for the Borough of Red Bank. 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.

H. Bereavement Leave Policy:

Employees are entitled to five (5) day's leave of absence for each death of an employee's immediate relative. "Immediate relative" includes spouse, domestic partner, civil union partner or significant other, child, parent, stepparent, stepchild, foster child, sibling, grandparents, daughter-in-law, son-in-law, parents-in-law, grandchildren, or any person residing in an employee's household who is not a tenant. Employees are entitled to three (3) day's leave in the event of the death of a relative not a member of the employee's immediate family or household. All requests must be approved by the Department Head. Employees are paid for all working days during the Bereavement Leave. Any additional leave must be approved by the employee's Department Head and charged against vacation, sick, or personal leave. Reasonable proof of death and relationship may be required.

I. Jury Duty Policy:

An employee required to render jury service shall be entitled to be absent from work during that service and will be paid the employee's regular salary. If an employee is released early from jury duty, he/she shall contact the Department Head to determine whether his/her services are required for the remainder of that day. The employee must submit appropriate documentation from the court to the Business Administrator or his/her designee confirming his/her jury duty service prior to receiving his/her next paycheck.

J. 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 up 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 Borough for at least twelve (12) 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 a restraining order, letter from a prosecutor, proof of conviction, medical documentation or a certification from an agency or professional involved in assisting the employee.

In certain circumstances, the basis for the leave may also qualify under the federal Family and Medical Leave Act and/or the New Jersey Family Leave Act. If so, the Borough 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 Borough 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 Borough shall not retaliate, harass or discriminate against any employee exercising his/her right to take the leave provided by this policy.

K. Military Leave Policy:

The Borough of Red Bank shall comply with the provisions of the Uniformed Services Employment and Reemployment Rights Act ("USERRA"). When a full-time employee (either permanent or temporary) who is a member of the reserve component of any United States armed force or the National Guard of any state including the Naval Militia and Air National Guard is required to engage in field training or is called for active duty, the employee will be granted a military leave of absence for the duration of the service. The first thirty (30) workdays of the leave shall be with full pay except that a member of the New Jersey National Guard shall receive full pay for the first ninety (90) days. Thereafter, the employee shall be paid the difference between military salary and the employee's regular salary for a period not to exceed 180 days. The paid leave will not be counted against any available time off including but not limited to vacation, sick or personal time. A full-time temporary employee who has served less than one (1) year shall not be entitled to paid leave but shall be granted non-paid military leave without loss of time.

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

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

SECTION 5

Compensation & Employee Benefits Policies:

The policies within this section cover non-union employees. They also cover union employees to the extent that their collective bargaining agreements do not address these issues.

A. Payroll Policy:

Salary ranges and/or rates of pay are established by ordinance and/or applicable collective bargaining agreements. Employees are paid semi-monthly on the 15th and last day of each month. If payday date falls on a Saturday, Sunday or holiday, paychecks will be dated and distributed on the last business day preceding the regular issue date. Overtime will be paid in the pay period subsequent to the reporting of the overtime hours. Employees who are going on vacation and would like their checks in advance must make a written request the Business Administrator or his/her designee at least two weeks in advance of the vacation. Any questions or discrepancies relating to paychecks should be addressed to the Business Administrator or his/her designee.

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

B. Overtime Compensation Policy:

Under the Federal Fair Labor Standards Act, certain employees in managerial, supervisory, administrative or professional positions are exempt from the overtime provisions of the Act. The Business Administrator or his/her designee shall notify all Exempt employees of their status under the Act. Exempt employees are not eligible to receive overtime compensation and are required to work the normal workweek and any additional hours needed to fulfill their responsibilities.

All other employees are classified as Non-Exempt and are subject to the overtime provisions of the Act. Non-Exempt Employees work up to forty (40) hours in a week, unless paid overtime is approved. Overtime must be budgeted and approved by the Department Head, the Chief Financial Officer and the Business Administrator. Non-Exempt employees working overtime without prior approval will be subject to disciplinary action.

Non-Exempt employees approved to work overtime will receive overtime compensation for hours worked in excess of forty (40) hours at one and one-half times (1.5) their regularly scheduled rate in a weekly period. Employees may choose overtime compensation in the form of overtime pay or compensatory time off (1.5 hours for each over-time hour worked). The maximum number of hours that an employee may accrue for future compensatory time off is sixty (60) hours. Once this maximum has been accumulated, all additional hours will be compensated by overtime pay. Accrued and taken overtime compensatory hours must be noted on the employee's time sheet.

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

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

C. Reimbursements for Out-of-Pocket Expenses:

Employees who must use their personal vehicles as a condition of employment are entitled to a vehicle maintenance allowance at a rate to be determined at the adoption of the annual budget. The total annual reimbursement shall in no case exceed the amount appropriated in the current year's departmental budget unless authorized by the Chief Financial Officer.

An employee who has received approval to expend cash for Borough supplies or to attend a meeting/conference on Borough business will be reimbursed for legitimate expenses, provided they are supported by a detailed voucher and appropriate receipts.

Requests for reimbursements shall be submitted to and approved by Department Heads.

D. Educational Benefits, Conference and Seminar Policy:

Requests to attend an educational course, conference or seminar must be approved by the Department Head and the Business Administrator. Requests shall be made sufficiently in advance to take advantage of discounts for early registration, and must be submitted to the Department Head at least thirty (30) days before the event. Requests must be in writing, including the conference schedule, registration information and estimated costs. The Department Head is responsible to detail all training requests during the budget formulation process. Approval of any conference or seminar request is conditioned upon the availability of funds.

E. Years of Service Policy

Years of service is defined as uninterrupted full-time employment with the Borough of Red Bank. Employees who leave the Borough in good standing and return will be granted credit for prior service with the Borough upon the completion of five (5) years employment after their return. Permanent part-time employees who become full-time may be granted pro-rated service credit based upon their part-time hours of work as a percentage of full-time hours for that position.

All returning employees shall receive benefits applicable at the time of their return and not based upon when they initially started with the Borough. For example, all returning employees will now contribute towards their health insurance. Employees who retired from the Borough and are subsequently rehired by the Borough in a different position from which they retired are not eligible for service credit for the years of employment prior to said retirement.

F. Seniority Policy

Seniority is defined as an employee's continuous length of service with the Borough, beginning with the employee's latest date of hire.

G. Health Insurance Policy:

Employees regularly scheduled to work thirty (30) hours or more per week and their immediate family members are provided medical, hospital, dental and co-pay prescription insurance coverage commencing the first day of the month following the date of hire. The complete benefit plan is on file in the administrative office and a Summary Plan Description will be provided to all eligible employees. All employees hired on or after January 1, 2018, will be enrolled in 3-Tier Health Plan options and Step Therapy/Generic Prescription plans. Benefit plans for eligible non-unionized employees are subject to change at the discretion of the Borough of Red Bank.

All eligible non-Union Employees will contribute at Tier 4 level in 2017, Tier 3 level in 2018 and Tier 2 level in 2019/2020 and thereafter. However, all employee health insurance contributions will comply with the provisions of Chapter 78, P.L. 2011, including the provisions for minimum employee contribution for health benefits as required by State law.

Employees hired after January 1, 2018 shall not be entitled to retiree health benefits.

Health insurance coverage for eligible employees on a leave of absence or who cease Borough of Red Bank employment will terminate at the end of the month in which the leave begins or employment is terminated unless otherwise agreed between the Borough and the employee. Coverage will continue for up to twelve (12) weeks for employees on leave pursuant to the Family and Medical Leave Act and/or Family Leave Act, and up to thirty (30) weeks for employees on Military Leave. Upon termination of coverage, employees may extend health insurance coverage for themselves and/or their dependents by taking advantage of the COBRA provision for a period of up to eighteen months. For more information, consult the Business Administrator or his/her designee.

Eligible employees and their immediate family members are provided medical, hospital, dental and co-pay prescription insurance coverage commencing the first day of the month following the date of hire. The complete benefit plan is on file in the administrative office and a Summary Plan Description will be provided to all employees. All employees hired on or after January 1, 2018, will be enrolled in 3-Tier Health Plan options and Step Therapy/Generic Prescription plans. Benefit plans for non-unionized employees are subject to change at the discretion of the Borough of Red Bank.

All eligible non-Union Employees will contribute at Tier 4 level in 2017, Tier 3 level in 2018 and Tier 2 level in 2019/2020 and thereafter. However, all employee health insurance contributions will comply with the provisions of Chapter 78, P.L. 2011, including the provisions for minimum employee contribution for health benefits as required by State law.

Employees hired after January 1, 2018 shall not be entitled to retiree health benefits.

Health insurance coverage for employees on a leave of absence or who cease Borough of Red Bank employment will terminate at the end of the month in which the leave begins or employment is terminated unless otherwise agreed between the Borough and the employee.

Coverage will continue for up to twelve weeks for employees on leave pursuant to the Family and Medical Leave Act and up to thirty weeks for employees on Military Leave. Upon termination of coverage, employees may extend health insurance coverage for themselves and/or their dependents by taking advantage of the COBRA provision for a period of up to eighteen months. For more information, consult the Business Administrator or his/her designee.

In accordance with N.J.S.A. 40A:10-23, the Borough will provide paid medical benefits for the retiring employee and spouse for those employees hired prior to January 1, 2018 as follows:

- Retire on a disability pension approved by the Public Employees Retirement System;
- Retire with twenty-five years (25) of service credit in the Public Employees Retirement System with the last twenty (20) consecutive years of employment with the Borough at the time of retirement;
- Upon reaching the age of sixty-two (62) years of age or older with the last twenty (20) years of service credit in the Public Employees Retirement System with the last fifteen (15) years of service with the Borough at the time of retirement;
- If the retiree is eligible for free insurance through other employment, the Borough will not carry him/her. The retiree would be required to sign an affidavit stating that he/she does not have other coverage. This shall apply to those who retire after January 1, 1982;
- Any other full-time employee may continue on a full contributory basis;
- Part-time employees who have participated in the Borough's Group Health Plan during employment may continue in the plan on a full contributory basis upon retirement.

H. Retirement Policy:

Under State law, all employees must enroll in the New Jersey Public Employees Retirement System or the Police and Fire Fighters Retirement System, as applicable. The employee's contribution to the Plan will be deducted from the employee's pay. An employee who has completed the required number of years and who has reached the required age under the Plan may retire. Employees planning to retire should first notify the Department Head in writing. The State retirement plans request six months advance notice to process the application. Anything to do with the employee's pension should be addressed to the Division of Pensions. After giving notice of retirement, employees are expected to assist their supervisor and co-employees by providing information concerning their current projects and help in the training of a replacement. The Department Head will prepare an Employee Action form showing any pay or other money owed the employee. The Business Administrator or his/her designee will conduct a confidential exit interview to discuss benefits including COBRA options, appropriate

retirement issues and pay due. A COBRA notification letter will be sent to the employee's home address. The exit interview will also include an open discussion with the employee.

On the last day of work, the employee must return the Employee Identification Card, all keys and equipment and pay any money owed to the Borough. At this time, the employee will sign the termination memo designating all money owed and this memo will be retained in the official personnel file.

Upon retirement, employees hired before January 1, 1994 shall be paid for up to 260 days of accumulated unused sick time. Employees hired after January 1, 1994 shall be paid, upon retirement, for half of their total accumulated unused sick time or \$15,000, whichever is less.

Employees hired after January 1, 2018 shall not be entitled to paid accumulated unused sick time retirement benefits.

Upon retirement, employees shall also be paid for any unused accrued vacation time in accordance with the provisions of the Vacation Policy.

I. Retirement Policy:

A. Policy.

(1) All permanent employees who have not yet attained their 60th birthday will be enrolled in the Public Employees Retirement System Life Insurance Program. This coverage consists of 1 1/2 times their annual salary on a noncontributory basis, and 1 1/2 times their annual salary on a contributory basis, for a total of three times their annual salary. Employees are required to participate in the contributory enrollment plan for a period of one year. After the completion of one year, they may elect to continue or cancel this contributory coverage. Those who have attained age 60 must provide proof of insurability before this coverage can be effective.

(2) For further information, please refer to the Public Employees Retirement System brochure, which fully describes this coverage.

(3) All police officers and fire fighters enrolled in the New Jersey Police and Firemen's Retirement Plan will have life insurance coverage amounting to 3 1/2 times their annual salary on a noncontributory basis.

(4) For further information, please refer to the Police and Firemen's Retirement Plan brochure.

B. Procedure. Enrollment will be completed by the Business Administrator or his/her designee at the time application is completed for membership in the pension plan. Appointed and elected officials are eligible for enrollment immediately upon their appointment to a Borough position.

J. Workplace Democracy Enhancement Act:

The Borough of Red Bank shall comply with its duties under the provisions of the Workplace Democracy Enhancement Act and any regulations promulgated thereunder.

SECTION 6

Managerial/Supervisory Procedures:

A. Employment Procedure:

- **Recruitment:** The Business Administrator, in conjunction with his/her designee, will coordinate the employment recruitment process for all vacancies to ensure compliance with contractual, legal, and equal opportunity requirements. When a vacancy occurs, it is the responsibility of the Department Head to notify the Business Administrator who will distribute notification of the vacancy to all departments. The Business Administrator will undertake to recruit qualified applicants in accordance with applicable Federal and State law. Where positions are advertised, the media or other periodical utilized must have as wide circulation as possible to encourage applications from candidates from diverse backgrounds and must prominently state that the Borough of Red Bank is an equal opportunity employer.
- **Applications:** All candidates must fully complete an application form. A resume will not be considered as a substitute for this form. The application 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.
- **Interviews:** The Business Administrator or Department Head will coordinate the interview process including the scheduling of applicants, development of interview questions and standards to measure candidate responses. All questions must be in accordance with the New Jersey Division of Civil Rights Guidelines for Pre-Employment Inquiries. Reasonable accommodations must be made for disabled applicants provided that the applicant is otherwise qualified to perform the essential functions of the job and also provided that the accommodation does not impose an unreasonable hardship on the Borough.
- **Physical Examinations:** Offers of employment are made subject to the applicant meeting the physical requirements of the specific position sought. The Business Administrator shall require prospective employees, prior to employment, to successfully pass a physical examination consistent with the Americans with Disabilities Act, to assure that the person is medically qualified to perform the essential functions of the position without reasonable accommodations to meet the requirements of the position. The Business 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 Borough of Red Bank at

the expense of the Borough of Red Bank. All medical records of employees and prospective employees are confidential and are to be maintained by the Business Administrator or his/her designee separate from the employee's official personnel file.

- **Job Offers:** The final decision as to hiring will be made, pursuant to Borough Ordinance, by the Business Administrator, subject to the approval of the Mayor and Council, after all references and other information has been verified. Every effort shall be made to offer reasonable accommodations pursuant the Americans with Disabilities Act and the New Jersey Law Against Discrimination, as requested by the candidate, provided that the candidate 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 Borough. The employment offer must be made in a letter to the candidate outlining all terms and conditions of the offer. The letter will also establish a deadline for acceptance. The letter will state that this offer is contingent upon the candidate passing any required drug/alcohol test and physical examination that may be required for the position.
- **Acceptances and Rejections:** If the first offer is rejected, the Business Administrator will decide either to hire another candidate or re-open the position. Once a candidate accepts the employment offer, all other candidates will be notified in writing that they were not accepted for the position.
- **Employability Proof:** Within the first three (3) days of employment, all new employees shall be required to fill out an Employment Eligibility Verification Form I-9 and to provide acceptable proof of identity right to work in the United States.
- **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 Business Administrator or his/her designee. Documents related to the successful candidate will be placed in the employee's official personnel file, except medical records, including records of physical examinations, must be maintained in a separate file. All records documents related to other candidates must be retained for at least one year. Records and documents created during the hiring process are confidential and must be retained in a locked cabinet.

Background Checks and Procedures for Candidates, Employees and Volunteers:

- **Background checks required:** Background checks are required of all candidates, whether for paid or volunteer positions, working directly or indirectly with children/youth/minors, as a condition of the job offer. Background checks will also be administered for each employee or volunteer, that works directly or indirectly with children/youth/minors, every three (3) years.

The Borough will perform or initiate criminal background checks and be the recipient of reports from outside agencies or contractors. These reports shall include, but are not limited, to court records; police department and corrections agency records; registries or watch lists; state

criminal record repositories; and the Interstate Identification Index maintained by the FBI. The Business Administrator or his/her designee will discuss potentially disqualifying information received with the employee's or volunteer's Department Head, and a determination that the information is disqualifying shall be made based on whether the disqualification is job-related for the position and is consistent with business necessity. Written information received as a result of a "Request for Criminal History Record Information for a Noncriminal Justice Purpose" will be destroyed immediately after it has served its authorized purpose, as required by the State Police. Such information will be kept confidential and will not be published or disclosed in any manner not consistent with the procedures listed herein. Such information will not be deemed a public record under P.L. 1963, c.73 (c:47:1a-1, et seq.) as amended and supplemented by P.L. 2001, c.404 (c:47:1a-5, et seq.).

When a disqualification decision has been made as a result of the Borough's "targeted screening process" described below, the Business Administrator or his/her designee will inform the candidate or employee, in writing, of any information that would disqualify the person from working with children/youth. If the Borough contracts with an outside vendor to process the background checks, that contractor may be authorized to inform the person in writing of any information that would disqualify the person from working with children/youth/minors. In addition, the individual shall be advised that he/she has the opportunity to appeal the disqualification, pursuant to the Appeal Process set forth below, to explain the criminal record and to demonstrate why the exclusion based on the Borough's targeted screening process should not apply to him/her under the circumstances.

- **Conditions Under Which An Employee Will Be Disqualified From Working With Children/Youth:** A candidate, volunteer, or employee may be disqualified from employment in a position that works with children/youth/minors if that person's criminal record history background check reveals a record of conviction of any of the following crimes and disorderly persons offenses as defined by New Jersey law or by analogous laws in other States:
 - Homicide (N.J.S.A. 2C:11)
 - Assault, reckless endangerment, threats, stalking (N.J.S.A. 2C:12)
 - Kidnapping (N.J.S.A. 2C:13)
 - Sexual Offenses (N.J.S.A. 2C:14)
 - Offenses Against the Family, Children and Incompetents (N.J.S.A. 2C:24)
 - Controlled Dangerous Substances (N.J.S.A. 2C:35 except for 2C:35-10(a)4)
 - Robbery (N.J.S.A. 2C:15)
 - Theft (N.J.S.A. 2C:20)

A disqualification from any position will be based only on a conviction for one or more of the above disqualifying crimes and offenses. An acquittal, a dismissal, successful completion of Pre-Trial Intervention (PTI), or an expungement of a criminal offense, including a disqualifying criminal offense, is not a disqualifying conviction.

- **Appeal Process:** The Appeals Committee will be comprised of the Police Chief, the Business Administrator and his/her designee.

Once a candidate, employee or volunteer has been notified of a disqualifying conviction, the employee has fourteen (14) calendar days to file a Notice of Appeal with the Borough. Such Notice of Appeal must be sent in writing to the Business Administrator or his/her designee. The Notice of Appeal shall include a Notice of Rehabilitation and/or a Notice that the information is inaccurate or incorrect, pursuant to N.J.A.C. 13:59-1.6.

During the 14-day period listed above, and until the issuance of the decision of the Appeals Committee, an employee will be on a suspension with pay, pending the outcome of the Notice of Appeal.

In making a determination on the appeal, the following information will be considered:

1. The nature and responsibility of the position which the convicted individual would hold, has held, or currently holds, as the case may be.
2. The nature and seriousness of the crime or offense.
3. The circumstances under which the crime or offense occurred.
4. The date of the crime or offense.
5. The age of the individual when the crime or offense was committed.
6. Whether the crime or offense was an isolated or a repeated incident.
7. Any social conditions which may have contributed to the commission of the crime or offense.
8. Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received.
9. Acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of those who have had the individual under their supervision.

The Borough will issue a written determination on the employee's appeal of their disqualifying conviction, setting forth the reasons for the determination.

B. Open Public Meetings Act Procedure Concerning Personnel Matters:

Discussions by the governing body or any public body of the Borough of Red Bank concerning appointment, termination, terms and conditions of employment, performance evaluation, promotion or discipline of any current or prospective officer or employee may be held in closed session, unless the affected employee submits a timely request that discussions regarding his/her employment be conducted in a public session. Ultimately, the guidance as to notification of employees and the right to have the discussion in executive or the open session should be

discussed with and be based upon the guidance and advice of the Legal Counsel for the Borough and recent court decisions.

C. Processing and Orientation of New Employees Procedure:

All new full-time and part-time employees will be scheduled to meet with the Department Head, the Business Administrator and his/her designee on their first day for a general orientation. Copies of all forms and acknowledgements must be returned to the Business Administrator or his/her designee 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 Personnel Policies and Procedures Manual and acknowledgement of receipt;
- The Employee Complaint Policy letter and acknowledgement;
- A safety orientation and acknowledgement; and
- Arrangements for the new employee to complete required PEOSHA safety training.

D. Initial Employment Period Procedure:

Except where State requirements or contracts direct otherwise, new employees (or present employees transferring to new positions) will be hired subject to an initial employment period of ninety (90) working days. During this initial employment period, the new employee or transferee will be provided with training and guidance from the supervisor. At the end of the initial employment period, the supervisor will conduct an employee evaluation. New employees may be discharged at any time during this period without recourse to any grievance procedures or rights to appeal, if the Business Administrator concludes that the employee is not progressing or performing satisfactorily. Under appropriate circumstances, the Business Administrator may extend the initial employment period. Newly hired employees are not eligible for payment of paid time off except holidays until the successful completion of their initial employment period.

Nothing in the procedure set forth in this section shall alter the Borough's employment at will policy.

E. Personnel Policies and Procedure Manual:

Copies of this Personnel Policies and Procedures Manual will be distributed (in lieu of an Employee Handbook) to all employees and elected officials of the Borough. Employees will be required to sign an acknowledgement of receipt that will be placed in the official personnel file. The Manual will be revised and re-distributed whenever there is a significant change in personnel practice or at the Borough's discretion.

F. Personnel File Procedure:

The official personnel files shall be maintained by the Business Administrator or his/her designee and employee medical information will be maintained in a separate file. At least annually, the Business Administrator or his/her designee will review files to make sure they are up-to-date and will follow-up with the Department Heads as necessary. Employees are responsible to notify the Business Administrator or his/her designee any changes in vital information.

The Official file shall include at least the following:

- The original application signed by the employee;
- Notes from any pre-employment interview and reference check;
- The original letter detailing an offer of employment and any additional correspondence concerning the employee's hiring;
- A signed acknowledgement that the employee received a copy of the Employee Complaint Policy letter;
- A signed acknowledgement that the employee has received the Personnel Policies and Procedures Manual;
- A signed acknowledgement that the employee received the safety orientation;
- Annual written performance evaluations including documentation that the evaluation was reviewed with the employee;
- Counseling Action Plans;
- Records relating to on-the-job accidents;
- Disciplinary actions including an acknowledgement that the employee was notified of the proposed disciplinary action and was given an opportunity to respond;

- Records relating to any other employment actions including promotions, demotions, transfers, resignations, leaves, etc.;
- Educational transcripts; and
- Any other pertinent information.

G. Requests for Employment Verification and Reference Procedure:

Inquiries and written requests for references or employment verification regarding a current or former employee must be referred to the Business Administrator or his/her designee. No employee may issue a reference letter without the permission of the Business Administrator or his/her designee. Under no circumstances should any information be released over the phone.

In response to a request for information, the Business Administrator or his/her designee will only verify an employee's name, dates of employment, job title, department and final salary. No other data or information will be furnished unless; (1) the Borough of Red Bank is required to release the information by law, or (2) the employee or former employee authorizes the Borough of Red Bank in writing to furnish this information and releases the Borough of Red Bank from liability.

H. Continuing Education Procedure:

The Business Administrator or his/her designee will arrange for employment practices seminars at least annually to train all managerial/supervisory personnel.

The Borough of Red Bank will also offer non-mandatory training to all other employees with special emphasis on employee rights and protections under various Federal and State laws as well as Borough of Red Bank employment practices. Records will be maintained in the official personnel files of all employees trained under this procedure.

Managerial and supervisory personnel will also update employees periodically by department meetings and memos that should address specific problems and concerns that may arise. Every effort will be made to encourage employee suggestions about ways to avoid employer-employee disputes and violations of employment rights.

APPENDIX:

Model Forms

- Notice of Personnel Discussion
- Employee Letter Concerning Employee Complaint Procedure
- Employee Complaint Form
- Application for Employment
- Sample Notices Concerning Whistleblower Act
- FMLA/FLA Request for Family and Medical Leave (Self or Family Member)
- FMLA/FLA Certification of Health Care Provider Forms (Self or Family Member)
- Bring Your Own Device Agreement
- Receipt of Social Media Policy Form
- Social Media Policy Terms of Disclosure

NOTE: Forms provided herein may be revised from time to time and the Borough reserves the right to utilize updated current versions of these forms and shall make such updated forms available to all employees.

Borough of Red Bank

NOTICE OF PERSONNEL DISCUSSION

Certified and regular mail

To: _____

Address: _____

This letter serves as notice to you that the terms and conditions of your employment with The Borough of Red Bank will be discussed at the regularly scheduled meeting of the Borough Council.

Date of Meeting(s): _____

Time: _____

Location: _____

The discussion will be in closed session, not open to the public, unless at least 24 hours before the meeting the Borough Clerk receives a request, in writing, in which you request that the discussion be held in public. If the discussion will affect other employees or potential employees, it may be closed to the public unless all such affected persons submit such signed requests. You are not required to attend this meeting. If you have any questions about this matter, please contact me.

Notice Date: _____ Signed: _____ (title) _____

Borough of Red Bank Employee Complaint Procedure

The Borough of Red Bank has a “no tolerance” policy towards workplace wrongdoing. Under Federal and State law, you have a right to formally or informally report any statement, act, or behavior by a co-employee, supervisor, elected official or visitor that you perceive to be improper, including harassment of any kind, violence or threat of violence, retaliation, wrongful termination, breach of an employment agreement, failure to promote, wrongful demotion, violation of any employment protection law or regulation, discrimination of any nature, misrepresentation, defamation, or any other statements, acts, or behaviors that violate employment rights.

You also have the right to:

Disclose to a supervisor, Department Head, the Business Administrator or his/her designee, or to member of the governing body or to a public body, as defined in the Employment Protection Act (N.J.S.A. 34:19) an activity, policy or practice that you reasonably believe is in violation of a law, a rule or regulation promulgated pursuant to law; or

Provide information to, or testify before any public body conducting an investigation, hearing, an inquiry into any violation of law, or a rule or regulation promulgated pursuant to law; or

Object to or refuse to participate in any activity, policy, or practice that you reasonably believe is a violation of a law, rule or regulation promulgated pursuant to law; is fraudulent or criminal; or is incompatible with a clear mandate of public policy concerning the public health, safety, or welfare; or

Participate in political activities or join political organizations, as long as you do so on your own time and maintain a clear separation between your official responsibilities and your political affiliations.

Immediately report any wrongdoing to your supervisor, or, if you prefer your Department Head, the Business Administrator or his/her designee, or the Borough Attorney. No retaliatory measures will be taken against any employee who, in good faith, complains of wrongdoing or harassment. To the maximum extent feasible, the confidentiality of all such complaints will be maintained on a need-to-know basis. However, investigation of such complaints may require disclosure to the accused party and other witnesses in order to gather pertinent facts.

I, hereby acknowledge receipt of a copy of this letter.

Name _____

Date _____

Signature _____

The original signed copy of this letter must be filed in the employee’s personnel folder

Borough of Red Bank Employee Complaint Form

Date _____

Attach additional sheets if necessary to fully complete all questions

NAME: _____ DEPARTMENT: _____

TITLE: _____ SUPERVISOR: _____

Time period covered by this complaint: _____

Individuals who allegedly committed the acts being complained of:

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

Identify all persons with knowledge of the complained conduct:

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

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

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

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

What is your requested remedy for this complaint?

ACKNOWLEDGMENT

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

BY: _____ DATE: _____

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

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

BY: _____ DATE: _____

Borough of Red Bank

Date: _____

Employment Application:

Applicant Information:

Name (Last, First, Middle): _____

Address: _____

City/Town: _____

Phone (Work): () _____ (Home): () _____

Social Security Number: _____ - _____ - _____

Position applied for: _____

Have you ever applied to the Borough of Red Bank before: ____ Yes ____ No If yes, give date. _____

Date you can start: _____ Salary desired: _____

Are you available to work: ____ Full time ____ Part time ____ Shift work ____ Temporary

Are you currently employed: ____ Yes ____ No May we contact you at work: ____ Yes ____ No

May we contact your current employer: ____ Yes ____ No

Have you ever been fired: ____ Yes ____ No

If so, state the reason:

Are you currently on layoff status and subject to recall: ____ Yes ____ No

Do you possess a current driver's license: ____ Yes ____ No

Do you possess a current commercial driver's license: ____ Yes ____ No

Please list any endorsements: _____

If you are under eighteen years of age, can you provide proof of eligibility to work: ____ Yes ____ No

Are you legally eligible to work in the United States of America: ____ Yes ____ No

EA-1

Pursuant to Federal Law, proof of US Citizenship or immigration status will be required if you are hired.

Employment is conditional upon the results of the criminal background check. An answer of “Yes” may disqualify you from employment depending upon the circumstances involved. If “Yes”, please explain below.

EA-2

The Borough of Red Bank is an Equal Opportunity Employer M/F

Employment History: This section must be completed even if you attach a resume. List your last four employers, major assignments within the same employer. Begin with the most recent. Include any military service. Explain any gaps in employment in the space on this form marked comments located on the bottom of this page.

Employer:	Date started:	Date left:	Work performed/ responsibilities:
Address:	Starting Salary:		
Job Title:	Final Salary:		
Reason for leaving:			
Supervisor's name and phone number:			
May we contact for a reference: ☐ Yes ☐ No			
Employer:	Date started:	Date left:	Work performed/ responsibilities:
Address:	Starting Salary:		
Job Title:	Final Salary:		
Reason for leaving:			
Supervisor's name and phone number:			
May we contact for a reference: ☐ Yes ☐ No			
Employer:	Date started:	Date left:	Work performed/ responsibilities:
Address:	Starting Salary:		
Job Title:	Final Salary:		
Reason for leaving:			
Supervisor's name and phone number:			
May we contact for a reference: ☐ Yes ☐ No			
Employer:	Date started:	Date left:	Work performed/ responsibilities:
Address:	Starting Salary:		
Job Title:	Final Salary:		
Reason for leaving:			
Supervisor's name and phone number:			
May we contact for a reference: ☐ Yes ☐ No			

Comments:

Education: Provide information on your formal schooling and education. Include elementary, secondary, and post-secondary education, if any. Include any formal vocational or professional education. For high school and post-secondary education, indicate any major or specialty, such as Academic, Business, or Trade.

School:	Years completed: (Circle)	Graduated: (Circle)	Major Field:
Elementary:	5 6 7 8	Yes No	N/A
High:	1 2 3 4	Yes No	
College:	1 2 3 4	Yes No	
Other:	1 2 3 4	Yes No	

Languages: List any foreign languages you know and indicate your level of proficiency.

Language:	Speak Some:	Speak Fluently:	Read:	Write:

Special Skills & Experience: State any special skills, experience, training, licenses, certifications or other factors that make you especially qualified for the position for which you are applying.

Comments & Additional Information: Is there any additional information about you we should consider?

References: Provide the names, addresses and phone numbers of three people whom we may contact as a reference. They should not be relatives or former supervisors.

Name & Address:	Phone Number:	Years Known:

Understandings and Agreements:

AS AN APPLICANT FOR A POSITION WITH THE BOROUGH OF RED BANK, I UNDERSTAND AND AGREE THAT I MUST PROVIDE TRUTHFUL AND ACCURATE INFORMATION IN THIS APPLICATION. I UNDERSTAND THAT MY APPLICATION MAY BE REJECTED IF ANY INFORMATION IS NOT COMPLETE, TRUE AND ACCURATE. IF HIRED, I UNDERSTAND THAT I MAY BE SEPARATED FROM EMPLOYMENT IF THE BOROUGH OF RED BANK LATER DISCOVERS THAT INFORMATION ON THIS FORM WAS INCOMPLETE, UNTRUE, OR INACCURATE. I GIVE THE BOROUGH OF RED BANK THE RIGHT TO INVESTIGATE THE INFORMATION I HAVE PROVIDED, TALK WITH FORMER EMPLOYERS (EXCEPT WHERE I HAVE INDICATED THEY MAY NOT BE CONTACTED). I GIVE THE BOROUGH OF RED BANK THE RIGHT TO SECURE ADDITIONAL JOB-RELATED INFORMATION ABOUT ME. I RELEASE THE BOROUGH OF RED BANK AND ITS REPRESENTATIVES FROM ALL LIABILITY FOR SEEKING SUCH INFORMATION. I UNDERSTAND THAT THE BOROUGH OF RED BANK IS AN EQUAL-OPPORTUNITY EMPLOYER AND DOES NOT DISCRIMINATE IN ITS HIRING PRACTICES. I UNDERSTAND THAT THE BOROUGH OF RED BANK WILL MAKE REASONABLE ACCOMMODATIONS AS REQUIRED BY THE AMERICANS WITH DISABILITIES ACT. I UNDERSTAND THAT IF I AM OFFERED EMPLOYMENT WITH THE BOROUGH OF RED BANK, SUCH AN OFFER DOES NOT CONSTITUTE AN EMPLOYMENT CONTRACT, AND IF EMPLOYED, SUCH EMPLOYMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT. I MAY RESIGN AT ANY TIME AND THE BOROUGH OF RED BANK MAY TERMINATE ME AT ANY TIME IN ACCORDANCE WITH ITS ESTABLISHED POLICIES AND PROCEDURES. NO REPRESENTATIVES OF THE BOROUGH OF RED BANK MAY MAKE ANY ASSURANCES TO THE CONTRARY. I UNDERSTAND THAT ANY OFFER OF EMPLOYMENT MAY BE SUBJECT TO JOB-RELATED MEDICAL, PHYSICAL, DRUG, OR PSYCHOLOGICAL TESTS. I ALSO UNDERSTAND THAT SOME POSITIONS MAY INVOLVE COMPLETE BACKGROUND AND CRIMINAL CHECKS.

Applicant's Signature _____ Date _____

Conditions of Employment:

Please be advised that all offers of employment are conditional on the applicant passing a mandatory criminal background check and drug test. A pre-employment physical may also be required. Pursuant to our personnel policy, all job applicants are required to sign a consent form for drug testing and if the test results are positive and are not accounted for by the legal use of prescription or non-prescription drugs the applicant shall be ineligible for hire unless they can establish a legal basis for the use of the drug or controlled substance for which they test positive. *For your application to be considered, you must sign and date below.*

Applicant's Signature _____ Date _____

Voluntary Affirmative Action Information

You are not required to provide this information. Provide only if you wish.

If you provide information on this page, it will be filed separately from the job application. This information will be used only for purposes of the affirmative action program

Applicant Information:

Name: _____

Address: _____

City/town: _____

Phone: () _____

Position Applied For: _____

How did you learn about this position? ☐ Advertisement ☐ Employment Agency
☐ Friend ☐ Relative ☐ Walk-in ☐ Other (Explain) _____

Information Regarding Status:

Gender:

☐ Male

☐ Female

Equal Employment Opportunity identification groups:

☐ White

☐ African-American (non-Hispanic)

☐ Hispanic

☐ American Indian/Alaskan native

☐ Asian/Pacific Islander

☐ Other _____

For Borough of Red Bank use only

Hired: ☐ Yes ☐ No Position _____ Date _____

Which EEO job classification best describes the position for which the applicant applied?

1. Officials and Managers

4. Sales workers

7. Operators(semi-skilled)

2. Professionals

5. Office and clerical workers

8. Laborers (unskilled)

3. Technicians

6. Craft workers (skilled)

9. Service workers

Borough of Red Bank Official _____

Date _____

This page for Borough of Red Bank use only!
Results of interview

Interviewer: _____

Date: _____ **Time:** _____

Conscientious Employee Protection Act “Whistleblower Act”

Employer retaliatory action; protected employee actions; employee responsibilities

1. New Jersey law prohibits an employer from taking any retaliatory action against an employee because the employee does any of the following:
 - a. Discloses, or threatens to disclose, to a supervisor or to a public body an activity, policy or practice of the employer or another employer, with whom there is a business relationship, that the employee reasonably believes is in violation of a law, or a rule or regulation issued under the law, or, in the case of an employee who is a licensed or certified health care professional, reasonably believes constitutes improper quality of patient care;
 - b. Provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any violation of law, or a rule or regulation issued under the law by the employer or another employer, with whom there is a business relationship, or, in the case of an employee who is a licensed or certified health care professional, provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into quality of patient care; or
 - c. Provides information involving deception of, or misrepresentation to, any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity.
 - d. Provides information regarding any perceived criminal or fraudulent activity, policy or practice of deception or misrepresentation which the employee reasonably believes may defraud any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity.
 - e. Objects to, or refuses to participate in, any activity, policy or practice which the employee reasonably believes:
 - (1) is in violation of a law, or a rule or regulation issued under the law or, if the employee is a licensed or certified health care professional, constitutes improper quality of patient care;
 - (2) is fraudulent or criminal; or
 - (3) is incompatible with a clear mandate of public policy concerning the public health, safety or welfare or protection of the environment. N.J.S.A. 34:19-3.
2. The protection against retaliation, when a disclosure is made to a public body, does not apply unless the employee has brought the activity, policy or practice to the attention of a supervisor of the employee by written notice and given the employer a reasonable opportunity to correct the activity, policy or practice. However, disclosure is not required where the employee reasonably believes that the activity, policy or practice is known to one or more supervisors of the employer or where the employee fears physical harm as a result of the disclosure, provided that the situation is emergency in nature.

CONTACT INFORMATION

Your employer has designated the following contact person to receive written notifications, pursuant to paragraph 2 above (N.J.S.A. 34:19-4):

Name: _____

Address: _____

Telephone Number: _____

This notice must be conspicuously displayed.

Once each year, employers with 10 or more employees must distribute notice of this law to their employees. If you need this document in a language other than English or Spanish, please call (609) 292-7832.



La Ley de protección al empleado consciente

“Ley de protección del denunciante”

Acciones de represalia del empleador; protección de las acciones del empleado

1. La ley de New Jersey prohíbe que los empleadores tomen medidas de represalia contra todo empleado que haga lo siguiente:
 - a. Divulgue o amenace con divulgar, ya sea a un supervisor o a una agencia pública toda actividad, directriz o norma del empleador o de cualquier otro empleador con el que exista una relación de negocios y que el empleado tiene motivos fundados para pensar que violan alguna ley, o en el caso de un trabajador licenciado o certificado de la salud y que tiene motivos fundados para pensar que se trata de una manera inadecuada de atención al paciente;
 - b. Facilite información o preste testimonio ante cualquier agencia pública que conduzca una investigación, audiencia o indagación sobre la violación de alguna ley, regla o reglamento que el empleador o algún otro empleador con el que exista una relación de negocios; o en el caso de un trabajador licenciado o certificado de la salud que facilite información o preste testimonio ante cualquier agencia pública que conduzca una investigación, audiencia o indagación sobre la calidad de la atención al paciente; o
 - c. Ofrece información concerniente al engaño o la tergiversación con accionistas, inversionistas, usuarios, pacientes, clientes, empleados, ex empleados, retirados o pensionados del empleador o de cualquier agencia gubernamental.
 - d. Ofrece información con respecto a toda actividad que se pueda percibir como delictiva o fraudulenta, toda directiva o práctica engañosa o de tergiversación que el empleado tenga motivos fundados para pensar que pudieran estafar a accionistas, inversionistas, usuarios, pacientes, clientes, empleados, ex empleados, retirados o pensionados del empleador o de cualquier agencia gubernamental.
 - e. Se opone o se niega a participar en alguna actividad, directriz o práctica que el empleado tiene motivos fundados para pensar que:
 - (1) viola alguna ley, o regla o reglamento que dicta la ley o en el caso de un empleado licenciado o certificado en cuidado de la salud que tiene motivos fundados para pensar que constituya atención inadecuada al paciente;
 - (2) es fraudulenta o delictiva; o
 - (3) es incompatible con algún mandato establecido por las directrices públicas relacionadas con la salud pública, la seguridad o el bienestar o la protección del medio ambiente. Artículo 34:19-3 de las Leyes comentadas de New Jersey de protección del empleado consciente (N.J.S.A., por sus siglas en inglés)
2. No se puede acoger a la protección contra la represalia, cuando se hace una divulgación a un organismo público, a no ser que el empleado le informe al empleador de tal actividad, política o norma a través de un aviso por escrito y le haya dado al empleador una oportunidad razonable para corregir tal actividad, política o norma. Sin embargo, no es necesaria la divulgación en los casos en que el empleado tenga indicios razonables para creer que un supervisor o más de un supervisor del empleador tienen conocimiento de tal actividad, política o norma o en los casos en los que el empleado teme que tal divulgación pueda traer como consecuencia daños físicos a su persona siempre y cuando la naturaleza de la situación sea la de una situación de emergencia.

Información del Contacto

Su empleador ha designado a la siguiente persona para recibir notificaciones de acuerdo al párrafo 2, de la ley (N.J.S.A. 34:19-4):

Nombre: _____

Dirección: _____

Número de teléfono: _____

Este aviso se debe exponer a la vista de todos.

Anualmente, patronos con 10 o más empleados, deberán distribuir notificación de esta ley a todos sus empleados. Si necesita este documento en algún otro idioma que no sea inglés o español, sírvase llamar al (609) 292-7832.



**Borough of Red Bank
90 MONMOUTH STREET
RED BANK, NEW JERSEY 07701**

FAMILY MEDICAL LEAVE (FMLA/FLA) REQUEST FORM

USE THIS FORM WHEN REQUESTING LEAVE FOR SELF

Date: _____

To: Ziad Andrew Shehady / Business Administrator

Name: _____

Department: _____

Position: _____

I, _____, would like to request my use of FMLA for
(Print Employee Name)

the following reason:

A. Reason for requesting an extended leave of absence;

☐ Birth of a son or daughter and in order to care for such child

☐ Placement of a child with me for adoption or foster care

Date of birth or placement (if applicable): _____

☐ To care for my child, parent, parent-in-law or spouse, who has a serious health condition

☐ I am unable to perform the functions of my position due to a serious health condition

Date FMLA starts: _____ FMLA Ends: _____

B. If request is for intermittent or reduced leave:

Date(s) _____

Describe adjustment in schedule which would be required:

C. ☐ Physician Certification (Form WH-380-E)

***(THIS FORM MUST BE COMPLETED BY YOUR PHYSICIAN AND ATTACHED FOR
ANY CONTINUANCE OF LEAVE TO BE CONSIDERED)***

Date

Employee signature

**PLEASE BE SURE TO RETURN FORMS TO THE BOROUGH OF RED BANK
90 MONMOUTH ST., RED BANK, NJ 07701
ATTENTION: Z. SHEADY / OFFICE OF THE BUSINESS ADMINISTRATOR**

**Borough of Red Bank
90 MONMOUTH STREET
RED BANK, NEW JERSEY 07701**

FAMILY MEDICAL LEAVE (FMLA/FLA) REQUEST FORM
USE THIS REQUEST FORM WHEN REQUESTING LEAVE FOR FAMILY MEMBER

Date: _____

To: Ziad Andrew Shehady / Business Administrator

Name: _____

Department: _____

Position: _____

I, _____, would like to request my use of FMLA for
(Print Employee Name)

the following reason:

A. Reason for requesting an extended leave of absence;

☐ Birth of a son or daughter and in order to care for such child

☐ Placement of a child with me for adoption or foster care

Date of birth or placement (if applicable): _____

☐ To care for my child, parent, parent-in-law or spouse, who has a serious health condition

☐ I am unable to perform the functions of my position due to a serious health condition

Date FMLA starts: _____ FMLA Ends: _____

B. If request is for intermittent or reduced leave:

Date(s) _____

Describe adjustment in schedule which would be required:

C. ☐ Physician Certification (Form WH-380-F)

**(THIS FORM MUST BE COMPLETED BY YOUR FAMILY MEMBER'S PHYSICIAN AND
ATTACHED FOR ANY CONTINUANCE OF LEAVE TO BE CONSIDERED)**

Date

Employee signature

**PLEASE BE SURE TO RETURN FORMS TO THE BOROUGH OF RED BANK
90 MONMOUTH ST., RED BANK, NJ 07701
ATTENTION: Z. SHEADY / OFFICE OF THE BUSINESS ADMINISTRATOR**

Certification of Health Care Provider for
Employee's Serious Health Condition
(Leave Act)

U.S. Department of Labor
Wage and Hour Division (Family and Medical



OMB Control Number: 1235-0003
Expires: 5/31/2018

SECTION I: For Completion by the EMPLOYER

INSTRUCTIONS to the EMPLOYER: The Family and Medical Leave Act (FMLA) provides that an employer may require an employee seeking FMLA protections because of a need for leave due to a serious health condition to submit a medical certification issued by the employee's health care provider. Please complete Section I before giving this form to your employee. Your response is voluntary. While you are not required to use this form, you may not ask the employee to provide more information than allowed under the FMLA regulations, 29 C.F.R. §§ 825.306-825.308. Employers must generally maintain records and documents relating to medical certifications, recertifications, or medical histories of employees created for FMLA purposes as confidential medical records in separate files/records from the usual personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies, and in accordance with 29 C.F.R. § 1635.9, if the Genetic Information Nondiscrimination Act applies.

Employer name and contact: _____

Employee's job title: _____ Regular work schedule: _____
Employee's essential job functions: _____

Check if job description is attached: _____

SECTION II: For Completion by the EMPLOYEE

INSTRUCTIONS to the EMPLOYEE: Please complete Section II before giving this form to your medical provider. The FMLA permits an employer to require that you submit a timely, complete, and sufficient medical certification to support a request for FMLA leave due to your own serious health condition. If requested by your employer, your response is required to obtain or retain the benefit of FMLA protections. 29 U.S.C. §§ 2613, 2614(c)(3). Failure to provide a complete and sufficient medical certification may result in a denial of your FMLA request. 29 C.F.R. § 825.313. Your employer must give you at least 15 calendar days to return this form. 29 C.F.R. § 825.305(b).

Your name: _____

First

Middle

Last

SECTION III: For Completion by the HEALTH CARE PROVIDER

INSTRUCTIONS to the HEALTH CARE PROVIDER:

Your patient has requested leave under the FMLA.

Answer, fully and completely, all applicable parts. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be your best estimate based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as "lifetime," "unknown," or "indeterminate" may not be sufficient to determine FMLA coverage. Limit your responses to the condition for which the employee is seeking leave. Do not provide information about genetic tests, as defined in 29 C.F.R. § 1635.3(f), genetic services, as defined in 29 C.F.R. § 1635.3(e), or the manifestation of disease or disorder in the employee's family members, 29 C.F.R. § 1635.3(b). Please be sure to sign the form on the last page.

Provider's name and business address:

_____ Type of practice /

Medical specialty: _____

Telephone: (_____) _____ Fax: (_____) _____

PART A: MEDICAL FACTS

1. Approximate date condition commenced: _____

Probable duration of condition:

Mark below as applicable:

Was the patient admitted for an overnight stay in a hospital, hospice, or residential medical care facility? ___ No ___ Yes. If so, dates of admission:

_____ Date(s) you treated the patient for condition:

_____ Will the patient need to have treatment visits at least twice per year due to the condition?
___ No ___ Yes.

Was medication, other than over-the-counter medication, prescribed? ___ No ___ Yes.

Was the patient referred to other health care provider(s) for evaluation or treatment (e.g., physical therapist)? ___ No ___ Yes. If so, state the nature of such treatments and expected duration of treatment:

2. Is the medical condition pregnancy? ___ No ___ Yes. If so, expected delivery date: _____

3. Use the information provided by the employer in Section I to answer this question. If the employer fails to provide a list of the employee's essential functions or a job description, answer these questions based upon the employee's own description of his/her job functions.

Is the employee unable to perform any of his/her job functions due to the condition:
___ No ___ Yes.

If so, identify the job functions the employee is unable to perform:

4. Describe other relevant medical facts, if any, related to the condition for which the employee seeks leave (such medical facts may include symptoms, diagnosis, or any regimen of continuing treatment such as the use of specialized equipment):

PART B: AMOUNT OF LEAVE NEEDED

5. Will the employee be incapacitated for a single continuous period of time due to his/her medical condition, including any time for treatment and recovery? ___ No ___ Yes.

If so, estimate the beginning and ending dates for the period of incapacity:

6. Will the employee need to attend follow-up treatment appointments or work part-time or on a reduced schedule because of the employee's medical condition? ___ No ___ Yes.

If so, are the treatments or the reduced number of hours of work medically necessary? ___ No ___ Yes.

Estimate treatment schedule, if any, including the dates of any scheduled appointments and the time required for each appointment, including any recovery period:

_____ Estimate the part-time or reduced work schedule the employee needs, if any:

_____ hour(s) per day; _____ days per week from _____ through _____

7. Will the condition cause episodic flare-ups periodically preventing the employee from performing his/her job functions? ___ No ___ Yes.

Is it medically necessary for the employee to be absent from work during the flare-ups?

___ No ___ Yes. If so, explain:

Based upon the patient's medical history and your knowledge of the medical condition, estimate the frequency of flare-ups and the duration of related incapacity that the patient may have over the next 6 months (e.g., 1 episode every 3 months lasting 1-2 days):

Frequency: _____ times per _____ week(s) _____ month(s)

Duration: _____ hours or _____ day(s) per episode

11/11/2016

[illegible]

Date

If submitted, it is mandatory for employers to retain a copy of this disclosure in their records for three years. 29 U.S.C. § 2616; 29 C.F.R. § 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 20 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Ave., NW, Washington, DC 20210.

DO NOT SEND COMPLETED FORM TO THE DEPARTMENT OF LABOR; RETURN TO THE PATIENT.

Certification of Health Care Provider for U.S. Department of Labor
Family Member's Serious Health Condition Wage and Hour
Division (Family and Medical Leave Act)



DO NOT SEND COMPLETED FORM TO THE DEPARTMENT OF LABOR; RETURN TO THE PATIENT.

OMB Control Number: 1235-0003
Expires: 5/31/2018

SECTION I: For Completion by the EMPLOYER

INSTRUCTIONS to the EMPLOYER: The Family and Medical Leave Act (FMLA) provides that an employer may require an employee seeking FMLA protections because of a need for leave to care for a covered family member with a serious health condition to submit a medical certification issued by the health care provider of the covered family member. Please complete Section I before giving this form to your employee. Your response is voluntary. While you are not required to use this form, you may not ask the employee to provide more information than allowed under the FMLA regulations, 29 C.F.R. §§ 825.306-825.308. Employers must generally maintain records and documents relating to medical certifications, recertification's, or medical histories of employees' family members, created for FMLA purposes as confidential medical records in separate files/records from the usual personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies, and in accordance with 29 C.F.R. § 1635.9, if the Genetic Information Nondiscrimination Act applies.
Employer name and contact:

SECTION II: For Completion by the EMPLOYEE

INSTRUCTIONS to the EMPLOYEE: Please complete Section II before giving this form to your family member or his/her medical provider. The FMLA permits an employer to require that you submit a timely, complete, and sufficient medical certification to support a request for FMLA leave to care for a covered family member with a serious health condition. If requested by your employer, your response is required to obtain or retain the benefit of FMLA protections. 29 U.S.C. §§ 2613, 2614(c)(3). Failure to provide a complete and sufficient medical certification may result in a denial of your FMLA request. 29 C.F.R. § 825.313. Your employer must give you at least 15 calendar days to return this form to your employer. 29 C.F.R. § 825.305.

Your name: _____
First Middle Last

Name of family member for whom you will provide care:

First Middle Last
Relationship of family member to you:

If family member is your son or daughter, date of birth: _____

Describe care you will provide to your family member and estimate leave needed to provide care:

 Employee Signature

 Date

SECTION III: For Completion by the HEALTH CARE PROVIDER

INSTRUCTIONS to the HEALTH CARE PROVIDER: The employee listed above has requested leave under the FMLA to care for your patient. Answer, fully and completely, all applicable parts below. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be your best estimate based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as “lifetime,” “unknown,” or “indeterminate” may not be sufficient to determine FMLA coverage. Limit your responses to the condition for which the patient needs leave. Do not provide information about genetic tests, as defined in 29 C.F.R. § 1635.3(f), or genetic services, as defined in 29 C.F.R. § 1635.3(e). Page 3 provides space for additional information, should you need it. Please be sure to sign the form on the last page.

Provider's name and business
address: _____

Type of practice / Medical specialty: _____

Telephone: (_____) _____ Fax: (_____) _____

PART A: MEDICAL FACTS

1. Approximate date condition commenced:

Probable duration of condition:

Was the patient admitted for an overnight stay in a hospital, hospice, or residential medical care facility?

___ No ___ Yes. If so, dates of admission:

Date(s) you treated the patient for condition:

Was medication, other than over-the-counter medication, prescribed? ___ No ___ Yes.

Will the patient need to have treatment visits at least twice per year due to the condition?

___ No ___ Yes

Was the patient referred to other health care provider(s) for evaluation or treatment (e.g., physical therapist)? ____ No ____ Yes. If so, state the nature of such treatments and expected duration of treatment:

2. Is the medical condition pregnancy? ____ No ____ Yes. If so, expected delivery date:

3. Describe other relevant medical facts, if any, related to the condition for which the patient needs care (such medical facts may include symptoms, diagnosis, or any regimen of continuing treatment such as the use of specialized equipment):

PART B: AMOUNT OF CARE NEEDED: When answering these questions, keep in mind that your patient's need for care by the employee seeking leave may include assistance with basic medical, hygienic, nutritional, safety or transportation needs, or the provision of physical or psychological care:

4. Will the patient be incapacitated for a single continuous period of time, including any time for treatment and recovery? ____ No ____ Yes.

Estimate the beginning and ending dates for the period of incapacity:

____ During this time, will the patient need care? ____

No ____ Yes.

Explain the care needed by the patient and why such care is medically necessary:

5. Will the patient require follow-up treatments, including any time for recovery? ____ No ____ Yes.

Estimate treatment schedule, if any, including the dates of any scheduled appointments and the time required for each appointment, including any recovery period:

Explain the care needed by the patient, and why such care is medically necessary:

6. Will the patient require care on an intermittent or reduced schedule basis, including any time for recovery?

___ No ___ Yes.

Estimate the hours the patient needs care on an intermittent basis, if any:

_____ hour(s) per day; ___ days per week from _____ through _____

Explain the care needed by the patient, and why such care is medically

necessary:

7. Will the condition cause episodic flare-ups periodically preventing the patient from participating in normal daily activities? ___ No ___ Yes.

Based upon the patient's medical history and your knowledge of the medical condition, estimate the frequency of flare-ups and the duration of related incapacity that the patient may have over the next 6 months (e.g., 1 episode every 3 months lasting 1-2 days):

Frequency: _____ times per _____ week(s) _____ month(s)

Duration: _____ hours or ___ day(s) per episode

Does the patient need care during these flare-ups? ___ No ___ Yes.

Explain the care needed by the patient, and why such care is medically necessary:

CONTINUED ON NEXT PAGE

ADDITIONAL INFORMATION: IDENTIFY QUESTION NUMBER WITH YOUR ADDITIONAL ANSWER.

Signature of Health Care Provider

Date

PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT

If submitted, it is mandatory for employers to retain a copy of this disclosure in their records for three years. 29 U.S.C. § 2616; 29 C.F.R. § 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 20 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Ave., NW, Washington, DC 20210.

DO NOT SEND COMPLETED FORM TO THE DEPARTMENT OF LABOR; RETURN TO THE PATIENT.

**BOROUGH OF RED BANK
BRING YOUR OWN DEVICE AGREEMENT**

THIS WILL CERTIFY THAT I, _____, (THE “EMPLOYEE”) HAVE BEEN GIVEN A COPY OF THE BOROUGH OF RED BANK’S BRING YOUR OWN DEVICE POLICY (“BYOD POLICY”) AND THAT I FULLY UNDERSTAND SAID POLICY AND AGREE TO COMPLY WITH ALL TERMS AND REQUIREMENTS SET FORTH THEREIN AND HEREIN. THIS INCLUDES, BUT IS NOT LIMITED TO, MY ACKNOWLEDGEMENT AND CONSENT THAT:

- The Borough has the discretion to determine which employees will be eligible for this privilege and reserves the right to revoke the privilege granted herein if the Employee does not abide by the terms set forth in the Borough’s BYOD Policy and this Agreement.
- The Borough reserves the right, without prior notice to the Employee, to disable or disconnect some or all services related to connection of a personal smart device to the Borough network.
- The Borough maintains the right to exercise and enforce a range of security, privacy, and management controls on Employee’s smart device including, but not limited to the mandatory use of device passwords; timeouts; device and media encryption; geo-location tracking; and, remote or non-remote deletion of Borough applications and data.
- Employees are required to cooperate with the Borough to satisfy legitimate internal or external investigations, or legitimate discovery requests arising out of administrative, civil or criminal proceedings, which could result in the surrendering of the personal smart device assigned to the Employee.
- The Borough maintains the right to monitor or inspect Borough applications and data. In doing so, the Borough could inadvertently access personal information on the personal mobile device. As such, Employee should not have any expectation of privacy related to the use of a smart device connected to the Borough network.
- The Employee has the responsibility to report the loss, theft, or destruction of the Employee’s enrolled personal mobile device to the Borough and to report an upgrade, repair, or trade-ins 48 hours in advance.
- Compliance by the Employee with the BYOD Policy, the Borough “Communication Media Policy”, and this Agreement is a prerequisite to and continuing condition of the Employee’s privilege to connect a personal smart device to the Borough network servers.
- The Employee acknowledges that violation of the BYOD Policy and/or this Agreement may be cause for disciplinary action, up to and including termination.
- The Borough expressly disclaims, and the Employee releases the Borough from all liability for any loss, cost or expense of any nature whatsoever sustained by the Employee in connection with the privilege afforded the Employee under the terms of this Agreement and the Borough expressly reserves the right to delete data or applications from the smart device as set forth in the BYOD Policy or herein.

EMPLOYEE: _____ DATE: _____

WITNESS: _____ DATE: _____

Borough of Red Bank
Receipt of Social Media Policy

I, _____, acknowledge that:

A. I received a copy of the Borough of Red Bank's Social Media Policy on _____;
Date

B. I have been given an opportunity to ask questions about said Policy and I have been provided with satisfactory information in response to my questions;

C. I understand the language used in this Policy;

D. I acknowledge that the Borough reserves the right to add, amend or discontinue any of the provisions of this policy for any reason or none at all, in whole or in part, at any time, with or without notice;

E. I acknowledge that I understand this Policy and I agree that I will comply with all of its provisions. If there is any policy or provision in the Handbook that I do not understand, I will seek clarification from my supervisor, Department Head or Business Administrator.

F. No supervisor or other representative of the Borough of Red Bank has the authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the above. I understand that nothing contained in the Handbook may be construed as creating a promise of future benefits or binding contract with Borough of Red Bank for benefits or for any other purpose. I also understand that these policies are continually evaluated and may be amended, modified or terminated at any time.

G. For employees who are members of the various bargaining units, this does not supersede your respective contracts. It is being distributed to advise you of Borough policies that are not addressed in those agreements.

Date

Signature

Terms of Use Disclosure
(To be posted on all Borough of Red Bank Social Media Sites)

A. Information Disclaimer

- a. By visiting this site, you understand and agree that the Borough of Red Bank government site is provided "AS IS". Borough of Red Bank government makes every effort to provide accurate and complete information on this website. The information contained herein is not official nor in any way shall it be deemed to constitute legal notice where such legal notice is required by law. The information contained in this site is provided as a service and convenience to people needing information about the Borough of Red Bank government. Portions of the information on this site may be incorrect or not current. Borough of Red Bank government, its officers, employees or agents shall not be liable for damages or losses of any kind arising out of or in connection with the use or performance of information, including but not limited to, damages or losses caused by reliance upon the accuracy or timeliness of any such information, or damages incurred from the viewing, distributing, or copying of those materials.

B. Linking Policy

- a. The Borough of Red Bank government site contains links to outside websites. These websites are not owned, operated, controlled or reviewed by the Borough of Red Bank government. These links are provided solely as a courtesy and convenience to you, the visitor.

The Borough of Red Bank government, its officers or employees, exercise no control over the organizations, views, accuracy, copyright or trademark, compliance or the legality of the material contained in these outside websites. The Borough of Red Bank government, its officers or employees, do not sponsor, endorse, or approve the information, content, proceeds, materials, opinions or services contained on such outside websites. The visitor proceeds to these outside websites at his/her own risk. The Borough of Red Bank government specifically disclaims any and all liability from damages, which may result from the accessing of a third-party site, which is linked to the Borough of Red Bank government website or from reliance upon only such information.

C. Endorsement Disclaimer

- a. Reference in this website to any specific commercial products, processes, or services, or the use of any trade firm or corporation name is for the information and convenience of the public, and does not constitute endorsement, recommendation, or favoring by the Borough of Red Bank government or its officers, employees or agents.

D. Copyright and Trademark Limitations

- a. Borough of Red Bank government makes no warranty that materials contained herein are free of copyright or trademark claims or other restrictions or limitations on free use or display. Making a copy of such material may be subject to copyright or trademark laws.

E. Use of Material from this site

- a. The Borough of Red Bank government has made the informational content posted on these pages available to the public and anyone may view, copy or distribute Borough of Red Bank government information found here without obligation to the Borough of Red Bank government for non-commercial, personal use only, unless otherwise stated on particular material or information to which a restriction on free use may apply.
- b. The design of this site, original graphics, and original creations are all copyrighted by the Borough of Red Bank and may not be re-engineered, distributed, modified, transmitted, re-used, reposted, or duplicated without the express written permission of the Borough of Red Bank in each instance. All requests to use any part of the original design, code or graphics of this site should be made via e-mail to the Business Administrator.

F. Unauthorized Modifications

- a. Unauthorized attempts to modify or otherwise alter any information or image stored on any Borough of Red Bank government website may result in criminal prosecution.

GENERAL PERSONNEL POLICY

It is the policy of the Borough of Red Bank to treat employees in a manner consistent with all applicable employment laws and regulations. The personnel policies and procedures of the Borough apply to all employees, volunteers, elected or appointed officials and independent contractors. This manual supersedes the previous Borough of Red Bank Policy and Procedures Manual, and to the extent that any provisions of this manual differ from the prior manual, the provisions of this manual are in effect. In the event there is a conflict between these provisions and any collective bargaining agreement, personal services contract, the Police Department Rules and Regulations for the Governing of the Police Department, or Federal or State law, the terms and conditions of that agreement, contract, rules and regulations, or law shall prevail. If any provision of this manual is deemed invalid, that part of the manual will be suspended, but the remainder of the manual will remain in effect. In all other cases, these policies and procedures shall prevail.

The Business Administrator is designated as the Personnel Officer, and is empowered to appoint all Borough employees subject to law, statute and ordinance. No person shall be employed or promoted unless there exists a position created by an ordinance or resolution adopted by the Mayor and Council, as well as the necessary budget appropriation and salary ordinance.

The Business Administrator and all managerial/supervisory personnel are authorized and responsible for personnel policies and procedures. The Business Administrator and his/her designee shall also have access to the Borough Attorney appointed by the Mayor and Council for guidance in personnel matters.

As a general principle, the Borough of Red Bank has a “no tolerance” policy towards workplace wrongdoing. Borough of Red Bank officials, employees and independent contractors are to report anything perceived to be improper to their supervisor or Borough of Red Bank official. The Borough of Red Bank believes strongly in an Open Door Policy and encourages employees to talk with their supervisor, Department Head, Business Administrator, or his/her designee concerning any problem.

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

BOROUGH OF RED BANK

PERSONNEL

POLICIES AND PROCEDURES

MANUAL

March 2012

IMPORTANT NOTICE

THIS MANUAL IS NOT AN EMPLOYMENT CONTRACT.

THE EMPLOYMENT RELATIONSHIP IS TERMINABLE AT THE WILL OF THE EMPLOYER OR THE EMPLOYEE, WITH OR WITHOUT CAUSE, AND WITHOUT PRIOR NOTICE. NO PROCEDURES NEED BE COMPLIED WITH IN ORDER TO END THE EMPLOYMENT RELATIONSHIP unless that at-will relationship is subject to external law, a collective bargaining agreement, or the New Jersey Department of Personnel regulations.

Nothing contained in any document provided to the employee, including this manual, is intended to be construed as a guarantee that employment, or any benefit to the employee, will be continued for any period of time.

THE BOROUGH OF RED BANK RESERVES THE RIGHT TO ADMINISTER THE POLICIES IN THIS MANUAL WITH THE FLEXIBILITY IT DEEMS APPROPRIATE UNDER ANY CIRCUMSTANCE THAT MAY ARISE, AND TO CHANGE POLICIES, PROCEDURES, TERMS AND CONDITIONS OF EMPLOYMENT, INCLUDING WAGES AND BENEFITS, WITHOUT PRIOR CONSULTATION OR AGREEMENT WITH ITS EMPLOYEES.

THIS DISCLAIMER MAY NOT BE MODIFIED, EXCEPT THROUGH A WRITTEN DOCUMENT SIGNED BY THE BOROUGH OF RED BANK.

ACKNOWLEDGMENT OF RECEIPT

I, _____, ACKNOWLEDGE RECEIPT OF THE BOROUGH OF RED BANK'S PERSONNEL POLICIES AND PROCEDURES MANUAL WHICH CONTAINS, AMONG OTHER THINGS, THE BOROUGH'S ANTI-DISCRIMINATION AND ANTI-HARASSMENT POLICIES. I HAVE READ THE MANUAL AND UNDERSTAND ITS POLICIES AND PROVISIONS. IF THERE ARE ANY PROVISIONS OF THIS MANUAL I DO NOT UNDERSTAND OR ABOUT WHICH I HAVE QUESTIONS, I WILL CONSULT WITH MY SUPERVISOR

I UNDERSTAND THAT THE BOROUGH OF RED BANK HAS THE RIGHT, AT ITS SOLE DISCRETION, TO REVIEW, CHANGE, OR ELIMINATE ANY OR ALL OF THE POLICIES AND/OR PROVISIONS OF THE MANUAL.

I UNDERSTAND THAT MY EMPLOYMENT WITH THE BOROUGH OF RED BANK IS AT WILL AND THAT THE BOROUGH MAY TERMINATE MY EMPLOYMENT AT ANY TIME AND FOR ANY REASON WITH OR WITHOUT CAUSE. I ALSO UNDERSTAND THAT I CAN RESIGN WITH OR WITHOUT A REASON AT ANY TIME. I UNDERSTAND THAT NOTHING CONTAINED IN THIS EMPLOYEE MANUAL, OR ANY OTHER STATEMENT OF THE BOROUGH OF RED BANK POLICY, CREATES A CONTRACT FOR CONTINUED EMPLOYMENT UNDER ANY PARTICULAR TERMS OR CONDITIONS, OR FOR ANY SPECIFIC TIME PERIOD.

Date

Employee's Name

Department

Employee's Signature

THIS WILL CERTIFY THAT I, _____ HAVE BEEN
GIVEN A COPY OF THE BOROUGH OF RED BANK'S POLICY ADDRESSING
ALCOHOL AND DRUGS IN THE WORKPLACE AND THAT I FULLY UNDERSTAND
SAID POLICY AND AGREE TO COMPLY WITH ALL TERMS AND REQUIREMENTS
SET FORTH HEREIN.

EMPLOYEE: _____

DATE: _____

WITNESS: _____

DATE: _____

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GENERAL PERSONNEL POLICY:

It is the policy of the Borough of Red Bank to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations. The personnel policies and procedures of the Borough apply to all employees, volunteers, elected or appointed officials and independent contractors. This manual supersedes the previous Borough of Red Bank Policy and Procedures Manual, and to the extent that any provisions of this manual differ from the prior manual, the provisions of this manual are in effect. In the event there is a conflict between these provisions and any collective bargaining agreement, personnel services contract, the Police Department Rules and Regulations for the Governing of the Police Department, or Federal or State law, the terms and conditions of that agreement, contract, rules and regulations, or law shall prevail. If any provision of this manual is deemed invalid that part of the manual will be suspended, but the remainder of the manual will remain in effect. In all other cases, these policies and procedures shall be in full force and effect.

The Borough Administrator is designated as the Personnel Officer, and is empowered to appoint all Borough employees subject to law, statute and ordinance. No person shall be employed or promoted unless there exists a position created by an ordinance adopted by the Mayor and Council, as well as the necessary budget appropriation and salary ordinance.

The Borough Administrator and all managerial/supervisory personnel are authorized and responsible for personnel policies and procedures. The Mayor and Council have appointed the Director of Human Resources to assist the Borough Administrator in implementing personnel practices. The Borough Administrator and Director of Human Resources shall also have access to the Borough Attorney appointed by the Mayor and Council for guidance in personnel matters.

As a general principle, the Borough of Red Bank has a “no tolerance” policy towards workplace wrongdoing. Borough of Red Bank officials, employees and independent contractors are to report anything perceived to be improper to their supervisor or Borough of Red Bank official. The Borough of Red Bank believes strongly in an Open Door Policy and encourages employees to talk with their supervisor, department head, Borough Administrator, or the Director of Human Resources concerning any problem.

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

To the maximum extent permitted by law, the employment practices of the Borough of Red Bank operate under the legal doctrine known as “employment at will.” Within Federal and State law, and any applicable bargaining unit agreement, the Borough of Red Bank shall have the right to terminate an employee at any time and for any reason, with or without notice, except that the Borough of Red Bank shall comply with all Federal and State legal requirements pertaining to employee notice and an opportunity to be heard in the event of discipline or dismissal.

SPECIFIC EMPLOYMENT POLICES AND PROCEDURES

SECTION ONE

Policies Relating to Employee Rights and Obligations:

Anti-Discrimination Policy:

The Borough is committed to the principle of equal employment opportunity and anti-discrimination practices 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 (“NJLAD”). It is the Borough’s policy to prohibit discrimination and/or harassment of an employee by another employee, management representative, supplier, volunteer, or business invitee on the basis of actual or perceived sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, civil union status, gender identity or expression, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), service in the United States Armed Forces, and/or any other characteristic protected by law. Decisions regarding hiring, promotion, transfer, demotion or termination are based solely on the Borough’s requirements, and the qualifications and performance of the employee or prospective employee, and shall never be based upon any discriminatory practice or basis. Any type of harassment, including but not limited to slurs, epithets, directs, derogatory comments, unwelcome jokes, teasing, and other similar verbal or physical conduct based on a protected category is strictly forbidden. If any employee or prospective employee feels they have been treated unfairly based on one of the protected categories, they have the right to address their concern with their supervisor, or if they prefer their Supervisor, Department Head, Director of Human Resources or Borough Administrator.

Americans with Disabilities Act Policy:

In compliance with the Americans with Disabilities Act (“Act”) and the NJLAD, the Borough of Red Bank does not discriminate against any employee or job applicant with respect to any terms, conditions or privileges of employment on the basis of a known disability. The Borough of Red Bank will make every feasible attempt 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.

The Borough Administrator shall initiate an interactive dialogue with disabled employees and prospective employees to identify reasonable accommodations that do not create a hardship. Accommodations include modifications to facilities, equipment and work procedures, auxiliary aides, services and permanent reassignment to vacant positions. Employees who are reassigned to a different position shall receive the salary of their new position. Accommodations shall not be so expensive, extensive and disruptive or fundamentally alter the nature of the operation so as to be an undue hardship. The Act does not require the Borough of Red Bank to offer permanent “light duty”, relocate essential functions or provide personal use items such as eyeglasses,

hearing aids, wheelchairs, or other personal items. To be eligible for accommodations, individuals must (1) be able to perform the essential function of the position, (2) not create a real safety hazard to themselves, their co-employees or the public, and (3) must otherwise be qualified for the position in that they possess the prerequisites including education, experience, training, skills, licenses or certificates and other job-related requirements. All decisions with respect to accommodations shall be made by the Borough Administrator or Mayor and Council as appropriate.

Transitional Duty Policy:

The Borough will attempt to bring employees with temporary disabilities back on the job as soon as possible and may assign transitional duty to employees who temporarily cannot perform the essential functions of their positions because of injury or illness. Transitional duty is not guaranteed and will not exceed 45 workdays. If a department already has one employee on transitional duty, it is unlikely that another employee from that department will be assigned transitional duty.

An employee requesting transitional duty, or, when relevant, the Workers' Compensation Physician, shall notify the Borough Administrator as soon as the temporarily disabled employee is aware that he or she will be able to return to work with restrictions. Transitional duty will only be assigned if it is the Borough's expectation that the employee will be able to perform the essential functions of the position after the transitional duty period. The Borough Administrator will consult with the employee's supervisor to determine if there is any meaningful work that can be performed consistent with the restrictions. Transitional duty assignments may be made in any department, and is not required to take place in the employee's currently-assigned department. The Borough Administrator will decide if it is in the best interest of the Borough to approve a transitional duty request. The Borough reserves the right to terminate the transitional duty assignment at any time without cause or prior notice.

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

Employees on transitional duty will receive their regular salaries and are prohibited from engaging in any outside employment of any kind unless they receive prior written approval from the Borough Administrator. If transitional duty is approved, the employee or Workers' Compensation Physician must keep the Borough Administrator informed of the employee's medical progress. (Employees assigned to transitional duty will be allotted time off to attend medical or physical therapy appointments upon prior notice of at least 24 hours, but must request leave time for any other reason.) If at the end of transitional duty period the employee is not able to return to work without restrictions, the Borough reserves the right, at its sole discretion, to extend the transitional duty or place the employee back on Workers' Compensation or disability. This policy does not affect an employee's rights under the Americans with Disabilities Act, the

Family and Medical Leave Act, the Fair Labor Standards Act, the Contagious or Life Threatening Illnesses Policy or other Federal or State law.

Contagious or Life Threatening Illnesses Policy:

The Borough of Red Bank encourages employees with contagious diseases or life-threatening illnesses, including, but not limited to cancer, heart disease, Hepatitis C and HIV/AIDS, to continue their normal pursuits, including work, to the extent allowed by their condition. Employees with contagious conditions or life threatening illnesses will only be permitted to perform duties that will not create a risk to themselves, their co-workers or the general public. These individuals will be treated no differently than any other employee. As in the case of other disabilities, the Borough of Red Bank shall make reasonable accommodations in accordance with legal requirements to allow qualified employees with contagious or life-threatening illnesses to perform the essential functions of their jobs so long as they are able to meet acceptable performance standards.

Medical information shall be treated confidentially, and may only be disclosed with the prior written consent of the person who is the subject of the information. Managers and other employees have a responsibility to maintain the confidentiality of employee medical information, and the Borough of Red Bank will take reasonable precautions to protect such information from inappropriate disclosure. Anyone inappropriately disclosing such information shall be subject to disciplinary action. Information concerning the individual's medical condition, however, may be disclosed without prior consent when required by State and Federal law.

Employees with questions or concerns about contagious or life-threatening illnesses are encouraged to contact the Director of Human Resources.

Safety Policy:

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

Driver's License Policy

Any employee whose work requires the operation of Borough vehicles must hold a valid and appropriate New Jersey State Driver's License for the vehicle to be operated.

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

Periodic checks of employee's driver's licenses through visual and formal Motor Vehicles Commission review checks shall be made by supervisors. Any employee who does not hold a valid driver's license will not be allowed to operate a Borough vehicle until such time as a valid license is obtained.

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

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

Workplace Violence Policy:

The Borough of Red Bank will not tolerate workplace violence. Violent acts or threats made by an employee against another person or property are cause for immediate dismissal and will be prosecuted to the fullest extent of the law. This includes any violence or threats made on Borough of Red Bank property, at Borough of Red Bank events, or under other circumstances that may negatively affect the Borough of Red Bank's ability to conduct business.

Prohibited conduct includes, but is not limited to:

- Causing physical injury to another person;
- Making threatening remarks;
- Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
- Intentionally damaging employer property or property of another employee;

- Possession of a weapon while on Borough of Red Bank property, or while on Borough of Red Bank business, except with the authority of the Police Chief; and
- Committing acts motivated by, or related to, sexual harassment or domestic violence.

Any potentially dangerous situations must be immediately reported.

Anti-Harassment Policy:

It is Borough's policy to prohibit harassment of an employee by another employee, or by a management representative, supplier, volunteer, or business invitee, on the basis of actual or perceived sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, civil union status, gender identity or expression, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), liability for service in the United States armed forces, and/or any other characteristic protected by Federal and State law. Harassment of any individual, including non-employees, by any employee is strictly prohibited. Harassment is defined as included, but is not limited to: slurs, epithets, threats, derogatory comments, unwelcome jokes, teasing, and other similar unwelcome verbal and/or unwelcome physical conduct based on any protected category or characteristic.

Notification of appropriate personnel of any harassment problem is essential to the success of this policy. The Borough cannot resolve a harassment problem unless it knows about it. Therefore, it is the responsibility and obligation of all employees to bring those kinds of problems to the attention of the appropriate officials so that steps are taken to correct them. If an employee is witness to, or believes to have experienced, harassment, immediate notification should be made to their supervisor or other appropriate person in authority. (See the Employee Complaint Policy).

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

Anti-Sexual Harassment

It is the Borough's policy to prohibit sexual harassment of an employee by another employee, or by a management representative, vendor, contractor, volunteer, or business invitee. The Borough prohibits sexual harassment in any form from occurring in the workplace or at any other location at which the Borough sponsored activity takes place.

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

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;

- Submission to or rejection of such conduct by an individual is used as the basis for an employment decision affecting the individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

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, notes or invitations; and/or physical conduct (touching or assault).

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

Harassment of Borough employees, in connection with their work, by non employees is also be a violation of this policy. Any employee who experiences harassment by a non-employee, or who observes harassment of an employee by a non-employee, should report such harassment to the Borough Administrator. All such reports will be investigated, and, if founded, appropriate action will be taken against the non-employee.

Notification by employee to appropriate personnel of any harassment problem is essential to the success of this policy and the Borough generally. The Borough cannot resolve a harassment problem unless it is reported. Therefore, it is the responsibility and obligation of all employees to bring these problems and incidents to the attention of management so that steps are necessary to correct them.

The Borough has established procedures which shall be followed for prevention and investigation of all complaints.

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

“Whistle Blower” Policy:

Employees have the right under the “Conscientious Employee Protection Act” (“CEPA”) to complain about any activity, policy or practice that the employees reasonably believe is in violation of a law, rule, or regulation promulgated pursuant to law without fear of retaliation or reprisal. This right shall be communicated to all employees in an annual letter outlining the specific employee complaint procedure and in a posted notice. A written acknowledgement that the employee received, read, and understood this letter or written notification 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 Policies and Procedures Manual. All complaints will be taken seriously and promptly investigated.

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

- Disclosing or threatening to disclose to a supervisor, other official or to a public body, as defined in the Conscientious Employee Protection Act (N.J.S.A. 34:19-1 *et seq.*), of an activity, policy or practice that the employee reasonably believes is in violation of a law, a rule or regulation promulgated pursuant to law;
- Providing information to, or testifying before, any public body conducting an investigation, hearing, an inquiry into any violation of law, or a rule or regulation promulgated pursuant to law; or
- Objecting to or refusing to participate in any activity, policy, or practice that the employee reasonably believes is a violation of a law, rule or regulation promulgated pursuant to law; or is fraudulent or criminal; or is incompatible with a clear public policy mandate concerning the public health, safety, or welfare.

In accordance with the CEPA statute, the employee must bring the violation to the attention of the Borough in writing. 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. Employees are encouraged to complain in writing using the Employee Complaint form. (See Employee Complaint Policy). Under the law, the employee must give the Borough a reasonable opportunity to correct the activity, policy or practice.

CEPA specifically provides that the rights, privileges or remedies under any other federal or state law or regulation, or under the terms of any collective bargaining agreement are not diminished. Employees should be cognizant, however, that, in accordance with State law, once an action is instituted under CEPA, the employee's rights and remedies under any other contract, collective bargaining agreement, state law, rule or regulation, or under the common law, will, in many instances, be deemed to have been waived.

Employee Complaint Policy and Procedure:

Employees who wish to complain of harassment or any other workplace wrongdoing, or who have any question as to whether a certain behavior constitutes harassment or other wrongdoing, are requested to immediately report the matter to their supervisor, or, if they prefer, to their Department Head, the Borough Administrator, or the Director of Human Resources. Employees are encouraged to complain in writing using the Employee Complaint form, but may make a verbal complaint at their discretion. No retaliatory measures will be taken against any employee who complains, in good faith, of workplace wrongdoing, even if the complaint is ultimately deemed unfounded. The Borough of Red Bank will, to the maximum extent feasible, maintain the confidentiality of such complaints, reveal such complaints only on a "need-to-know" basis,

and undertake a prompt investigation of the matter. Note that it is possible that investigation of the complaints may require disclosure to the accused party and other witnesses in order to gather pertinent facts.

- **Reporting:** Employees are encouraged to report complaints in writing utilizing the Employee Complaint form, but are not compelled to report a complaint in this manner.
- **Identification/Screening:** The supervisor, Department Head, or Director of Human Resources must report all written or verbal complaints to the Borough Administrator, unless the complaint is against the Borough Administrator. Upon receipt, the Borough Administrator will determine if the complaint was made pursuant to the General Anti-Harassment Policy, the Anti-Sexual Harassment Policy, the Whistle Blower Policy, a grievance procedure, or is another form of complaint. A file will be established including the written complaint, the investigation procedure followed, and the response action plan. As soon as possible, but no later than ten (10) days after receiving the complaint, the Borough Administrator or Investigator appointed by the Borough Administrator, will interview the employee. If the employee is reluctant to sign a written complaint, the Borough Administrator or Investigator will prepare written notes of the date, time and place of the complaint and the specific allegations. These notes will be read back to the employee who will be asked to affirm, preferably in writing, the information's accuracy.
- **Investigation:** The Borough Administrator will seek the advice of the Borough Attorney when planning the investigation. The investigation should be conducted by the Borough Attorney or outside counsel or the County Prosecutor, if the complaint alleges potential criminal activity. The investigation will be undertaken in as confidential a manner as possible under the particular circumstances. 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.
- **Response Plan – No Corrective Action Required:** The Borough Administrator will discuss the conclusions of the investigation with the Borough Attorney and render a decision within fourteen (14) days after the investigation is complete. If the validity of a complaint cannot be determined or the complaint is groundless, the complaining employee will be notified in writing. A general statement will be made 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 Borough of Red Bank is committed to eliminating wrongful employment practices when they are found to exist. If the investigation reveals that the complainant intentionally and maliciously levied false charges against the alleged wrongdoer, the complainant will be notified of the seriousness of filing a false complaint, and the appropriate disciplinary penalty under the circumstances, up to and including termination.

- **Response Plan – Corrective Action Required:** If the investigation reveals that the complaint is justified and substantiated, the Borough Administrator will formulate, with the advice of the Borough 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.

Grievance Policy and Procedure:

A grievance is any formal dispute concerning the interpretation, application and enforcement of any personnel policy or procedure of the Borough of Red Bank. Grievances from union employees will be handled pursuant to the terms of the applicable bargaining unit agreement. All grievances from non-union employees must be presented within five (5) working days after arising and failure to report a grievance within such time shall be deemed as a waiver of the grievance. In order to initiate a grievance, the following procedure should be followed:

- **Step One:** Any employee or group of employees with a grievance shall verbally communicate the grievance to the supervisor who will discuss the matter with the Department Head. In the absence of an immediate supervisor, the employee should communicate directly with the Department Head. The supervisor or Department Head will communicate their decision to the employee within five (5) business days.
- **Step Two:** If the employee is not satisfied with the decision, the employee must submit a written grievance to the Department Head detailing the facts and the relief requested. The decision in Step One will be deemed final if the employee fails to submit a written grievance within five (5) business days of the Step One decision. In the event that a written grievance is submitted, the Department Head, or designated representative, shall meet within five (5) business days with the employee unless such a meeting is waived by both parties in writing and shall respond in writing within ten (10) business days of the close of this informal hearing.
- **Step Three:** If the employee is not satisfied with the Step Two decision, the employee must submit an appeal in writing to the Borough Administrator within five (5) calendar days of the Step Two decision. The appeal shall include copies of all previous correspondence relating to this matter. After consulting the Director of Human Resources and the Borough Attorney, as appropriate, the Borough Administrator will conduct an informal hearing within five (5) business days and shall render a written decision to the employee within five working days after said informal hearing.

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

Access to Personnel Files Policy:

The official personnel file for each employee shall be maintained by the Director of Human Resources. 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. In accordance with Federal law, records relating to any medical condition will be maintained in a separate file and will not be included in the Personnel File. Electronic personnel and medical records must be protected from unauthorized access. Any employee may review their own file in the presence of the Director of Human Resources, upon reasonable notice.

Conflict of Interest Policy:

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

The Borough recognizes the right of employees to engage in outside activities that are private in nature and unrelated to Borough of Red Bank business. However, business dealings that appear to create a conflict between the employee's personal interests and the Borough of Red Bank's interests are unlawful under the New Jersey Local Government Ethics Act. Whenever an employee believes that such a conflict will, or may, occur, the employee should immediately disclose the potential conflict to his/her supervisor, the Borough Administrator, or Borough Attorney. Under the Act, certain employees and officials are required to annually file with the Borough of Red Bank Clerk a state mandated disclosure form. The Borough of Red Bank Clerk will notify employees and Borough of Red Bank officials subject to the filing requirements of the Act.

One form of potential or actual conflict of interest occurs whenever an employee, including a Borough of Red Bank official, is in a position to influence a Borough of Red Bank decision that may result in a personal gain for the employee or an employee's immediate relatives, including a spouse, domestic partner, civil union partner 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 all possible conflicts so that the Borough of Red Bank may assess and prevent potential conflicts. If there are any questions as to whether an action or proposed course of conduct would create a conflict of interest, immediately contact the Borough Administrator to obtain clarification.

Employees are allowed to hold outside employment as long as it does not interfere with their Borough of Red Bank responsibilities. Outside employment with respect to members and employees of the Police Department is governed by PR:108(4) of the Rules and Regulations for the Governing of the Police Department. Employees are prohibited from engaging in outside employment activities while on the job or using Borough of Red Bank time, supplies or equipment in the outside employment activities. The Borough Administrator may request employees to restrict outside employment if the quality of their Borough of Red Bank work

diminishes. Any employees who holds an interest in, or is employed by, any business doing business with the Borough of Red Bank must submit a written notice of these outside interests to the Borough Administrator.

Employees may not accept donations, gratuities, contributions or gifts that could be interpreted as affecting their Borough of Red Bank duties. Under no circumstances may an employee accept donations, gratuities, contributions or gifts from a vendor doing business with or seeking to do business with the Borough of Red Bank or any person or firm seeking to influence Borough of Red Bank decisions. Meals and other entertainment paid for or provided by any individual or entity and valued in excess of \$150 are also prohibited. Employees are required to report to the Borough Administrator any offer of a donation, gratuity, contribution or gift including meals and entertainment that is in violation of this policy.

Political Activity Policy:

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

Employee Evaluation Policy and Procedure:

Periodic evaluations are critical to create a formal record of an employee's performance over time and establish a foundation for personnel actions such as promotion and termination. In addition to day-to-day feedback to the employee, a performance evaluation by the employee's supervisor must be conducted at least annually for all employees. The completed appraisal becomes part of an employee's permanent record.

Performance discussions must also provide employees with guidance regarding their ability to meet job standards. Extraordinary skills or abilities should be recognized, and areas in need of employee improvement addressed. Supervisors should review the employee's future training needs and career planning. The reviewing supervisor should also encourage the employee to make suggestions about how the Borough can improve. In their review, the supervisor should ask employees for feedback regarding the employee's skills as they relate to communication, team building, delegation, and sensitivity to needs of subordinates.

It is crucial that all reviewers complete the evaluation forms with care and with complete candor. Although reviewers are encouraged to set forth areas of strength and utilize tact in presenting criticism, it is important that all performance issues of any significance be addressed thoroughly and in unambiguous terms in the evaluation form, and verbally with the employee. Self-assessment should be part of the evaluation process.

After completing the evaluation, the employee should sign the evaluation, acknowledging that he/she has read and discussed it with the supervisor. The employee's signature does not necessarily indicate agreement with the evaluation. The employee can write comments on the form or submit to the evaluator a rebuttal to the evaluation if he/she does not agree with it. The reviewer will return the form(s) with the signed acknowledgement to the Borough Administrator. After review by the Borough Administrator, the form(s) and any rebuttal will be included in the employee's official personnel file. As a part of the evaluation, employees have the right to request a conference with the Department Head and/or Borough Administrator.

Employee Discipline and Termination Policy and Procedure:

An employee may be subject to discipline for a variety of reasons. Major disciplinary action includes disciplinary demotion or suspension or fine exceeding five working days or termination. Minor discipline includes a formal, written reprimand or a suspension or fine of five working days or less. Employees who object to the terms and/or conditions of the discipline are entitled to a hearing under the applicable grievance procedure. In every case involving employee discipline, employees will be provided with an opportunity to respond to charges.

In general, in cases of employee misconduct, the Borough believes in corrective action to correct and change any undesirable behavior and to prevent a recurrence of undesirable behavior or misconduct. The corrective action taken will be related to the gravity of the situation, the number and kind of previous infractions by that employee, and other relevant circumstances. In every case, employees will be given an opportunity to state their view of the situation, which will be given due consideration.

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

This manual, the employee discipline and termination policy and procedure, or any other Borough guidelines, policies or practices does not create an employment contract. Employment with the Borough may be terminated at any time with or without cause or reason by the employee or by the Borough.

Many of the types of behaviors that may result in disciplinary action have been addressed in other section of this manual. Since disciplinary action results from specific circumstances, it is not possible to create a comprehensive list. Such actions that will result in disciplinary action being taken against an employee include, but are not limited to: any illegal or unethical activity, being under the influence of intoxicants, any form of harassment and/or discrimination, insubordination, failure to perform work assignments and job functions or substandard performance of work assignments and job functions, excessive or unscheduled absences, chronic tardiness, violation of safety rules, destruction of Borough property, unauthorized use of Borough equipment, including computers and phones, and any other sufficient good cause.

The following are forms of discipline that may be used:

- **Verbal Warning:** Depending on the circumstances, the supervisor may verbally notify the employee that the employee's actions have been improper and warn the employee against further occurrences. The supervisor will prepare a record of the verbal reprimand including the date, time and what was discussed with the employee. This record must be forwarded to the Director of Human Resources and placed in the employee's official personnel file.
- **Written Reprimand:** When a supervisor determines that a written reprimand is appropriate, the situation must be discussed with the Department Head. In the event that it is the Department Head writing the reprimand, the situation must be discussed with the Borough Administrator. The reprimand should clearly identify the problem and outline a course of corrective action within a specific time frame. The employee should clearly understand both the corrective action and the consequence that will result if the problem is not corrected or reoccurs. The employee should acknowledge receipt of the warning and may include additional comments. A copy of the written reprimand with the signed acknowledgement and comments must be forwarded to the Director of Human Resources for inclusion in the employee's official personnel file.
- **Suspension:** Department Heads are authorized to suspend employees for up to two (2) days. Employees suspended by Department Heads may contest the suspension through the grievance procedure. Whenever an employee is recommended for suspension for greater than two (2) days, the Borough Administrator will make the decision and may seek the advice of the Borough Attorney, if appropriate.
- **Dismissal:** Whenever an employee is recommended for dismissal, the Borough Administrator will make the decision only after seeking the advice of the Borough Attorney. There must be a complete review of the employee's personnel file and all other facts to determine if there is sufficient cause for the dismissal.

Resignation Policy:

An employee who intends to resign in good standing must notify the Department Head in writing at least two (2) weeks in advance. The submission of a written resignation is a final act and is considered accepted by the Borough upon submission to the Department Head and cannot be withdrawn under any circumstances.

Oral resignation shall be deemed binding, but shall not be considered resignation in good standing unless followed by a written confirmation which adheres to these policies and procedures.

After giving notice of resignation, employees are expected to assist their supervisor and co-employees by providing information concerning their current projects and help in the training of a replacement. During the last two weeks of employment with the Borough, the employee may

not use paid time off except paid holidays. The Department Head will prepare an Employee Action form showing any pay or other money owed the employee. The Director of Human Resources will conduct a confidential exit interview to discuss benefits, including COBRA options, appropriate retirement issues, and pay due. A COBRA notification letter will be sent directly from the insurance carrier to the employee's home address. The exit interview will include an open discussion with the employee. **On the last day of work, the employee must return the Employee Identification Card, all keys and equipment, and pay any money owed to the Borough. At the discretion of the Borough, any money owed to the Borough may be withheld from the employee's final paycheck. At this time, the employee will sign the termination memo designating all money owed to the Borough, and this memo will be retained in the official personnel file.**

SECTION TWO

Drugs and Alcohol Policy:

The Borough of Red Bank recognizes that the possession or use of unlawful drugs and the abuse of alcohol pose a threat to the health and safety of all employees. Any employee who is observed to be intoxicated or under the influence of alcohol or drugs during working hours, or is under the reasonable suspicion of being intoxicated or under the influence of alcohol or drugs, shall be immediately tested and, if the test results are positive, the employee is subject to discipline, up to and including termination. Supervisors and other employees should immediately report any reasonable suspicions, as defined below in the "Reasonable Suspicion Testing" section of this manual, to the employee's supervisor or the Borough Administrator.

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

The manufacturing, distribution, dispensation, possession, and use of alcohol or unlawful drugs on Borough premises, or during work hours, by an employee is strictly prohibited.

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

Employees who are required to maintain a Commercial Driver's License (CDL) or who are in other safety-sensitive positions are subject to random drug testing. Specific federal requirements and procedures for random drug testing of CDL holders shall be followed. Borough personnel who hold a Commercial Driver's License (CDL) are subject to the provisions of the Commercial Driver's Licenses Drug and Alcohol Testing Policy.

Employees using prescription drugs that may affect job performance or safety must notify their supervisor, who is required to maintain the confidentiality of any information regarding an employee's medical condition in accordance with the Health Insurance Portability and Protection Act. A program to assist employees who may have a drug/alcohol problem is provided through the Borough of Red Bank's Employee Assistance Program.

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

Pre-Employment Testing:

All applicants for employment offered a position with the Borough will be required to undergo a pre-employment test for the presence of alcohol and illicit drugs. The offer of employment is conditioned upon receipt of a negative test result for illicit drugs. Employees who test positive for illicit drugs will be disqualified for employment at that time and the offer of employment will be withdrawn. A positive alcohol test may result in the withdrawal of the offer of employment.

Failure to keep an appointment with the Agent for the Borough assigned to administer the test, which was previously agreed to by both the prospective employee and the Agent, will be viewed as an attempt to elude the testing or alter its results. No further consideration for employment will be given the prospective employee at that time and the offer of employment will be withdrawn.

Random Testing:

All employees holding CDLs or who are in safety-sensitive positions will be subject to random, unannounced alcohol and drug testing. Selection criteria, number of tests, and test frequency will be determined by the language of FHWA regulations and will be communicated to employees.

Upon notification of selection, the employee will report to the designated collection center within one hour. Failure to report will be viewed as an attempt to elude the test or alter its results and could result in disciplinary action up to and including termination.

Reasonable Suspicion Testing:

All employees are subject to a fitness for duty evaluation, to include urine and breath testing, when there is reason to believe that alcohol or drug use is affecting, or will adversely affect, job performance. A reasonable cause referral for testing will be made on the basis of documented,

objective facts and circumstances which are consistent with the long and short term effects of substance abuse.

Examples of reasonable suspicion include, but are not limited to, the following:

- Adequate documentation of unsatisfactory work performance or on-the-job behavior.
- Physical signs and symptoms consistent with substance abuse.
- Evidence of the manufacture, distribution, dispensing, possession, or use of controlled substances, alcohol, or drugs.
- Fights, assaults, or flagrant disregard or violations of established safety, security, or operating procedures.

A reasonable suspicion testing determination will be made by a supervisor or Borough Official who is trained to detect the signs and symptoms of drug and alcohol use and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to substance abuse. If another supervisor or Borough Official is immediately available, he/she will verify whether or not there is reasonable cause before the employee is transported to the agent's facility. At no time will this determination be made on the basis of third party reports without verification.

Employees are cautioned that various over-the-counter and prescribed medications can adversely affect an individual's ability to operate vehicles and other equipment. It is the employee's responsibility to report to work each day fit for his or her duties.

Employees who are deemed to require a fitness for duty evaluation based on reasonable cause will be sent to a health facility of the Borough's choice. The attending physician will make every attempt to determine the cause of the observed behavior, including authorizing, when his/her medical opinion dictates, an additional alcohol or drug test which is more comprehensive than that required by FHWA, state or contractual requirements. Employees will be placed on an unpaid medical leave of absence until the results of the examination are received by the Borough. Receipt of a negative drug test result, and/or doctor's statement, that the employee is fit for duty is required prior to continued employment. Employees who are returned to duty by this means will be reinstated without prejudice.

Employees who are medically determined to be temporarily unfit to perform their duties, but who test negatively for alcohol or drugs, will be returned to duty when they obtain the original examining doctor's written statement that they are fit for duty.

Post-Accident Testing:

Any employee involved in an accident, including a motor vehicle accident, will be required to submit to a post-accident alcohol and drug test if instructed to do so by a police officer, or a Supervisor of the Borough, or if:

- 1) The driver's performance either contributed to an accident or cannot be discounted as a contributing factor to the accident.
- 2) The driver involved in an accident receives a citation for a moving violation.
- 3) There is a fatality as a result of an accident.
- 4) The accident meets the Department of Transportation criteria for an accident that requires such testing.

When a post accident test is indicated, the Borough will make every effort to have the test performed within two hours of notification of the accident. At no time will a period of more than eight hours transpire between notification and testing. Documentation of the entire post-accident procedure should be made by all personnel involved in the notification and testing process.

If an employee tests positive for alcohol or drugs, post-accident, receipt by the Borough of a subsequent negative alcohol and drug test result is required prior to return-to-duty. A positive test result during return to duty testing will disqualify an employee from further employment or reinstatement at that time or any time in the future. Refusal to comply with the testing process will be considered insubordination and will carry the same disciplinary action as a positive test result.

Disciplinary Action:

(This Section Applies only to those who Test Positive during Random, Post-Accident or Reasonable Suspicion Testing.)

Alcohol Testing Positives:

.02 – .039% Blood Alcohol Concentration

Employees who test positive during alcohol breath testing for the first time in the range of .02% to .039% blood alcohol concentration will be suspended from work without pay for a minimum of 24 hours and will be required to pass a return-to-duty breath alcohol test before returning to work. (All return-to-duty testing is done at the employee's expense). The employee may also be subject to additional discipline at the discretion of the Borough.

Employees who test positive during alcohol breath testing for a second time in the range of .02% to .039% blood alcohol concentration will be suspended from work for a minimum of 5 days without pay and until:

- 1) The employee is evaluated by a Substance Abuse Professional. This professional must meet the criteria outlined in the Department of Transportation's Alcohol and Drug Rules for Substance Abuse Professionals.
- 2) The employee complies and completes all recommendations made by the Substance Abuse Professional, and is able to document that all such recommendations have been met.
- 3) The employee submits to a return-to-duty drug test and proof of a negative test result is received by the Borough.

In addition to other discipline that may be imposed on the employee, the employee will be subject to follow-up testing, for up to sixty (60) months. A minimum of six (6) follow-up tests must be performed within the first twelve (12) months after the employee has returned to duty. (All follow-up testing is done at the employee's expense).

Employees who test positive during alcohol breath testing in the range of .02% to .039% blood alcohol concentration for a third time will be terminated.

.04% or Higher Blood Alcohol Concentration

Employees who test positive during alcohol breath-testing (1st offense) in the range of .04% or higher blood alcohol concentration will be suspended from work for a minimum of 5 days without pay and until:

- 1) The employee is evaluated by a Substance Abuse Professional. This professional must meet the criteria outlined in the Department of Transportation's Alcohol and Drug Rules for Substance Abuse Professionals.
- 2) The employee complies and completes all recommendations made by the Substance Abuse Professional and be able to document that all such recommendations have been met.
- 3) The employee submits to a return-to-duty drug test and proof of a negative test result must be received by the Borough. (All follow-up testing is done at the employee's expense).

In addition to other discipline that may be imposed on the employee, the employee will be subject to follow-up testing, for up to sixty (60) months. A minimum of six (6) follow-up tests must be performed within the first twelve (12) months. (All follow-up testing is done at the employee's expense).

Employees who test positive a second time for any level of alcohol after testing positive between .04% and higher blood alcohol concentration will be terminated.

Drug Testing Positives:

Employees who test positive during drug testing for the first time, in addition to other discipline which may be imposed by the Borough, will be suspended from work without pay until:

- 1) The employee is evaluated by a Substance Abuse Professional. This professional must meet the criteria outlined in the Department of Transportation's Alcohol and Drug Rules for Substance Abuse Professionals.
- 2) The employee complies with and completes all recommendations made by the Substance Abuse Professional and be able to document same.
- 3) The employee submits to a return-to-duty drug test and proof of a negative test result must be received by the Borough. (All follow-up testing is done at the employee's expense).

The employee will be subject to follow-up testing, for up to sixty (60) months. A minimum of six (6) follow-up tests must be performed within the first twelve (12) months after the employee has returned to duty. (All follow-up testing is done at the employee's expense).

Employees who test positive during drug testing for a second time will be terminated.

In any case where an employee who tests positive during a random or reasonable suspicion test and is required to remain out of work for a period of more than two (2) weeks, the Borough reserves the right to fill that position. Once the employee completes all required elements outlined above, they will be eligible for re-instatement in the first available opening.

Drug & Alcohol Positives:

Any employee who tests positive during a drug test and had previously tested positive for alcohol will be terminated.

Any employee who tests positive for alcohol after having tested positive for drug testing will be terminated.

Return-to-Duty Testing:

(All return-to-duty testing is done at the employee's expense).

When the employee is cleared to return to work after a positive random, post-accident or reasonable suspicion test, he/she will be required to pass an alcohol and drug test. Upon receipt of a negative finding the Borough will review the employee's employment, and will then determine whether or not the employee will be allowed to return to work. If an employee is allowed to return to work, he/she will be subject to follow-up testing, as determined by the Borough.

Follow Up Testing:

(All follow-up testing is done at the employee's expense).

Any employee returning to work with the Borough after being suspended for a positive alcohol or drug test, or returning to work after a leave of absence for voluntary substance abuse treatment, will be subject to random follow-up testing. The employee will be tested at least six (6) times in the first twelve (12) months after returning to duty and may be subject to follow-up testing for up to sixty (60) months.

Any employee who tests positive for drugs or alcohol during the follow-up testing process will be terminated.

Confidentiality of Test Results:

The results of any drug test will be reported and recorded in a confidential manner. Communication of medical or test results will be allowed only in accordance with guidelines established in 49 CFR, Part 40. The results will not be reported to any additional parties without the employee's written authorization, except as outlined in 49 CFR, Part 40. A copy of the individual's test results will be available to the individual upon request.

Quality Assurance of Testing Program:

The Borough, through its drug and alcohol testing Agent, will take steps in its arrangements for testing, to ensure that the laboratory is certified by SAMHSA and meets the requirements of the U.S. Department of Transportation (DOT).

The chain of custody for any urine sample shall be maintained at all times. If the chain of custody is broken after the tamperproof seal is applied, the employees shall be re-tested at the Borough's expense.

Any employee who receives a positive test result will have the right to ask the Borough's Medical Review Officer (MRO) to re-test the sample at a NIDA certified laboratory, of the employee's choice, at the employee's expense.

The Borough, through its Agent, will make every effort to ensure that the equipment being used for alcohol breath testing meets all the requirements of the Department of Transportation and all testing will be performed by a qualified Breath Alcohol Technician.

Substance Abuse Related Behavior:

Any employee engaging in the manufacture, distribution, dispensing, possession, or use of alcohol or illicit substances, including the illegal possession or abuse of prescription drugs, on Borough premises, in Borough vehicles, or while on Borough business, will be immediately discharged. Any manufacture, distribution, dispensing, possession, or use of alcohol or illicit

substances, by any employee, in any manner, which affects the employee's job performance, or which may cause the public or a government or corporate body, to lose confidence in the Borough's ability to perform its responsibilities will result in disciplinary action up to and including termination of employment. Law enforcement officials will be notified, as appropriate, where criminal activity is suspected. Any employee convicted of violating a criminal drug statute will notify the designated Borough Representative within five (5) days of such conviction. Failure to provide such notification subjects the employee to disciplinary action up to and including termination of employment.

Refusal to Test:

Any employee who refuses to comply with a request for alcohol and drug testing during random, post-accident, and reasonable suspicion shall be considered as having produced a positive test result and will be discharged. Any employee who provides false information in connection with a test, or who attempts to falsify test results through tampering, contamination, adulteration, or substitution, shall be terminated for insubordination. In the event that the laboratory detects any substance which has been added to the sample to interfere with the normal testing process, it will be considered a "refusal to test" and the same sanctions will apply.

Controlled Substances on Site:

The Borough reserves the right to inspect, investigate and search for controlled substances and alcohol at any time, with or without prior notice, on or in any and all Borough premises and vehicles. Refusal to cooperate with any inspection, investigation, or search that is authorized by Borough Representative shall result in termination for insubordination.

Prescription Drugs and Over the Counter (OTC) Drugs:

Employees of the Borough shall not take any medication which may diminish their alertness or impair their senses prior to or after reporting for duty unless directed by a physician. When employees are required to take any prescription medication or any non-prescription medication which may diminish their alertness or impair their senses, the employee shall notify their supervisor as to the medication required, its properties, the dosage and the period during which the employee is required to take the medication. This notification shall be by the prescribing physician. If the medication is a non-prescription drug the employee shall make this notification. The required notification shall be made prior to the employee reporting for duty. This information so provided shall be confidential.

Applicability:

This policy applies to all Borough employees. Borough visitors, vendors, and contractors are also governed by this policy while on Borough property or providing services to or for the Borough. Failure on the part of vendors or contractors to adhere to this policy will cause Borough to cease to do business with them.

Reasonable Accommodation:

Employees Voluntarily Seeking Help:

The Borough strongly encourages an employee with a drug/alcohol abuse problem to voluntarily step forward to tell the Borough.

The Borough will assist in referring the employee to Community Assistance Programs. An unpaid leave of absence may be granted for a reasonable period for treatment. The Borough will make every effort to hold the employee's position during the rehabilitation process, but the Borough cannot guarantee that the employee shall retain his/her position.

If an employee fails to remain drug or alcohol free after the first voluntary rehabilitation, he/she will be disciplined in accordance with this policy, up to and including termination.

Employees Testing Positive for Alcohol/Drug Abuse:

If a substance abuse problem is disclosed to the Borough only after there has been (1) a positive drug or alcohol test, (2) a violation of a Borough rule or standard, (3) a violation of law, or (4) a violation of this policy, it shall be counted as a positive test. However, in addition to counting as a positive test, if the employee tests positive for drugs or alcohol and is determined by a physician to be an alcoholic or addicted to drugs, the Borough will assist in referring the employee to Community Assistance Programs. An unpaid leave of absence may be granted for a reasonable period for treatment. The Borough will make every effort to hold the employee's position during the rehabilitation process, but the Borough cannot guarantee that the employee shall retain his/her position.

Training:

In an effort to educate employees about the dangers of drug use and the Borough's commitment to keeping drugs out of the workplace, each employee will receive information covering the dangers of substance abuse, the Borough's commitment to an alcohol and drug free workplace, and the penalties for violation of this policy.

Supervisory employees will receive at least one hour of training on identifying those individuals who might be impaired by the use of drugs.

Employee Acknowledgement:

Each employee or prospective employee shall be given a copy of this policy. He/she must acknowledge receipt and understanding of the policy as a condition of employment.

SECTION THREE

Workplace Policies:

Job Description Policy:

A job description including qualifications shall be maintained for each position. All job descriptions must be approved by the Borough Administrator. The Director of Human Resources will make copies available upon request.

Attendance Policy:

All employees are expected to be at work and ready to assume their duties at the beginning of the scheduled workday. Lateness and absence will be tolerated only in emergencies or when the employee's supervisor gives prior approval. All absences must be reported to the supervisor prior to the start of the normal workday. The normal working hours for administrative departments are 9:00 AM to 5:00 PM. The normal working hours for the Municipal Court is 8:00 AM to 4:00 PM. The normal working hours for the Building Department and the Department of Public Works is 8:00 AM to 5:00 PM. The normal work week for other employees shall consist of five (5) day, forty (40) hour weeks, exclusive of a one hour meal break.

Early Closing and Delayed Opening Policy:

In the event of unsafe conditions, the Borough Administrator may authorize Department Heads to close operations earlier than the normal working hours. If such conditions exist prior to scheduled openings, the Borough Administrator shall notify Department Heads of a delayed opening and a new opening time. Each Department will have a calling system in place. If the employee chooses not to report to work on a work day with a delayed opening, a full vacation day or compensatory time will be charged. Sick time will only be charged for a legitimate illness. If work is called off for the day, no time will be charged for the day. This provision does not apply to the Department of Public Works or Police or any personnel who may be required to assist in an emergency.

Breaks:

Full-time employees are entitled to a one (1) hour lunch that is to be arranged by their supervisor so that offices and departments continue to function. All employees may take a break in the morning and in the afternoon as scheduled by the supervisor.

Dress Code Policy:

Dress, grooming and personal hygiene must be appropriate for the employee's position. Uniforms are required for certain jobs and are to be worn in accordance with applicable departmental standards. Uniforms are to be worn only while performing employment duties for

the Borough and may be worn traveling to and from work. All other employees are required to dress in a manner that is normally acceptable in similar business establishments and consistent with applicable safety standards. Employees shall not wear suggestive attire, jeans, athletic clothing, shorts, sneakers, sandals, T-shirts, novelty buttons, baseball hats and similar items of casual attire that do not present a businesslike appearance unless specifically approved by the appropriate Department Head and/or Borough Administrator. Hair, sideburns, moustaches and beards must be clean, combed and neatly trimmed. Unkempt hair is not permissible regardless of length. Body piercings, other than on the ear, may not be visible. With the advance approval of the Borough Administrator, the Borough of Red Bank will make reasonable religious accommodations that do not violate safety standards. Employees violating this policy shall be required to take corrective action or will be sent home without pay.

No Smoking Policy:

In accordance with State law, the Borough has adopted a smoke-free policy for all buildings. The New Jersey Legislature has declared that in all governmental buildings the rights of non-smokers to breathe clean air supersedes the rights of smokers. Borough facilities shall be smoke-free and no employee or visitor will be permitted to smoke anywhere in any Borough building. Employees are permitted to smoke outside of Borough buildings only in such locations that will not allow the re-entry of smoke into building entrances. Smoking inside vehicles owned by the Borough and near equipment that may be sensitive to smoke is also prohibited. This policy shall be strictly enforced and any employee found in violation will be subject to disciplinary action.

Use of Vehicles Policy:

Borough of Red Bank owned vehicles shall be used only on official business. (An employee who is also employed by another governmental entity may use a Borough of Red Bank vehicle for that employment only if the employment is pursuant to an inter-local agreement between the Borough of Red Bank and the other jurisdiction) and all passengers must be on Borough business. Use of Borough vehicles shall be further defined and established as follows:

Class A

As an exception to the above policy, Class A Municipal Vehicles are permitted for any use, twenty-four (24) hours a day, seven (7) days a week, provided that the employee using the vehicle is available to respond to any and all appropriate Borough business or emergency that requires the presence of the employee. No unauthorized individuals are permitted to drive a municipal vehicle at any time.

Job titles designated and assigned Class A Vehicles are: Administrator, Police Chief, Deputy Police Chief, Fire Chief, Deputy Fire Chiefs (2), Fire Marshal, Deputy Fire Marshal, Fire Sub-code Official, Emergency Management Coordinator, Public Utilities Director.

Class B

Class B municipal vehicle is permitted only for transportation to and from the employee's home and the employee's regular Borough work location. The vehicle may be used at any and all times to conduct Borough business and/or to respond to an emergency that requires the presence of said employee. No unauthorized individuals are permitted to drive a municipal vehicle at any time.

Job Titles designated and assigned Class B Vehicles are: Assistant Administrator, Public Utilities Supervisors (5), Public Utilities Foreman, Construction Official, Building Sub-code Official, Animal Control Officer, and Code Enforcement Officer.

Class C

Class C municipal vehicles may be provided for use by Borough employee at location of employment. Vehicles may be used in the performance of an employee's official duties in accordance with established policies and procedures for such use.

Nothing contained in this section shall prevent employees from utilizing a municipal vehicle in the performance of official government business. This shall include transportation to and return from a location at which the official business occurs.

The Personnel Committee of the Governing Body will review and may recommend changes to this policy at the time of changes in personnel.

Telephone Usage Policy:

Borough of Red Bank telephones are for official business and employees are to limit personal use of Borough telephones, but may make a personal call to inform their family of unexpected overtime. Charges for all other personal calls must be reimbursed to the Borough of Red Bank. Use of hand-held cell phones while driving is prohibited by State law, and, as such, the use of hand-held cell phones while driving Borough of Red Bank vehicles or while driving on Borough of Red Bank business is strictly prohibited. Personal cell phones may not be used while conducting Borough business.

Use of Computers and Related Equipment Policy

The following policies are to ensure the security and support of all systems connected to the Borough of Red Bank Computer System:

All equipment is to be used solely for Borough-related functions. Specifically designated Borough personnel or designated Borough contractors (also known as "MIS") are responsible for the installation, support and maintenance of the Borough's computers and computer systems. Prior approval is required by MIS for the installation of any software application. All downloads and installation of software and or peripheral equipment must be performed or supervised by MIS personnel.

All data contained on Borough computers, including text, memos, letters, scanned images, digital photos, faxes and E-mail are considered Borough property and are subject to the provisions of NJ records retention and disposition schedule pursuant to N.J.S.A. 47:3-15, et seq. (Destruction of Public Records Act).

Any text or images with implied or explicit improper content, as defined in the Borough harassment training and policies, is strictly prohibited.

All software used on Red Bank computing equipment must comply with copyright compliance. Under no circumstances will exceptions to this policy be authorized or permitted.

Any persons abusing equipment will be held responsible for that cost of that equipment, or the cost of its repair. Any equipment removed from Borough property must be done with approval of management. All equipment, including laptop computers assigned to specific individuals, which are removed from Borough property for business purposes must be returned on a periodic basis for inspection and inventory control.

Internet, Voice Mail and E-mail Acceptable Use Policy

Use of the Internet and E-mail is restricted to only those individuals and purposes approved by administration. Internet use will follow the same policy as the Borough policy on E-mail.

Borough E-mail, voice mail and the Internet are for official business and use for non-business purposes is prohibited. All E-Mail, voice mail and Internet messages are official documents subject to the provisions of the Open Public Records Act, N.J.S.A. 47:1A-1 *et seq.*

The Borough reserves the right to monitor, obtain, review and disclose all E-Mail messages, computer files, voice mail and Internet messages on the computer and communications systems of the Borough as deemed necessary and appropriate. By using Borough E-Mail, computer systems, voice mail and the Internet, each user agrees that the Borough has unrestricted access and the right to disclose all information communicated or stored on the E-Mail, computer systems, voice mail and the Internet for any security, health, employment or other legitimate business reasons. Legitimate reasons also include systems maintenance, message routing, retrieval of business information, trouble-shooting hardware and software problems, preventing system misuse, protecting confidential proprietary information, insuring compliance with software license policies and complying with legal and regulatory requests for information. E-Mail shall not be used to harass, torment or disparage another party. Offensive and harassing communications are unacceptable and prohibited.

Acceptable Usage:

The acceptable use of the global Internet, the Borough of Red Bank Local Area Network, and any connected Local Area Network (LAN) server, or workstation, and system components including Email, is solely for Borough of Red Bank business purposes. As such, the access to and use of the variety of Internet, Local Area Network, and Email services, both internal and

external to the Borough, are considered a business privilege and should be treated as such by all users.

Unacceptable Usage:

By example, the Borough of Red Bank characterizes as unethical and unacceptable any activity which purposely:

1. Seeks to use Internet services for private or personal business;
2. Seeks to gain unauthorized access to any resources within or outside of Red Bank;
3. Disrupts the intended use of the Red Bank Computer System and/or the global Internet;
4. Wastes resources through such action;
5. Destroys the integrity of or misuses any host/server information assets;
6. Compromises the privacy of any users or other departments;
7. Does not comply with applicable local and national laws;
8. Compromises Borough proprietary or otherwise-sensitive information;
9. Does not comply with other Borough policies or procedures.

Any users found in violation of the above Acceptable Use Policy may be subject to, at minimum, denial of access, up to termination of employment and/or criminal prosecution.

On an annual basis, all users of the Borough of Red Bank Computer Systems, Internet and / or Email are required to read the above, sign the policy, and return to the appropriate manager. Failure to sign this document may lead to denial of access to the Borough of Red Bank Computer System.

Bulletin Board Policy:

The bulletin boards located in the Borough of Red Bank administrative building and other facilities are intended for official notices regarding policies, procedures, meetings and special events. Only personnel authorized by the Borough Administrator may post, remove, or alter any notice. Space on the bulletin boards will be provided for the recognized employee bargaining units.

SECTION FOUR

Paid and Unpaid Time-Off Policies:

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

Paid Holiday Policy:

Employees are entitled to the following twelve (12) paid holidays:

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

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

In lieu of Lincoln's Birthday and Columbus Day as holidays, employees shall receive two (2) floating holidays per calendar year. Floating holidays are forfeited if not used in the calendar year.

Vacation Policy:

Vacation is an accrued benefit for full-time employees based on the following schedule:

- During the calendar year of appointment, an employee will earn one-half (1/2) day for each full month of service;
- During the calendar year after appointment, the employee will be credited with ten (10) days vacation on January 1, but the vacation shall not be taken prior to June 1.
- Ten (10) days for the second (2nd) through fifth (5th) year;
- Fifteen (15) days for the sixth (6th) through tenth (10th) years;
- Twenty (20) days for the eleventh (11th) through fifteenth (15th) years;
- Twenty-five (25) days for the sixteenth (16th) through twenty-ninth (29th) years; and
- Thirty (30) days from the thirtieth (30th) year on.

All vacations must be scheduled and approved by Department Heads. Employees must receive their supervisor's approval at least five days in advance of the first vacation day. Approval of vacation shall not be arbitrarily denied, and approval will only be withheld for articulated valid business purposes.

Vacation may not be accumulated year to year, except that an employee may carry over up to five (5) days of vacation into the ensuing year. The employee must notify his/her respective Department Head of a request to carry over any vacation time. Approval in writing must be obtained from the Department Head or Borough Administrator. Any carried over vacation days must be taken during the ensuing year.

Vacation time will be charged on an hourly basis.

Permanent part-time employees will receive five (5) days paid vacation after one (1) full year of service.

If an official holiday falls during an employee's vacation period, an additional day of vacation will be granted.

It is assumed that an employee shall remain in the service of the Borough for the calendar year and the total number of vacation days shall be pro-rated and credited to the employee. If separation occurs before the end of the year and the employee has taken more vacation leave than that to which the employee is entitled, that employee shall be assessed the per diem rate of pay for the excess vacation leave, and same shall be deducted from final pay.

On retirement, employees will be paid for any unused, accrued vacation time within the parameters of accrual of vacation time as set forth above. Employees who leave the Borough for any reason other than retirement shall forfeit any accrued, unused vacation time.

Personal Days Policy:

Full-time employees are entitled to two (2) personal days per year. Any unused days are forfeited at the end of each calendar year. Personal days are earned *pro-rata* on the basis of one (1) personal day for each six (6) months worked. Personal time is charged on an hourly basis. An employee wishing to take a personal day must obtain approval from his/her Department Head.

Sick Days Policy:

Full-time employees are entitled to fifteen (15) working sick days per calendar year. However, during the first calendar year of service, a full-time employee shall earn one (1) working sick day for each month of service, but no more than five (5) days during that first calendar year of service. Sick time is charged on an hourly basis. Part-time employees are not eligible for sick leave.

Sick time is to be used only in cases where the employee is ill and unable to work, or in cases of the serious illness of an immediate family member, including a domestic partner or a civil union partner. Verification for sick days may be requested at any time, irrespective of the number of days an employee is out sick. A doctor's note is required for any employee who is out sick for more than five (5) days.

Abuse of sick time is grounds for disciplinary action. Employees who need to call out sick leave must notify their Department Head no later than thirty (30) minutes before their scheduled starting time each day of the required absence.

At the end of each calendar year, an employee's unused sick time is added to the allotment for the following year.

Workers' Compensation Policy:

Employees who suffer job related injuries and illnesses may be entitled to medical expenses, lost income and other compensation pursuant to the New Jersey Workers' Compensation Act. Any occupational injury or illness must be immediately reported to the supervisor or Department Head. All required medical treatment must be performed by a Workers Compensation Physician appointed by the insurance carrier or the Borough. Payment for unauthorized medical treatment may not be covered pursuant to the Act.

An employee injured on the job will receive his/her full salary from the Borough of Red Bank for thirty (30) days after the injury. After that time, the employee may utilize any accrued sick time to make up the difference between the employee's salary and Workers' Compensation benefits in order to receive full compensation. After thirty (30) days, time credited toward the pension will cease until the employee returns to work. Health insurance benefits, however, will continue pursuant to state and federal law on the same conditions as coverage is otherwise provided, including the employee's payment of his/her share of the cost of coverage. All employee rights and responsibilities while out of work on Workers' Compensation shall be defined and administered in accordance with the provisions of the New Jersey Workers' Compensation Act.

Before an employee who has been out on workers' compensation is permitted to return to work, a medical release must be submitted to the Borough Administrator for approval.

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 Borough; and, at least 1,000 hours of work (for New Jersey FLA leave) and 1,250 hours of work (for Federal FMLA leave) during the previous twelve (12) months.

FLMA applies to both the employee and his/her immediate family members. FLA leave applies exclusively to immediate family members. For the purpose of these Acts, "immediate family" means spouse, child, step-child, foster child, or other individuals residing in the employee's household, or mother or father. Upon written notice of eligibility, employees are entitled to a family or medical leave to care for a newly born or adopted child or a seriously ill immediate

family member, including a domestic partner or 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. If the leave is for the care of an immediate family member, the two forms of leave may run concurrently

FLMA/FLA pertains to job protection and continuation of health benefits during the applicable period of leave. FMLA/FLA is distinct from an employee's sick, personal or vacation time, and runs concurrently with the utilization of accrued paid time off from work. Employees with accrued sick, vacation and personal days must use all accrued available sick, vacation and personal days during the leave period and will continue to be paid to the extent of their accrued time. The use of any accrued time, however, does not extend the leave period. After exhausting accrued time, the employee will no longer be paid for the remainder of the leave.

Eligible employees who are out sick for more than five (5) consecutive work days should apply for FLMA/FLA. Any employee anticipating that they may be required to take a Leave of Absence under FMLA and/or FLA, should immediately notify and meet with the Director of Human Resources to obtain further information and fill out and sign the required application forms, irrespective of whether or not they have accumulated sick, vacation and personal days. Although an employee should apply for FMLA/FLA leave if an applicable situation exists, it is the responsibility of the Borough to place an employee on FMLA/FLA leave if the Borough has sufficient information to make a decision that the employee or employee's immediate family member is seriously ill and that the employee is out of work for this reason.

Eligible employees may receive up to twelve (12) weeks of leave per year under FMLA, or twelve (12) weeks every twenty-four (24) months under FLA. Should all other eligibility requirements be met, the employee can choose the statute under which to take leave.

During the leave period, the employee's health benefits will be continued on the same conditions as coverage is otherwise provided, including the employer's responsibility for his/her share of health benefits' costs. 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 position with the same terms and benefits that existed prior to the exercise of leave.

The period of leave must be supported by a physician's certificate. If an employee on FMLA/FLA cannot return to work at the end of the twelve (12) week period, but can provide a reasonable date of return, supported by medical verification, the employee's job will be reinstated as set forth above. Prior to the return to work, the Borough of Red Bank may require an employee to be examined by a physician designated by the Borough to verify fitness to return to normal duties. An employee will not be permitted to return to work until the verification is received.

Leave of Absence Policy:

Apart from FMLA/FLA leave, employees may be granted a personal leave of absence at the sole discretion of the Borough Administrator, for a period of time to be determined by the Borough Administrator, if the leave does not cause undue operational disruption. The leave must include the use of any accrued vacation, personal and sick leave time, regardless of the length of leave requested. In situations where FMLA and FLA is applicable, FMLA/FLA leave must be utilized and exhausted prior to the employee making a request for a personal leave of absence.

The portion of any leave of absence that runs beyond the exhaustion of vacation, personal and sick leave will be without pay or longevity credit. In exceptional circumstances, the Borough Administrator may extend a leave of absence, if such extension is considered in the best interests of the Borough of Red Bank.

An employee who has exhausted his/her paid sick leave, vacation and personal days, and time out of work pursuant to the FMLA and/or FLA may, at the sole discretion of the Borough of Red Bank, be granted an additional unpaid sick leave of absence, during which time health benefits shall continue to be paid by the Borough, with the employee paying his/her share of the benefits. If at the end of the leave of absence approved by the Borough, the employee is unable to return to work, he/she will be terminated from employment.

Personal leaves are not granted for the purpose of seeking or accepting employment with another employer, or for extended vacation time. Employees on personal leave of absence for more than two weeks in any month will not receive holiday pay, and will not accrue personal leave, sick leave or vacation time for that month. A personal leave is granted with the understanding that the employee intends to return to work for the Borough of Red Bank. If the employee fails to return within five business days after the expiration of the leave, the employee shall be considered to have resigned.

Bereavement Leave Policy:

Employees are entitled to three (3) consecutive calendar days leave of absence for each death of an employee's immediate relative. "Immediate relative" includes spouse, domestic partner, civil union partner or significant other, child, parent, stepchild, sibling, grandparents, daughter-in-law, son-in-law, grandchildren, or any person residing in an employee's household who is not a tenant. Employees are entitled to one (1) day's leave in the event of the death of a relative not a member of the employee's immediate family or household. All requests must be approved by the Department Head. Employees are paid for all working days during the Bereavement Leave. Any additional leave must be approved by the employee's Department Head and charged against vacation, sick, or personal leave. Reasonable proof of death and relationship may be required.

Jury Duty Policy:

An employee required to render jury service shall be entitled to be absent from work during that service and will be paid the difference between any payment received for jury duty and the employee's regular salary. If an employee is released early from jury duty, he/she shall contact

the Department Head to determine whether his/her services are required for the remainder of that day. The employee must submit appropriate documentation from the court to the Personnel Administrative Assistant confirming his/her jury duty service prior to receiving his/her next paycheck.

Military Leave Policy:

The Borough of Red Bank shall comply with the provisions of the Uniformed Services Employment and Reemployment Rights Act, ("USERRA"). When a full-time employee (either permanent or temporary) who is a member of the reserve component of any United States armed force or the National Guard of any state including the Naval Militia and Air National Guard is required to engage in field training or is called for active duty, the employee will be granted a military leave of absence for the duration of the service. The first thirty (30) workdays of the leave shall be with full pay except that a member of the New Jersey National Guard shall receive full pay for the first ninety (90) days. Thereafter, the employee shall be paid the difference between military salary and the employee's regular salary for a period not to exceed 180 days. The paid leave will not be counted against any available time off including but not limited to vacation, sick or personal time. A full-time temporary employee who has served less than one-year shall not be entitled to paid leave but shall be granted non-paid military leave without loss of time.

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

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

SECTION FIVE

Compensation & Employee Benefits Policies:

The policies within this section cover non-union employees. They also cover union employees to the extent that their collective bargaining agreements do not address these issues.

Payroll Policy:

Salary ranges are established by ordinance and an applicable collective bargaining agreement. Employees are paid semi-monthly on the 15th and last day of each month. If payday date falls on a Saturday, Sunday or holiday, paychecks will be dated and distributed on the last business day preceding the regular issue date. Overtime will be paid in the pay period subsequent to the reporting of the overtime hours. Employees who are going on vacation and would like their checks in advance must make a written request to the Human Resources Manager at least two weeks in advance of the vacation. Any questions or discrepancies relating to paychecks should be addressed to the Human Resources Manager.

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

Overtime Compensation Policy:

Under the Federal Fair Labor Standards Act, certain employees in managerial, supervisory, administrative or professional positions are exempt from the provisions of the Act. The Human Resources Manager shall notify all Exempt employees of their status under the Act. Exempt employees are not eligible to receive overtime compensation and are required to work the normal workweek and any additional hours needed to fulfill their responsibilities.

All other employees are classified as Non-Exempt and are subject to the provisions of the Act. Non-Exempt Employees work forty (40) hours in a week, unless paid overtime is approved. Overtime must be budgeted and approved by the Department Head, the Chief Financial Officer and the Borough Administrator. Non-Exempt employees working overtime without prior approval will be subject to disciplinary action.

Non-Exempt employees approved to work overtime will receive overtime compensation for hours worked in excess of their regularly scheduled hours in a weekly period. Employees may choose overtime compensation in the form of overtime pay or compensating time off. The maximum number of hours that an employee may accrue for future compensating time off is sixty. Once this maximum has been accumulated, all additional hours will be compensated by overtime pay. Accrued and taken overtime compensating hours must be noted on the employee's time sheet.

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

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

Reimbursements for Out-of-Pocket Expenses:

Employees who must use their personal vehicles as a condition of employment are entitled to a vehicle maintenance allowance at a rate to be determined at the adoption of the annual budget. The total annual reimbursement shall in no case exceed the amount appropriated in the current year's departmental budget unless authorized by the Chief Financial Officer.

An employee who has received approval to expend cash for Borough supplies or to attend a meeting/conference on Borough business will be reimbursed for legitimate expenses, provided they are supported by a detailed voucher and appropriate receipts.

Requests for reimbursements shall be submitted and approved by Department Heads.

Educational Benefits, Conference and Seminar Policy:

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

Health Insurance Policy:

Full-time employees and their immediate family members are provided medical, hospital, dental and co-pay prescription insurance coverage commencing the first day of the month following the date of hire. The complete benefit plan is on file in the Personnel Administrative Assistant's office and a Summary Plan Description will be provided to all employees. Benefit levels for non-unionized employees are subject to change at the discretion of the Borough of Red Bank. All employee health coverage will comply with the provisions of Chapter 78, P.L. 2011, including the provisions for minimum employee contribution for health benefits as required by State law.

Health insurance coverage for employees on a Leave of Absence or who cease Borough of Red Bank employment will terminate at the end of the month in which the leave begins or employment is terminated unless otherwise agreed between the Borough and the employee. Coverage will continue for up to twelve weeks for employees on leave pursuant to the Family and Medical Leave Act and up to thirty weeks for employees on Military Leave. Upon termination of coverage, employees may extend health insurance coverage for themselves and/or their dependents by taking advantage of the COBRA provision for a period of up to eighteen months. For more information, consult the Director of Human Resources.

A full-time employee who retires may continue his/her health insurance through the Borough's group health plan. In accordance with N.J.S.A. 40A:10-23, the Borough will provide paid medical benefits for the retiring employee and spouse as follows:

- Retire on a disability approved by the Public Retirement System;
- Retire with twenty-five years (25) of service credit in the Public Employees Retirement System with the last twenty (20) consecutive years of employment with the Borough at the time of retirement;
- Upon reaching the age of sixty-two (62) years of age or older with the last twenty (20) years of service credit in the Public Employees Retirement System with the last fifteen (15) years of service with the Borough at the time of retirement;
- If the retiree is eligible for free insurance through other employment, the Borough will not carry him/her. The retiree would be required to sign an affidavit stating that he/she does not have other coverage. This shall apply to those who retire after January 1, 1982;
- Any other full-time employee may continue on a full contributory basis;
- Part-time employees who have participated in the Borough's Group Health Plan during employment may continue in the plan on a full contributory basis upon retirement,

Years of Service Policy

Years of service is defined as uninterrupted full-time employment with the Borough of Red Bank. Employees who leave the Borough in good standing and return will be granted credit for prior service with the Borough upon the completion of five years employment after their return. Permanent part-time employees who become full-time may be granted pro-rated service credit based upon their part-time hours of work as a percentage of full-time hours for that position.

All returning employees shall receive benefits applicable at the time of their return and not based upon when they initially started with the Borough. For example, all returning employees will now contribute toward their health insurance.

Seniority Policy

Seniority is defined as an employee's continuous length of service with the Borough, beginning with the employee's latest date of hire.

Retirement Policy:

Under State law, all employees must enroll in the New Jersey Public Retirement System or the Police and Fire Fighters Retirement System, as applicable. The employee's contribution to the Plan will be deducted from the employee's pay. An employee who has completed the required number of years and who has reached the required age under the Plan may retire. Employees planning to retire should first notify the Department Head in writing. The State retirement plans request six months advance notice to process the application. Anything to do with the employee's pension should be addressed to the Division of Pensions. After giving notice of retirement, employees are expected to assist their supervisor and co-employees by providing information concerning their current projects and help in the training of a replacement. The Department Head will prepare an Employee Action form showing any pay or other money owed the employee. The Human Resources Manager will conduct a confidential exit interview to discuss benefits including COBRA options, appropriate retirement issues and pay due. A COBRA notification letter will be sent to the employee's home address. The exit interview will also include an open discussion with the employee.

On the last day of work, the employee must return the Employee Identification Card, all keys and equipment and pay any money owed to the Borough. At this time, the employee will sign the termination memo designating all money owed and this memo will be retained in the official personnel file.

Upon retirement, employees hired before January 1, 1994 shall be paid for up to 260 days of accumulated unused sick time. Employees hired after January 1, 1994 shall be paid, upon retirement, for half of their total accumulated unused sick time or \$15,000 whichever is less.

Upon retirement, employees shall also be paid for any unused vacation time accrued in accordance with the provisions of the Vacation Policy.

SECTION SIX:

Managerial/Supervisory Procedures:

Employment Procedure:

- **Recruitment:** The Borough Administrator, in conjunction with the Human Resources Director, will coordinate the employment recruitment process for all vacancies to ensure compliance with contractual, legal, and equal opportunity requirements. When a vacancy occurs, it is the responsibility of the Department Head to notify the Borough Administrator who will distribute notification of the vacancy to all departments. The

Borough Administrator will undertake to recruit qualified applicants in accordance with applicable Federal and State law. Where positions are advertised, the media or other periodical utilized must have as wide circulation as possible to encourage applications from candidates from diverse backgrounds and must prominently state that the Borough of Red Bank is an equal opportunity employer.

- **Applications:** All candidates must fully complete an application form. A resume will not be considered as a substitute for this form. The application is a confidential document and will not be available to anyone who is not directly involved in the hiring process.
- **Interviews:** The Borough Administrator or Department Head will coordinate the interview process including the scheduling of applicants, development of interview questions and standards to measure candidate responses. All questions must be in accordance with the New Jersey Division of Civil Rights Guidelines for Pre-Employment Inquiries. Reasonable accommodations must be made for disabled applicants.
- **Physical Examinations:** Offers of employment are made subject to the applicant meeting the physical requirements of the specific position applied for. The Borough Administrator shall require prospective employees, prior to employment, to successfully pass a physical examination consistent with the Americans with Disabilities Act to assure that the work required by the position will not cause injury to the employee or co-employees and that the person is fit to meet the requirements of the position. The Borough 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 Borough of Red Bank at the expense of the Borough of Red Bank. All medical records of employees and prospective employees are confidential and are to be maintained by the Human Resources Manager separate from the employee's official personnel file.
- **Job Offers:** The final decision will be made pursuant to Borough Ordinance either by the Borough Administrator or the Mayor and Council after all references and other information has been verified. Every effort shall be made to offer reasonable accommodations pursuant the Americans with Disabilities Act. The employment offer must be made in a letter to the candidate outlining all terms and conditions of the offer. The letter will also establish a deadline for acceptance. This offer is contingent upon the candidate passing any required drug/alcohol test and physical examination that may be required for the position.
- **Acceptances and Rejections:** If the first offer is rejected, the Borough Administrator will decide either to hire another candidate or re-open the position. Once a candidate accepts the employment offer, all other candidates will be notified in writing that they were not accepted for the position.
- **Record Retention:** All applications, notes made during interviews and reference checks, job offers and other documents created during hiring process must be returned to the Director of Human Resources. 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 documents related to other candidates must be retained for at least one year. Records and documents created during the hiring process are confidential and must be retained in a locked cabinet.

Open Public Meetings Act Procedure Concerning Personnel Matters:

Discussions by the governing body or any body of the Borough of Red Bank 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 body of the Borough of Red Bank 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 not request that the discussion be held in open session, the governing body or other body of the Borough of Red Bank may, at its sole discretion, invite the affected individual(s) to attend the applicable portion of the closed session.

Processing and Orientation of New Employees Procedure:

All new full-time and part-time employees will be scheduled to meet with the Borough Administrator, Director of Human Resources, and Department Head on their first day for a general orientation. Copies of all forms and acknowledgements must be returned to the Personnel Administrative Assistant 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 Personnel Policies and Procedures Manual and acknowledgement of receipt;
- The Employee Complaint Policy letter and acknowledgement;
- A safety orientation and acknowledgement; and
- Arrangements for the new employee to complete required PEOSHA safety training.

Initial Employment Period Procedure:

Except where State requirements or contracts direct otherwise, new employees (or present employees transferring to new positions) will be hired subject to an initial employment period of ninety (90) working days. During this initial employment period, the new employee or transferee will be provided with training and guidance from the supervisor. At the end of the initial employment period, the supervisor will conduct an employee evaluation. New employees may be discharged at any time during this period without recourse to any grievance procedures or rights to appeal, if the Borough Administrator concludes that the employee is not progressing or performing satisfactorily. Under appropriate circumstances, the Borough Administrator may extend the initial employment period. Newly hired employees are not eligible for payment of paid time off except holidays until the successful completion of their initial employment period.

Personnel Policies and Procedure Manual:

Copies of this Personnel Policies and Procedures Manual will be distributed (in lieu of an Employee Handbook) to all employees and elected officials of the Borough. Employees will be required to sign an acknowledgement of receipt that will be placed in the official personnel file. The Manual will be revised and re-distributed whenever there is a significant change in personnel practice or at the Borough's discretion.

Personnel File Procedure:

The official personnel files shall be maintained by the Human Resources Manager and employee medical information will be maintained in a separate file. At least annually, the Manager will review files to make sure they are up-to-date and will follow-up with the Department Heads as necessary. Employees are responsible to notify the Manager any changes in vital information.

The Official file shall include at least the following:

- The original application signed by the employee;
- Notes from any pre-employment interview and reference check;
- The original letter detailing an offer of employment and any additional correspondence concerning the employee's hiring;
- A signed acknowledgement that the employee received a copy of the Employee Complaint Policy letter;
- A signed acknowledgement that the employee has received the Personnel Policies and Procedures Manual;
- A signed acknowledgement that the employee received the safety orientation;

- Annual written performance evaluations including documentation that the evaluation was reviewed with the employee;
- Counseling Action Plans;
- Records relating to on-the-job accidents;
- Disciplinary actions including an acknowledgement that the employee was notified of the proposed disciplinary action and was given an opportunity to respond;
- Records relating to any other employment actions including promotions, demotions, transfers, resignations, leaves, etc.;
- Educational transcripts; and
- Any other pertinent information.

Requests for Employment Verification and Reference Procedure:

Inquiries and written requests for references or employment verification regarding a current or former employee must be referred to the Director of Human Resources. No employee may issue a reference letter without the permission of the Manager. Under no circumstances should any information be released over the phone.

In response to a request for information, the Director of Human Resources will only verify an employee's name, dates of employment, job title, department and final salary. No other data or information will be furnished unless (1) the Borough of Red Bank is required to release the information by law or (2) the employee or former employee authorizes the Borough of Red Bank in writing to furnish this information and releases the Borough of Red Bank from liability.

Continuing Education Procedure:

The Director of Human Resources will arrange for employment practices seminars at least annually to train all managerial/supervisory personnel.

The Borough of Red Bank will also offer non-mandatory training to all other employees with special emphasis on employee rights and protections under various Federal and State laws as well as Borough of Red Bank employment practices. Records will be maintained in the official personnel files of all employees trained under this procedure.

Managerial and supervisory personnel will also update employees periodically by department meetings and memos that should address specific problems and concerns that may arise. Every effort will be made to encourage employee suggestions about ways to avoid employer-employee disputes and violations of employment rights.

SECTION SEVEN:

Forms

- Notice of Personnel Discussion*
- Employee Letter Concerning Employee Complaint Procedure*
- Employee Complaint Form*
- Application for Employment*
- **Performance Appraisal Self-Assessment Form ***
- Personnel Performance Evaluation*
- Post Employee Evaluation Recommended Developmental Activities
- Counseling Action Plan*
- Employee Evaluation Checklist*
- Sample Notices Concerning Whistleblower Act
- Leave of Absence Form for vacation and personal time
- FMLA/FLA Application for Family and Medical Leave
- FMLA/FLA Employer Notification Form
- FMLA/FLA Certification of Health Care Provider

Borough of Red Bank

NOTICE OF PERSONNEL DISCUSSION

Certified and regular mail

To: _____

Address: _____

This letter serves as notice to you that the terms and conditions of your employment with
The Borough of Red Bank will be discussed at the regularly scheduled meeting of
the Borough **Council**.

Date of Meeting(s): _____

Time: _____

Location: _____

The discussion will be in closed session, not open to the public, unless at least 24 hours before
the meeting the Borough Clerk receives a request, in writing, in which you request that the
discussion be held in public. If the discussion will affect other employees or potential
employees, it may be closed to the public unless all such affected persons submit such signed
requests. You are not required to attend this meeting. **If you have any questions about this
matter, please contact me.**

Notice Date: _____ Signed: _____ (title) _____

Borough of Red Bank Employee Complaint Procedure

The Borough of Red Bank has a “no tolerance” policy towards workplace wrongdoing. Under Federal and State law, you have a right to formally or informally report any statement, act, or behavior by a co-employee, supervisor, elected official or visitor that you perceive to be improper, including harassment of any kind, violence or threat of violence, retaliation, wrongful termination, breach of an employment agreement, failure to promote, wrongful demotion, violation of any employment protection law or regulation, discrimination of any nature, misrepresentation, defamation, or any other statements, acts, or behaviors that violate employment rights.

You also have the right to:

Disclose to a supervisor, Department Head, the Borough Administrator, the Human Resources Manager, or to member of the governing body or to a public body, as defined in the Employment Protection Act (N.J.S.A. 34:19) an activity, policy or practice that you reasonably believe is in violation of a law, a rule or regulation promulgated pursuant to law; or

Provide information to, or testify before any public body conducting an investigation, hearing, an inquiry into any violation of law, or a rule or regulation promulgated pursuant to law; or

Object to or refuse to participate in any activity, policy, or practice that you reasonably believe is a violation of a law, rule or regulation promulgated pursuant to law; is fraudulent or criminal; or is incompatible with a clear mandate of public policy concerning the public health, safety, or welfare; or

Participate in political activities or join political organizations, as long as you do so on your own time and maintain a clear separation between your official responsibilities and your political affiliations.

Immediately report any wrongdoing to your supervisor, or, if you prefer your Department Head, the Borough Administrator, the Human Resources Manager, or the Borough Attorney. No retaliatory measures will be taken against any employee who, in good faith, complains of wrongdoing or harassment. To the maximum extent feasible, the confidentiality of all such complaints will be maintained on a need-to-know basis. However, investigation of such complaints may require disclosure to the accused party and other witnesses in order to gather pertinent facts.

I, hereby acknowledge receipt of a copy of this letter.

Name _____

Date _____

Signature _____

The original signed copy of this letter must be filed in the employee’s personnel folder

Borough of Red Bank Employee Complaint Form

Date _____

Attach additional sheets if necessary to fully complete all questions

NAME: _____ **DEPARTMENT:** _____

TITLE: _____ **SUPERVISOR:** _____

Time period covered by this complaint: _____

Individuals who allegedly committed the acts being complained of:

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

Identify all persons with knowledge of the complained conduct:

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

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

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

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

What is your requested remedy for this complaint?

ACKNOWLEDGMENT

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

BY: _____ DATE: _____

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

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

BY: _____ DATE: _____

Borough of Red Bank

Date: _____

Employment Application:

Applicant Information:

Name (Last, First, Middle): _____

Address: _____

City/Town: _____

Phone (Work): () _____ (Home): () _____

Social Security Number: _____ - _____ - _____

Position applied for: _____

Have you ever applied to the Borough of Red Bank before: ____ Yes ____ No If yes, give date _____

Date you can start: _____ Salary desired: _____

Are you available to work: ____ Full time ____ Part time ____ Shift work ____ Temporary

Are you currently employed: ____ Yes ____ No May we contact you at work: ____ Yes ____ No

May we contact your current employer: ____ Yes ____ No

Have you ever been fired: ____ Yes ____ No

If so, state the reason:

Are you currently on layoff status and subject to recall: ____ Yes ____ No

Do you possess a current driver's license: ____ Yes ____ No

Do you possess a current commercial driver's license: ____ Yes ____ No

Please list any endorsements: _____

If you are under eighteen years of age, can you provide proof of eligibility to work: ____ Yes ____ No

Are you legally eligible to work in the United States of America: ____ Yes ____ No

Pursuant to Federal Law, proof of US Citizenship or immigration status will be required if you are hired.

Have you ever plead guilty or been found guilty of a crime; disorderly persons offense; a municipal ordinance, or other violation, involving moral turpitude: ____ Yes ____ No

Employment is conditional upon the results of the criminal background check. An answer of “Yes” may disqualify you from employment depending upon the circumstances involved. If “Yes”, please explain below.

The Borough of Red Bank is an Equal Opportunity Employer M/F

Employment History: This section must be completed even if you attach a resume. List your last four employers, major assignments within the same employer. Begin with the most recent. Include any military service. Explain any gaps in employment in the space on this form marked comments located on the bottom of this page.

Employer:	Date started:	Date left:	Work performed/ responsibilities:
Address:	Starting Salary:		
Job Title:	Final Salary:		
Reason for leaving:			
Supervisor's name and phone number:			
May we contact for a reference: ☐ Yes ☐ No			
Employer:	Date started:	Date left:	Work performed/ responsibilities:
Address:	Starting Salary:		
Job Title:	Final Salary:		
Reason for leaving:			
Supervisor's name and phone number:			
May we contact for a reference: ☐ Yes ☐ No			
Employer:	Date started:	Date left:	Work performed/ responsibilities:
Address:	Starting Salary:		
Job Title:	Final Salary:		
Reason for leaving:			
Supervisor's name and phone number:			
May we contact for a reference: ☐ Yes ☐ No			
Employer:	Date started:	Date left:	Work performed/ responsibilities:
Address:	Starting Salary:		
Job Title:	Final Salary:		
Reason for leaving:			
Supervisor's name and phone number:			
May we contact for a reference: ☐ Yes ☐ No			

Comments:

Education: Provide information on your formal schooling and education. Include elementary, secondary, and post-secondary education, if any. Include any formal vocational or professional education. For high school and post-secondary education, indicate any major or specialty, such as Academic, Business, or Trade.

School:	Years completed: (Circle)	Graduated: (Circle)	Major Field:
Elementary:	5 6 7 8	Yes No	N/A
High:	1 2 3 4	Yes No	
College:	1 2 3 4	Yes No	
Other:	1 2 3 4	Yes No	

Languages: List any foreign languages you know and indicate your level of proficiency.

Language:	Speak Some:	Speak Fluently:	Read:	Write:

Special Skills & Experience: State any special skills, experience, training, licenses, certifications or other factors that make you especially qualified for the position for which you are applying.

Comments & Additional Information: Is there any additional information about you we should consider?

References: Provide the names, addresses and phone numbers of three people whom we may contact as a reference. They should not be relatives or former supervisors.

Name & Address:	Phone Number:	Years Known:

Understandings and Agreements:

AS AN APPLICANT FOR A POSITION WITH THE BOROUGH OF RED BANK, I UNDERSTAND AND AGREE THAT I MUST PROVIDE TRUTHFUL AND ACCURATE INFORMATION IN THIS APPLICATION. I UNDERSTAND THAT MY APPLICATION MAY BE REJECTED IF ANY INFORMATION IS NOT COMPLETE, TRUE AND ACCURATE. IF HIRED, I UNDERSTAND THAT I MAY BE SEPARATED FROM EMPLOYMENT IF THE BOROUGH OF RED BANK LATER DISCOVERS THAT INFORMATION ON THIS FORM WAS INCOMPLETE, UNTRUE, OR INACCURATE. I GIVE THE BOROUGH OF RED BANK THE RIGHT TO INVESTIGATE THE INFORMATION I HAVE PROVIDED, TALK WITH FORMER EMPLOYERS (EXCEPT WHERE I HAVE INDICATED THEY MAY NOT BE CONTACTED). I GIVE THE BOROUGH OF RED BANK THE RIGHT TO SECURE ADDITIONAL JOB-RELATED INFORMATION ABOUT ME. I RELEASE THE BOROUGH OF RED BANK AND ITS REPRESENTATIVES FROM ALL LIABILITY FOR SEEKING SUCH INFORMATION. I UNDERSTAND THAT THE BOROUGH OF RED BANK IS AN EQUAL-OPPORTUNITY EMPLOYER AND DOES NOT DISCRIMINATE IN ITS HIRING PRACTICES. I UNDERSTAND THAT THE BOROUGH OF RED BANK WILL MAKE REASONABLE ACCOMMODATIONS AS REQUIRED BY THE AMERICANS WITH DISABILITIES ACT. I UNDERSTAND THAT IF I AM OFFERED EMPLOYMENT WITH THE BOROUGH OF RED BANK, SUCH AN OFFER DOES NOT CONSTITUTE AN EMPLOYMENT CONTRACT, AND IF EMPLOYED, SUCH EMPLOYMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT. I MAY RESIGN AT ANY TIME AND THE BOROUGH OF RED BANK MAY TERMINATE ME AT ANY TIME IN ACCORDANCE WITH ITS ESTABLISHED POLICIES AND PROCEDURES. NO REPRESENTATIVES OF THE BOROUGH OF RED BANK MAY MAKE ANY ASSURANCES TO THE CONTRARY. I UNDERSTAND THAT ANY OFFER OF EMPLOYMENT MAY BE SUBJECT TO JOB-RELATED MEDICAL, PHYSICAL, DRUG, OR PSYCHOLOGICAL TESTS. I ALSO UNDERSTAND THAT SOME POSITIONS MAY INVOLVE COMPLETE BACKGROUND AND CRIMINAL CHECKS.

Applicant's Signature _____ Date _____

Conditions of Employment:

Please be advised that all offers of employment are conditional on the applicant passing a mandatory criminal background check and drug test. A pre-employment physical may also be

required. Pursuant to our personnel policy, all job applicants are required to sign a consent form for drug testing and if the test results are positive and are not accounted for by the legal use of prescription or non-prescription drugs the applicant shall be ineligible for hire unless they can establish a legal basis for the use of the drug or controlled substance for which they test positive. *For your application to be considered, you must sign and date below.*

Applicant's Signature _____ Date _____

Voluntary Affirmative Action Information

You are not required to provide this information. Provide only if you wish.

If you provide information on this page, it will be filed separately from the job application. This information will be used only for purposes of the affirmative action program

Applicant Information:

Name: _____

Address: _____

City/town: _____

Phone: () _____

Position Applied For: _____

How did you learn about this position? ☐ Advertisement ☐ Employment Agency
☐ Friend ☐ Relative ☐ Walk-in ☐ Other (Explain) _____

Information Regarding Status:

Gender:

☐ Male

☐ Female

Equal Employment Opportunity identification groups:

☐ White

☐ African-American (non-Hispanic)

☐ Hispanic

☐ American Indian/Alaskan native

☐ Asian/Pacific Islander

☐ Other _____

For Borough of Red Bank use only

Hired: ☐ Yes ☐ No Position _____ Date _____

Which EEO job classification best describes the position for which the applicant applied?

1. Officials and Managers

4. Sales workers

7. Operators(semi-skilled)

2. Professionals

5. Office and clerical workers

8. Laborers (unskilled)

3. Technicians

6. Craft workers (skilled)

9. Service workers

Borough of Red Bank Official _____

Date _____

This page for Borough of Red Bank use only!
Results of interview

Interviewer: _____

Date: _____ **Time:** _____

RED BANK BOROUGH
Performance Appraisal Self-Assessment Form

Employee's Name: _____ **Appraisal Period:** _____

Position Title: _____ **Reason for review:** _____

Note: *Employees should maintain a file folder at their desk or on-line. File information about any special assignments, committees you serve on, or team projects that you have been or are a part of. Be sure to include anything that is outside of your regularly assigned duties. As you complete projects include the end result, such as reports. If you receive any kudos, add those to your file.*

When you are notified that your performance review is scheduled, be prepared to discuss your performance as follows:

- A. Organize your file** and present it to your supervisor, so they can easily see what you were assigned during the appraisal period and what you have accomplished. Highlight any goals for the year and what you did to achieve those goals.
- B. Answer the questions** listed below. You can expand the areas below to include more information if you choose. Be prepared to discuss your current situation and provide possible solutions to problems, if necessary. If you feel you need new assignments or challenges; or, if you feel you need additional training or assistance with any of your listed job assignments, address these issues with your Supervisor.

1. How successfully did you meet your goals/assignments during the performance appraisal period?
2. What achievements are you particularly proud of and what strengths have you shown?
3. In what areas could you develop or improve your performance and how could this be achieved?
4. What changes have there been in your position in the past 12 months and what changes do you foresee for the future?

Employee's Name: _____ **Appraisal Period:** _____

5. Are there aspects of your work in which you would welcome further guidance or training? What can your supervisor do to assist you?
6. What problems or challenges did you encounter in carrying out your position last year?
7. How did you overcome any problems or challenges?
8. Are there still barriers to achieving all of your goals/job assignments.
9. List all professional development that you completed to increase your effectiveness at work, including classes, training, mentoring, etc.

Additional Comments:

Employee's Name (*Print or Type*): _____

Employee's Signature/Date: _____

RED BANK BOROUGH
PERSONNEL PERFORMANCE EVALUATION

Purpose: *The following evaluation form is designed to measure the performance of Borough employees during the period of review and provide an opportunity for the employee and supervisor to discuss job related performance.*

Employee's Name: _____ Appraisal Period: _____

Position Title: _____ Reason for review: _____

PART I - PERFORMANCE FACTORS:

This evaluation measures nine (9) areas of job performance and individual performance factors. The numerical ratings of performance in these areas corresponds to the performance definitions outlined in Part II. Each applicable factor is assessed according to the degree to which performance meets job requirements. Circle or mark each scale at the point which most nearly reflects the employee's performance. If a rating of 1 OR 5 is circled, specific documentation is required in the COMMENTS section. Comments should relate to specific job duties. Write "NA" to indicate that a factor does not apply to this job or employee. Average the score of all items in a section to arrive at a score for each performance factor. The average of the performance factor scores will be the employee's composite score, an assessment of overall performance.

PART II - PERFORMANCE DEFINITIONS:

The rating should reflect the total impact of performance throughout the appraisal period. Be careful not to magnify an isolated incident in which the employee exceeded or fell below performance requirements.

- (1) **MARGINAL:** performs job below expectations of supervisor and does not fulfill minimum job requirements.
- (2) **ADEQUATE:** job performance is sometimes consistent with standards, but more often is below expectations. With proper supervision, training and experience, the employee is expected to improve.
- (3) **COMPETENT:** performance which consistently meets normal requirements of the position. All aspects of work fully acceptable.
- (4) **COMMENDABLE:** accomplishment clearly and consistently above what is required.
- (5) **DISTINGUISHED:** job performance, attitudes, and outputs consistently and significantly exceed the requirements.

B. QUALITY OF WORK:

Addresses how well knowledge is applied to generate finished products, and to what degree quality of performance contributes to obtaining expected results.

5. Possesses necessary technical skills/strives to improve job knowledge and expertise.	1	2	3	4	5	[]
6. Displays thoroughness in work activity.	1	2	3	4	5	[]
7. Strives for accuracy and neatness in job situations.	1	2	3	4	5	[]
8. Effectively analyzes new situations, problems and evaluates alternatives.	1	2	3	4	5	[]

SECTION B. AVERAGE []

COMMENTS:

C. QUANTITY OF WORK:

Addresses the acceptable amount of satisfactory work generated compared to a reasonable expectation.

9. Produces volume of work that the position requires.
- | 1 | 2 | 3 | 4 | 5 |
|---|---|---|---|---|
| | | | | |

SECTION C. AVERAGE [1]

COMMENTS:

D. INITIATIVE:

Self-reliance, resourcefulness, willingness and ability to accept and carry out responsibility.

10.	Does what needs to be done without being told.					[		]
	1	2	3	4	5			
11.	Takes responsibility for individual action.					[		]
	1	2	3	4	5			
12.	Seeks additional assignments when other tasks are completed.					[		]
	1	2	3	4	5			

SECTION D. AVERAGE []

COMMENTS:

E. DEPENDABILITY:

Degree to which employee can be relied upon to do the job and to meet personal or work deadlines without supervision.

13.	Follows through on assignments until completion.							
	1	2	3	4	5			
14.	Completes assignments on time.							
	1	2	3	4	5			
15.	Sets and revises priorities to optimize time usage.							
	1	2	3	4	5			
16.	Remains attentive to job duties without prompting.							
	1	2	3	4	5			

SECTION E. AVERAGE

[]

COMMENTS:

E. WORKING WITH OTHERS:

The degree to which an employee cooperates with others in resolving problems which affect job performance, departmental, or institutional goals.

17. (A) Offers constructive criticism.

1 2 3 4 5 []

(B) Accepts constructive criticism.

1 2 3 4 5 []

18. Adjusts to supervisory/management style.

1 2 3 4 5 []

19. Actively contributes to team goals.

1 2 3 4 5 []

20. Displays a cooperative working relationship with others.

1 2 3 4 5 []

SECTION F. AVERAGE

[]

COMMENTS:

G. COMMUNICATIONS SKILLS:

The ability to convey ideas and information effectively and courteously to others.

21.	Conveys information and ideas clearly and courteously.	
	1 2 3 4 5	[]
22.	Information conveyed is generally accurate.	
	1 2 3 4 5	[]
23.	Maintains the confidentiality of business matters to which exposure may occur.	
	1 2 3 4 5	[]
24.	Reads and acts on mail as appropriate.	
	1 2 3 4 5	[]

SECTION G. AVERAGE []

COMMENTS:

H. WORK HABITS:

Organization of work; punctuality; observance of rules and regulations.

25.	Work attendance (time off other than for vacation and serious medical conditions).	
	1 2 3 4 5	[]
26.	Observance of established work hours (punctuality).	
	1 2 3 4 5	[]
27.	Maintains an orderly work area, with regard for equipment, tools, and materials.	
	1 2 3 4 5	[]
28.	Performs well under pressure.	
	1 2 3 4 5	[]

- 1 2 3 4 5 []

- 1 2 3 4 5**

[]

I. OTHER: *(Only answer if applicable to job requirements)*

- 1 2 3 4 5 []

- 1 2 3 4 5 []

1	2	3	4	5						[]

- 1 2 3 4 5 []

1	2	3	4	5		[	]

[]

COMMENTS:

- 1. What actions may be taken by the employee to help the individual improve performance before the next performance review?**
- 2. What actions does the employee request the employer to take to help or assist the employee to improve the individual employee's performance before the next performance review?**

PART V - REVIEW WITH EMPLOYEE:

I have reviewed this performance evaluation with our employee and he/she has had an opportunity to discuss it with me.

Supervisor's Name (*Print or Type*): _____

Supervisor's Signature/Date: _____

Employee's Review, Signature/Date:

I have read this evaluation and discussed it with the preparer. I (circle) Do / Do Not agree with this evaluation.

Employee comments: _____

Employee's Name (*Print or Type*): _____

Employee's Signature/Date: _____

_____ Self-Assessment Attached

_____ Employee Rebuttal Attached

**POST EMPLOYEE EVALUATION
RECOMMENDED DEVELOPMENTAL ACTIVITIES:**

Employee's Name: _____ Appraisal Period: _____

Position Title: _____ Reason for review: _____

Based upon the above referenced employee's evaluation for the specified appraisal period, the following specific developmental activities have been identified that, if completed satisfactorily by the employee, will capitalize on the incumbent's strengths and improve their weak areas. Target completion dates have been established for each activity. The employee should consider both activities that will support development in the present job as well as activities that may help prepare the incumbent for possible future assignments.

ACTIVITY

COMPLETION DATE

1.

2.

3.

4.

5.

I have reviewed this recommended Development Activities Report with our employee and he/she has had an opportunity to discuss same with me.

Supervisor's Name (Print or Type): _____

Supervisor's Signature/Date: _____

Employee's Review, Signature/Date:

*I have read this Development Activities Report and discussed it with the preparer.
I (circle) Do / Do Not agree with these recommended activities.*

Employee's Name (Print or Type): _____

Employee's Signature/Date: _____

Borough of Red Bank COUNSELING ACTION PLAN

EMPLOYEE NAME: _____ DATE: _____

DEPARTMENT: _____ POSITION: _____

I met with the above employee to discuss performance regarding the following problem(s):

This is a ☐ *verbal*, ☐ *written*, ☐ *final* meeting with this employee concerning this matter.

State the reason for the counseling session:

Employee's performance is not acceptable for the following specific reasons:

Employee must achieve the following goals in order to reach acceptable standards:

Employee should reach these goals by:

- ☐ Immediately
- ☐ Employee is on a probationary status and will be re-evaluated on _____
- ☐ Employee is Suspended: Dates: _____

Consequences of failure to improve or achieve goals:

- ☐ May result in further disciplinary action, up to and including termination.
- ☐ Termination.

Employee's Comments:

I have read the above. I understand that it constitutes a warning and I understand the amount of time I have to attain the stated performance goals. I also understand the consequences of my failure to improve or attain the above goals.

Employee Signature: _____ **Date:** _____

Department Head Signature _____ **Date:** _____

Borough Administrator Signature: _____ **Date:** _____

Borough of Red Bank EMPLOYEE EVALUATION CHECKLIST

☐ **BE PREPARED**

- Know the objectives and goals of the meeting.

☐ **TIME AND PLACE**

- Choose a quiet, private spot with as few interruptions as possible.

☐ **CONDUCTING THE INTERVIEW**

- Create a positive environment and help the employee feel at ease.
- Give balanced feedback, both positive and negative, but start with the positive.
- Focus on the job, NOT the person.
- Ask questions and allow the employee to provide feedback.
- When discussing areas for improvement, discuss methods and objectives for improving.
- Discuss possibilities for advancement, the employee's aspirations and professional development necessary to be a candidate for such future positions.

☐ **CONCLUSION**

- Summarize and review the important points of the discussion.
- Restate the action steps that have been recommended and provide a time frame for completion.
- Make sure employee reviews the appraisal and provides comments.
- Have employee sign the acknowledgement that the employee has read the appraisal (does not signify agreement with the content).

☐ **FOLLOW-UP**

- Follow-up with the employee to see how plans are proceeding within the given time frames.
- Offer the employee assistance in achieving objectives and encourage discussion of successes and obstacles.

SAMPLE NOTICES CONCERNING WHISTLEBLOWER ACT

LEAVE OF ABSENCE FORM FOR VACATION AND PERSONAL TIME

APPLICATION FOR FAMILY AND MEDICAL LEAVE

Name: _____

Department: _____

Position: _____

Reason for requesting leave of more than 3 consecutive calendar days:

- ☐ Birth of a son or daughter and in order to care for such child
- ☐ Placement of a child with me for adoption or foster care
- ☐ To care for my child, parent, parent-in-law or spouse, who has a serious health condition
- ☐ I am unable to perform the functions of my position due to a serious health condition

A. Date of birth or placement (if applicable):

B. Period of Leave: _____ to _____

C. If request is for intermittent or reduced leave:

Date(s)

Describe adjustment in schedule which would be required:

date

employee signature

You will be notified whether the requested leave is designated as FMLA/FLA Leave.

To:(Employee's Name)

From:(Name of Appropriate Employer Representative)

Subject: REQUEST FOR FAMILY/MEDICAL LEAVE

On _____ (Date), you notified us of your need to take family/medical leave due to:

☐ ☐ The birth of a child, or the placement of a child with you for adoption or foster care; or

☐ ☐ A serious health condition that makes you unable to perform the essential functions for your job: or

☐ ☐ A serious health condition affecting your ☐ ☐ spouse, ☐ ☐ child, ☐ ☐ parent, for which you are needed to provide care.

You notified us that you need this leave beginning on _____ (Date) and that you expect leave to continue until on or about _____ (Date).

Except as explained below, you have a right under the FMLA for up to 12 weeks of unpaid leave in a 12-month period for the reasons listed above. Also, your health benefits must be maintained during any period of unpaid leave under the same conditions as if you continued to work, and you must be reinstated to the same or an equivalent job with the same pay, benefits, and terms and conditions of employment on your return from leave. If you do not return to work following FMLA leave for a reason other than: (1) the continuation, recurrence, or onset of a serious health condition which would entitle you to FMLA leave; or (2) other circumstances beyond your control, you may be required to reimburse us for our share of health insurance premiums paid on your behalf during your FMLA leave.

This is to inform you that: (check appropriate boxes; explain where indicated)

1. You are ☐ ☐ eligible ☐ ☐ not eligible for leave under the FMLA.

2. The requested leave ☐ ☐ will ☐ ☐ will not be counted against your annual FMLA leave entitlement.

3. You ☐ ☐ will ☐ ☐ will not be required to furnish medical certification of a serious health condition. If required, you must furnish certification by (insert date) (must be at least 15 days after you are notified of this requirement), or we may delay the commencement of your leave until the certification is submitted.

4. You may elect to substitute accrued paid leave for unpaid FMLA leave. We ☐ ☐ will ☐ ☐ will not require that you substitute accrued paid leave for unpaid FMLA leave. If paid leave will be used, the following conditions will apply: (Explain)

5. (a) If you normally pay a portion of the premiums for your health insurance, these payments will continue during the period of FMLA leave. Arrangements for payment have been discussed with you, and it is agreed that you will make premium payments as follows: (Set forth dates, e.g., the 10th of each month, or pay periods, pay periods, etc. that specifically cover the agreement with the employee.)

(b) You have a minimum 30-day (or, indicate longer period, if applicable) grace period in which to make premium payments. If payment is not made timely, your group health insurance may be cancelled, provided we notify you in writing at least 15 days before the date that your health coverage will lapse, or, at our option, we may pay your share of the premiums during FMLA leave, and recover these payments from you upon your return to work. We ☐ will ☐ will not pay your share of health insurance premiums while you are on leave.

(c) We ☐ will ☐ will not do the same with other benefits (e.g., life insurance, disability insurance, etc.) while you are on FMLA leave. If we do pay your premiums for other benefits, when you return from leave you ☐ will ☐ will not be expected to reimburse us for the payments made on your behalf.

6. You ☐ will ☐ will not be required to present a fitness-for-duty certificate prior to being restored to employment. If such certification is required but not received, your return to work may be delayed until certification is provided.

7. (a) You ☐ are ☐ are not a “key employee” as described in § 825.217 of the FMLA regulations. If you are a “key employee:” restoration to employment may be denied following FMLA leave on the grounds that such restoration will cause substantial and grievous economic injury to us as discussed in § 825.218.

(b) We ☐ have ☐ have not determined that restoring you to employment at the conclusion of FMLA leave will cause substantial and grievous economic harm to us. (Explain (a) and/or (b) below. See §825.219 of the FMLA regulations.)

8. While on leave, you ☐ will ☐ will not be required to furnish us with periodic reports every (indicate interval of periodic reports, as appropriate for the particular leave situation) of your status and intent to return to work (see § 825.309 of the FMLA regulations). If the circumstances of your leave change and you are able to return to work earlier than the date indicated on the reverse side of this form, you ☐ will ☐ will not be required to notify us at least two work days prior to the date you intend to report to work.

9. You ☐ will ☐ will not be required to furnish recertification relating to a serious health condition. (Explain below, if necessary, including the interval between certifications as prescribed in §825.308 of the FMLA regulations.)

Certification of Health Care Provider
(Family and Medical Leave Act of 1993)

U.S. Department of Labor

Employment Standards Administration
Wage and Hour Division



(When completed, this form goes to the employee, Not to the Department of Labor.)

OMB No.: 1215-0181
Expires: 09-30-2010

1. Employee's Name: _____

2. Patient's Name (if different from employee): _____

3. Page 4 describes what is meant by a "**serious health condition**" under the Family and Medical Leave Act. Does the patient's condition¹ qualify under any of the categories described? If so, please check the applicable category.

(1) _____ (2) _____ (3) _____ (4) _____ (5) _____ (6) _____, or None of the above

4. Describe the **medical facts** which support your certification, including a brief statement as to how the medical facts meet the criteria of one of these categories:

5 a. State the approximate **date** the condition commenced, and the probable duration of the condition (and also the probable duration of the patient's present **incapacity**² if different):

b. Will it be necessary for the employee to take work only **intermittently or to work on a less than full schedule** as a result of the condition (including for treatment described in Item 6 below)?

If yes, give the probable duration:

c. If the condition is a **chronic condition** (condition #4) or **pregnancy**, state whether the patient is presently incapacitated² and the likely duration and frequency of **episodes of incapacity**²:

¹ Here and elsewhere on this form, the information sought relates **only** to the condition for which the employee is taking FMLA leave.

² "Incapacity" for purposes of FMLA, is defined to mean inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefor, or recovery therefrom.

Form WH-380

Revised December 1995

6. a. If additional **treatments** will be required for the condition, provide an estimate of the probable number of such treatments.

If the patient will be absent from work or other daily activities because of **treatment** on an **intermittent** or **part-time** basis, also provide an estimate of the probable number of and interval between such treatments, actual or estimated dates of treatment if known, and period required for recovery if any:

b. If any of these treatments will be provided by **another provider of health services** (e.g., physical therapist), please state the nature of the treatments:

- c. **If a regimen of continuing treatment** by the patient is required under your supervision, provide a general description of such regimen (*e.g.*, prescription drugs, physical therapy requiring special equipment):

-
- 7. a. If medical leave is required for the employee's **absence from work** because of the **employee's own condition** (including absences due to pregnancy or a chronic condition), is the employee **unable to perform work** of any kind?
 - b. If able to perform some work, is the employee **unable to perform any one or more of the essential functions of the employee's job** (the employee or the employer should supply you with information about the essential job functions)? If yes, please list the essential functions the employee is unable to perform:
 - c. If neither a. nor b. applies, is it necessary for the employee to be **absent from work for treatment**?
-
- 8. a. If leave is required to **care for a family member** of the employee with a serious health condition, **does the patient require assistance** for basic medical or personal needs or safety, or for transportation?
 - b. If no, would the employee's presence to provide **psychological comfort** be beneficial to the patient or assist in the patient's recovery?
 - c. If the patient will need care only **intermittently** or on a part-time basis, please indicate the probable **duration** of this need:

Signature of Health Care Provider

Type of Practice

Address

Telephone Number

Date To be completed by the employee needing family leave to care for a family member:

State the care you will provide and an estimate of the period during which care will be provided, including a schedule if leave is to be taken intermittently or if it will be necessary for you to work less than a full schedule:

Employee Signature

Date

A **“Serious Health Condition”** means an illness, injury impairment, or physical or mental condition that involves one of the following:

1. Hospital Care

Inpatient care (*i.e.*, an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity² or subsequent treatment in connection with or consequent to such inpatient care.

2. Absence Plus Treatment

(a) A period of incapacity² of **more than three consecutive calendar days** (including any subsequent treatment or period of incapacity² relating to the same condition), that also involves:

- (1) **Treatment³ two or more times** by a health care provider, by a nurse or physician’s assistant under direct supervision of a health care provider, or by a provider of health care services (*e.g.*, physical therapist) under orders of, or on referral by, a health care provider; or

- (2) **Treatment** by a health care provider on **at least one occasion** which results in a **regimen of continuing treatment**⁴ under the supervision of the health care provider.

3. Pregnancy

Any period of incapacity due to **pregnancy**, or for **prenatal care**.

4. Chronic Conditions Requiring Treatments

A **chronic condition** which:

- (1) Requires **periodic visits** for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;
- (2) Continues over an **extended period of time** (including recurring episodes of a single underlying condition); and
- (3) May cause **episodic** rather than a continuing period of incapacity² (e.g., asthma, diabetes, epilepsy, etc.).

5. Permanent/Long-term Conditions Requiring Supervision

A period of **Incapacity**² which is **permanent or long-term** due to a condition for which treatment may not be effective. The employee or family member must be **under the continuing supervision of, but need not be receiving active treatment by, a health care provider**. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.

6. Multiple Treatments (Non-Chronic Conditions)

Any period of absence to receive **multiple treatments** (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for **restorative surgery** after an accident or other injury, **or** for a condition that **would likely result in a period of Incapacity² of more than three consecutive calendar days in the absence of medical intervention or treatment**, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), and kidney disease (dialysis).

This optional form may be used by employees to satisfy a mandatory requirement to furnish a medical certification (when requested) from a health care provider, including second or third opinions and recertification (29 CFR 825.306).

Note: Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number.

³ Treatment includes examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations.

⁴ A regimen of continuing treatment includes, for example, a course of prescription medication (e.g., an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition. A regimen of treatment does not include the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider.

Public Burden Statement

We estimate that it will take an average of 20 minutes to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, Department of Labor, Room S-3502, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

DO NOT SEND THE COMPLETED FORM TO THIS OFFICE; IT GOES TO THE EMPLOYEE.

*U.S. GPO: 2000-461-954/25505

BOROUGH OF RED BANK

PERSONNEL

POLICIES AND PROCEDURES

MANUAL

SEPTEMBER 2016

**(October 2017, December 2017 and October 2018
Amendments incorporated)**

IMPORTANT NOTICE

THIS MANUAL IS NOT AN EMPLOYMENT CONTRACT BETWEEN THE BOROUGH OF RED BANK (THE “BOROUGH”) AND OUR EMPLOYEES.

THERE ARE NO PROMISES OF ANY KIND BY THE BOROUGH CONTAINED IN THIS MANUAL. REGARDLESS OF WHAT THIS MANUAL SAYS OR PROVIDES, EXCEPT TO THE EXTENT COVERED BY A COLLECTIVE BARGAINING UNIT AGREEMENT OR OTHER EMPLOYMENT CONTRACT, THE BOROUGH PROMISES NOTHING AND RESERVES ITS RIGHT TO CHANGE WAGES AND ANY AND ALL OTHER WORKING CONDITIONS, AND ANY OTHER POLICY OR PROVISION SET OUT IN THIS MANUAL AT ANY TIME, AND WITHOUT HAVING TO CONSULT ANYONE AND WITHOUT ANYONE'S AGREEMENT. EMPLOYEES WITH QUESTIONS REGARDING THE APPLICABILITY OF A PARTICULAR POLICY OR PRACTICE OF THE BOROUGH, OR ANY PROVISION OF THIS MANUAL SHOULD ASK THEIR SUPERVISOR, THE BUSINESS ADMINISTRATOR OR HIS/HER DESIGNEE.

THE POLICIES, PRACTICES AND PROCEDURES PUBLISHED BY THE BOROUGH AS CONTAINED IN THIS MANUAL ARE NOT IN ANY WAY TO BE INTERPRETED AS AN EMPLOYMENT CONTRACT BETWEEN THE BOROUGH AND ANY OF OUR EMPLOYEES. BOTH THE BOROUGH AND OUR EMPLOYEES HAVE THE RIGHT TO END THE EMPLOYMENT RELATIONSHIP AT ANY TIME, WITH OR WITHOUT CAUSE AND WITH OR WITHOUT PRIOR NOTICE, EXCEPT TO THE EXTENT COVERED BY A COLLECTIVE BARGAINING UNIT AGREEMENT OR OTHER EMPLOYMENT CONTRACT. NOTHING IN THIS MANUAL SHOULD BE INTERPRETED AS IN ANY WAY CHANGING OR MODIFYING YOUR AT WILL EMPLOYMENT OR AS CONSTITUTING A GUARANTEE OF EMPLOYMENT WITH THE BOROUGH FOR ANY SPECIFIC PERIOD OF TIME.

THIS MANUAL SUPERSEDES AND REPLACES ALL PRIOR OR EXISTING HANDBOOKS, MANUALS, WRITTEN POLICIES, MEMOS, E-MAILS, ORAL POLICIES OR PRACTICES IN EFFECT, OR ORAL, WRITTEN OR ELECTRONIC STATEMENTS MADE, PRIOR TO THE MOST RECENT EFFECTIVE DATE PRINTED ON THE COVER OF THIS MANUAL. TO THE EXTENT ANY PROVISION OF THIS MANUAL CONTRADICTS THE TERMS OF ANY COLLECTIVE BARGAINING UNIT AGREEMENT OR OTHER EMPLOYMENT CONTRACT, THE TERMS OF THAT AGREEMENT OR CONTRACT WILL PREVAIL OVER THE TERMS SET OUT IN THIS MANUAL OR ANY POLICY OR PROCEDURE CONTAINED IN THIS MANUAL.

ACKNOWLEDGMENT OF RECEIPT

I, _____, ACKNOWLEDGE RECEIPT OF THE BOROUGH OF RED BANK'S PERSONNEL POLICIES AND PROCEDURES MANUAL WHICH CONTAINS, AMONG OTHER THINGS, THE BOROUGH'S ANTI-DISCRIMINATION AND ANTI-HARASSMENT POLICIES. I HAVE READ THE MANUAL AND UNDERSTAND ITS POLICIES AND PROVISIONS. IF THERE ARE ANY PROVISIONS OF THIS MANUAL I DO NOT UNDERSTAND OR ABOUT WHICH I HAVE QUESTIONS, I WILL CONSULT WITH MY SUPERVISOR

I UNDERSTAND THAT THE BOROUGH OF RED BANK HAS THE RIGHT, AT ITS SOLE DISCRETION, TO REVIEW, CHANGE, OR ELIMINATE ANY OR ALL OF THE POLICIES AND/OR PROVISIONS OF THE MANUAL.

I UNDERSTAND THAT MY EMPLOYMENT WITH THE BOROUGH OF RED BANK IS AT WILL AND THAT THE BOROUGH MAY TERMINATE MY EMPLOYMENT AT ANY TIME AND FOR ANY REASON WITH OR WITHOUT CAUSE AND WITHOUT PRIOR NOTICE. I ALSO UNDERSTAND THAT I CAN RESIGN WITH OR WITHOUT A REASON AT ANY TIME. NO PROCEDURES NEED BE COMPLIED WITH IN ORDER TO END THE EMPLOYMENT RELATIONSHIP UNLESS THAT AT-WILL RELATIONSHIP IS SUBJECT TO EXTERNAL LAW, A COLLECTIVE BARGAINING AGREEMENT, OR THE NEW JERSEY DEPARTMENT OF PERSONNEL REGULATIONS. I UNDERSTAND THAT NOTHING CONTAINED IN THIS EMPLOYEE MANUAL, OR ANY OTHER STATEMENT OF THE BOROUGH OF RED BANK POLICY, CREATES A CONTRACT FOR CONTINUED EMPLOYMENT UNDER ANY PARTICULAR TERMS OR CONDITIONS, OR FOR ANY SPECIFIC TIME PERIOD.

Date

Employee's Name

Department

Employee's Signature

**THIS WILL CERTIFY THAT I, _____ HAVE
BEEN GIVEN A COPY OF THE BOROUGH OF RED BANK'S POLICY ADDRESSING
ALCOHOL AND DRUGS IN THE WORKPLACE AND THAT I FULLY UNDERSTAND
SAID POLICY AND AGREE TO COMPLY WITH ALL TERMS AND
REQUIREMENTS SET FORTH HEREIN.**

EMPLOYEE: _____

DATE: _____

WITNESS: _____

DATE: _____

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GENERAL PERSONNEL POLICY

It is the policy of the Borough of Red Bank to treat employees in a manner consistent with all applicable employment laws and regulations. The personnel policies and procedures of the Borough apply to all employees, volunteers, elected or appointed officials and independent contractors. This manual supersedes the previous Borough of Red Bank Policy and Procedures Manual, and to the extent that any provisions of this manual differ from the prior manual, the provisions of this manual are in effect. In the event there is a conflict between these provisions and any collective bargaining agreement, personal services contract, the Police Department Rules and Regulations for the Governing of the Police Department, or Federal or State law, the terms and conditions of that agreement, contract, rules and regulations, or law shall prevail. If any provision of this manual is deemed invalid, that part of the manual will be suspended, but the remainder of the manual will remain in effect. In all other cases, these policies and procedures shall prevail.

The Business Administrator is designated as the Personnel Officer, and is empowered to appoint all Borough employees subject to law, statute and ordinance. No person shall be employed or promoted unless there exists a position created by an ordinance or resolution adopted by the Mayor and Council, as well as the necessary budget appropriation and salary ordinance.

The Business Administrator and all managerial/supervisory personnel are authorized and responsible for personnel policies and procedures. The Business Administrator and his/her designee shall also have access to the Borough Attorney appointed by the Mayor and Council for guidance in personnel matters.

As a general principle, the Borough of Red Bank has a “no tolerance” policy towards workplace wrongdoing. Borough of Red Bank officials, employees and independent contractors are to report anything perceived to be improper to their supervisor or Borough of Red Bank official. The Borough of Red Bank believes strongly in an Open Door Policy and encourages employees to talk with their supervisor, Department Head, Business Administrator, or his/her designee concerning any problem.

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

To the maximum extent permitted by law, the Borough of Red Bank operates under the legal doctrine known as “employment at will.” Within Federal and State law, and any applicable bargaining unit agreement, the Borough of Red Bank shall have the right to terminate an employee at any time and for any reason, with or without notice, except that the Borough of Red Bank shall comply with all Federal and State Laws regarding termination or dismissal.

SPECIFIC EMPLOYMENT POLICIES AND PROCEDURES

SECTION 1

Policies Relating to Employee Rights and Obligations:

A. Anti-Discrimination Policy/New Jersey Pregnant Worker’s Fairness Act:

The Borough is committed to the principle of equal employment opportunity and anti-discrimination practices pursuant to Title VII of the 1964 Civil Rights Act, as amended by the Equal Opportunity Act of 1972, the Age Discrimination and Employment Act, the Americans with Disabilities Act (“ADA”) and the New Jersey Law Against Discrimination (“NJLAD”) as amended by the New Jersey Pregnant Worker’s Fairness Act and the Diane B. Allen Equal Pay Act. It is the Borough’s policy to prohibit discrimination and/or harassment of an employee by another employee, management representative, supplier, volunteer, or business invitee on the basis of actual or perceived sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, civil union status, gender identity or expression, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), pregnancy (including pregnancy related medical condition), childbirth, liability for service in the United States Armed Forces, and/or any other characteristic protected by law. Decisions regarding hiring, promotion, pay and/or benefits, assignment, training, transfer, discipline, demotion and termination are based solely on the Borough’s requirements, and the qualifications and performance of the employee or prospective employee, and shall never be based upon any discriminatory practice or basis. Any type of harassment, including but not limited to slurs, epithets, directs, derogatory comments, unwelcome jokes, teasing, and other similar verbal or physical conduct based on a protected category is strictly forbidden. If any employee or prospective employee feels they have been treated unfairly based on one of the protected categories, they have the right to address their concern with their supervisor, or if they prefer their Department Head, the Business Administrator or his/her designee.

B. Reasonable Accommodation For Individuals with Disabilities and Pregnancy or Related Medical Conditions:

In compliance with the Americans with Disabilities Act (“Act”), the ADA Amendments Act and the NJLAD as amended by the New Jersey Pregnant Worker’s Fairness Act, the Borough of Red Bank does not discriminate against any employee or job applicant with respect to any

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

Employees should present requests for reasonable accommodation to their supervisor, the Business Administrator or his/her designee. In response to a request for accommodation, the Business Administrator shall initiate an interactive dialogue with disabled/pregnant employees and prospective employees or their respective health care provider to identify reasonable accommodations that do not create an undue hardship. Accommodations include modifications to facilities, equipment and work procedures, auxiliary aides, services and permanent reassignment to vacant positions. Employees who are reassigned to a different position shall receive the salary of their new position. In the case of an employee breastfeeding her infant child, the accommodation shall include reasonable break time each day to the employee and a suitable room or other location with privacy, other than a toilet stall, in close proximity to her work area for the employee to express breast milk for the child. Accommodations shall not be so expensive, extensive and disruptive or fundamentally alter the nature of the operation so as to be an undue hardship. The law does not require the Borough of Red Bank to offer permanent "light duty", relocate essential functions or provide personal use items such as eyeglasses, hearing aids, wheelchairs, or other personal items. To be eligible for accommodations, individuals must (1) be able to perform the essential function of the position, with or without reasonable accommodations, (2) not create a real safety hazard to themselves, their co-employees or the public, and (3) must otherwise be qualified for the position in that they possess the prerequisites including education, experience, training, skills, licenses or certificates and other job-related requirements. All decisions with respect to accommodations shall be made by the Business Administrator or Mayor and Council as appropriate.

Employee should also offer assistance, to the extent possible, to any member of the public who requests or needs an accommodation when visiting Borough facilities. Any questions concerning proper assistance should be directed to the Business Administrator or his/her designee.

C. Transitional Duty Policy:

The Borough will attempt to bring employees with temporary disabilities back on the job as soon as possible and may assign transitional duty to employees, who temporarily cannot perform the essential functions of their positions because of injury or illness. Transitional duty is not guaranteed and will not exceed 45 workdays. If a department already has one employee on transitional duty, it is unlikely that another employee from that department will be assigned transitional duty.

An employee requesting transitional duty, or, when relevant, the Workers' Compensation Physician, shall notify the Business Administrator as soon as the temporarily disabled employee is aware that he or she will be able to return to work with restrictions. Transitional duty will only be assigned if it is the Borough's expectation that the employee will be able to perform the essential functions of the position after the transitional duty period. The Business Administrator will consult with the employee's supervisor to determine if there is any meaningful work that can be performed consistent with the restrictions. Transitional duty assignments may be made in any department, and are not required to take place in the employee's currently-assigned department. The Business Administrator will decide if it is in the best interest of the Borough to approve a transitional duty request. The Borough reserves the right to terminate the transitional duty assignment at any time without cause or prior notice.

Employees may not refuse transitional duty assignments that are recommended or approved by the Workers' Compensation Physician. Failure to report to work as directed shall constitute immediate grounds for dismissal. If the employee believes that the transitional duty assignment is beyond the employee's abilities, the employee may request a meeting with the Business Administrator who will render a written response within a business day.

Employees on transitional duty will receive their regular salaries and are prohibited from engaging in any outside employment of any kind unless they receive prior written approval from the Business Administrator. If transitional duty is approved, the employee or Workers' Compensation Physician must keep the Business Administrator informed of the employee's medical progress. (Employees assigned to transitional duty will be allotted time off to attend medical or physical therapy appointments upon prior notice of at least 24 hours, but must request leave time for any other reason.) If, at the end of transitional duty period, the employee is not able to return to work without restrictions, the Borough reserves the right, at its sole discretion, to extend the transitional duty or place the employee back on medical leave for Workers' Compensation or temporary disability. This policy does not affect an employee's rights under the Americans with Disabilities Act, the Family and Medical Leave Act, the Fair Labor Standards Act, the Contagious or Life Threatening Illnesses Policy or other Federal or State law.

D. Contagious or Life Threatening Illnesses Policy:

The Borough of Red Bank encourages employees with contagious diseases or life-threatening illnesses, including, but not limited to cancer, heart disease, Hepatitis C and HIV/AIDS, to continue their normal pursuits, including work, to the extent allowed by their condition.

Employees with contagious conditions or life threatening illnesses will only be permitted to perform duties that will not create a risk to themselves, their co-workers or the general public. These individuals will be treated no differently than any other employee. As in the case of other disabilities, the Borough of Red Bank shall make reasonable accommodations in accordance with legal requirements to allow qualified employees with contagious or life-threatening illnesses to perform the essential functions of their jobs so long as they are able to meet acceptable performance standards, and also provided that the accommodation does not impose an undue hardship on the Borough.

- Medical information shall be treated confidentially, and may only be disclosed with the prior written consent of the person who is the subject of the information. Managers and other employees have a responsibility to maintain the confidentiality of employee medical information, and the Borough of Red Bank will take reasonable precautions to protect such information from inappropriate disclosure. Anyone inappropriately disclosing such information shall be subject to disciplinary action, up to and including termination. Information concerning the individual's medical condition, however, may be disclosed without prior consent when required by State and/or Federal law. Information may also 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.

Employees with questions or concerns about contagious or life-threatening illnesses are encouraged to contact the Business Administrator or his/her designee.

E. Safety Policy:

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

F. Driver's License Policy

Any employee whose work requires the operation of Borough vehicles must hold a valid and appropriate New Jersey State Driver's License for the vehicle to be operated.

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

Periodic checks of employee's driver's licenses through visual and formal Motor Vehicles Commission review checks shall be made by supervisors. Any employee who does not hold a valid driver's license will not be allowed to operate a Borough vehicle until such time as a valid license is obtained.

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

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

G. Workplace Violence Policy:

The Borough of Red Bank will not tolerate workplace violence. Violent acts or threats made by an employee against another person or property are cause for immediate dismissal and will be prosecuted to the fullest extent of the law. This includes any violence or threats made on Borough of Red Bank property, at Borough of Red Bank events, or under other circumstances that may negatively affect the Borough of Red Bank's ability to conduct business.

Prohibited conduct includes, but is not limited to:

- Causing physical injury to another person;
- Making threatening remarks;
- Aggressive or hostile behavior that creates a reasonable fear of injury in another person or subjects another individual to emotional distress;
- Intentionally damaging employer property or property of another employee;
- Possession of a weapon while on Borough of Red Bank property, or while on Borough of Red Bank business, except with the authority of the Police Chief; and

- Committing acts motivated by, or related to, sexual or other forms of workplace harassment or domestic violence.

Any potentially dangerous situations must be immediately reported.

H. Anti-Harassment Policy:

Unlawful discrimination and/or harassment undermine the integrity of the employment relationship, compromise equal employment opportunities, debilitate morale and interfere with work productivity. The Borough of Red Bank is committed to maintaining and promoting a healthy, productive and non-threatening work environment that is built upon mutual respect and is free from unlawful discrimination and/or harassment. In keeping with this commitment, the Borough has a ZERO TOLERANCE policy toward unlawful discrimination and harassment. Accordingly, unlawful discrimination and harassment of Borough employees by anyone, including any supervisor, co-employee, vendor, contractor, citizen, or patron of the Borough will not be tolerated.

It is Borough's policy to prohibit harassment of an employee by another employee, or by a supervisor, vendor, contractor, citizen or patron, on the basis of actual or perceived sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, civil union status, gender identity or expression, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), pregnancy (including pregnancy related medical condition), childbirth, breastfeeding, liability for service in the United States armed forces, and/or any other characteristic protected by Federal and/or State law. Harassment of any individual, including non-employees, by any employee is strictly prohibited. Harassment is defined as included, but is not limited to: slurs, epithets, threats, derogatory comments, unwelcome jokes, teasing, caricatures or representations of persons using electronically or physically altered photos, drawings or images, and other similar verbal, written, printed, or physical conduct.

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

This policy applies to both conduct which occurs in the workplace, and conduct that occurs at any location which can be reasonably regarded as an extension of the workplace, i.e., any field location, any off-site Borough-related social function, or any facility where Borough business is being conducted and discussed. This policy shall apply to all Borough employees and shall rescind and supersede all prior policies and procedures which may have been used to report, investigate, and remediate unlawful discrimination and/or harassment complaints in the past.

It is a violation of this policy to engage in any employment practice or procedure that treats an individual less favorably based upon any of the above protected categories. This policy pertains to all employment practices including, but not limited to, recruitment, selection, hiring, training, promotion, transfer, assignment, layoff, return from layoff, termination, demotion,

discipline, job assignment, compensation, fringe benefits, working conditions, and career development.

This policy also applies to communications, whether oral or written, by telephone, e-mail, voicemail, or internet usage, including the transmission or forwarding of communications to others, or other graphic images that denigrate individuals on the basis of the protected categories, including sex.

Notification of appropriate personnel of any harassment problem is essential to the success of this policy and the Borough generally. The Borough cannot resolve a harassment problem unless it knows about it. Therefore, it is the responsibility and obligation of all employees to bring those kinds of problems to the attention of the appropriate officials so that steps are taken to correct them. If an employee is witness to, or believes to have experienced, harassment, immediate notification should be made to their supervisor, the Business Administrator or his/her designee or other appropriate person in authority. (See the Employee Complaint Policy).

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

I. Anti-Sexual Harassment

It is the Borough's policy to prohibit sexual harassment of an employee by another employee, or by a supervisor, vendor, contractor, volunteer, citizen or patron. The Borough prohibits sexual harassment in any form from occurring in the workplace or at any other location at which the Borough sponsored activity takes place. Sexual harassment of non-employees by our employees is also prohibited. The purpose of this policy is not to regulate personal morality or to encroach upon one's personal life, but rather, to demonstrate a strong commitment to maintaining a workplace free of sexual harassment.

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

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

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 person using electronically or physically altered photos, drawings, or images, impeding or blocking movements, touching, assault, notes or invitations; and/or physical conduct.

If any employee is witness to sexual harassment or believes that an employee has experienced sexual harassment, he/she must immediately notify the Business Administrator or his/her designee or other appropriate person in authority. (See the Employee Complaint Policy).

Harassment of Borough employees, in connection with their work, by non-employees is also a violation of this policy. Any employee who experiences harassment by a non-employee, or who observes harassment of an employee by a non-employee, should report such harassment to the Business Administrator or his/her designee. All such reports will be investigated, and, if founded, appropriate action will be taken against the non-employee.

Notification by employee to appropriate personnel of any harassment problem is essential to the success of this policy and the Borough generally. The Borough cannot resolve a harassment problem unless it is reported. Therefore, it is the responsibility and obligation of all employees to bring these problems and incidents to the attention of management so that steps are necessary to correct them.

The Borough has established procedures which shall be followed for prevention and investigation of all complaints.

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

J. “Whistle Blower” Policy:

Employees have the right under the “Conscientious Employee Protection Act” (“CEPA”) and this policy to complain about any activity, policy or practice that an employee reasonably believes is in violation of a law, rule, or regulation promulgated pursuant to law, without fear of retaliation or reprisal. This right shall be communicated to all employees in an annual notice outlining the specific employee complaint procedure and in a posted notice. A written acknowledgement that the employee received, read, and understood this letter or written notification 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 Policies and Procedures Manual. All complaints will be taken seriously and promptly investigated.

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

- Disclosing or threatening to disclose to a supervisor, other official or to a public body, as defined in the Conscientious Employee Protection Act (N.J.S.A. 34:19-1 *et seq.*), of

an activity, policy or practice that the employee reasonably believes is in violation of a law, a rule or regulation promulgated pursuant to law;

- Providing information to, or testifying before, any public body conducting an investigation, hearing, an inquiry into any alleged violation of law, or a rule or regulation promulgated pursuant to law; or
- Objecting to or refusing to participate in any activity, policy, or practice that the employee reasonably believes is a violation of a law, rule or regulation promulgated pursuant to law; or is fraudulent or criminal; or is incompatible with a clear public policy mandate concerning the public health, safety, or welfare, or the protection of the environment.

In accordance with the CEPA statute, the employee must bring the violation to the attention of the Borough in writing. However, disclosure is not required where (1) the employee is reasonably certain that the violation is known to one or more officials; (2) where the employee reasonably fears physical harm; or (3) the situation is an emergency in nature. Employees are encouraged to complain in writing using the Employee Complaint form. (See Employee Complaint Policy). Under the law, the employee must give the Borough a reasonable opportunity to correct the activity, policy or practice. The administration of whistle blower complaints is not subject to the limitations in the Grievance Policy.

CEPA specifically provides that the rights, privileges or remedies under any other federal or state law or regulation, or under the terms of any collective bargaining agreement, are not diminished. Employees should be cognizant, however, that, in accordance with State law, once an action is instituted under CEPA, the employee's rights and remedies under any other contract, collective bargaining agreement, state law, rule or regulation, or under the common law, will, in many instances, be deemed to have been waived.

K. Employee Complaint Policy and Procedure:

Employees who wish to complain of harassment or any other workplace wrongdoing, or who have any question as to whether a certain behavior constitutes harassment or other wrongdoing, are requested to immediately report the matter to their supervisor, or, if they prefer, to their Department Head, the Business Administrator or his/her designee. Employees are encouraged to complain in writing using the Employee Complaint form, but may make an oral complaint at their discretion. No retaliatory measures will be taken against any employee who complains, in good faith, of workplace wrongdoing, even if the complaint is ultimately deemed unfounded. The Borough of Red Bank will, to the maximum extent feasible, maintain the confidentiality of such complaints, reveal such complaints only on a "need-to-know" basis, and undertake a prompt investigation of the matter. Note that it is possible that investigation of the complaints may require disclosure to the accused party and other witnesses in order to gather pertinent facts.

- **Reporting:** Employees are encouraged to report complaints in writing utilizing the Employee Complaint form. However, employees are not restricted to report a

complaint in this manner, but may do so orally at their option. Verbal complaints shall be immediately documented by the receiving party (e.g. human resources manager, supervisor or administrator) upon being notified of same.

- **Identification/Screening:** The supervisor, Department Head, or Business Administrator's designee must report all written or verbal complaints to the Business Administrator, unless the complaint is against the Business Administrator, then the complaints go to the chairs of the personnel committee of the Borough Council. Upon receipt, the Business Administrator will determine if the complaint was made pursuant to the General Anti-Harassment Policy, the Anti-Sexual Harassment Policy, the Whistle Blower Policy, a grievance procedure, or is another form of complaint. A file will be established including the written complaint, the investigation procedure followed, and the response action plan. As soon as possible, but no later than ten (10) days after receiving the complaint, the Investigator appointed by the Business Administrator, will interview the employee. If the employee is reluctant to sign a written complaint, the Investigator will prepare written notes of the date, time and place of the complaint and the specific allegations. These notes will be read back to the employee who will be asked to affirm, preferably in writing, the information's accuracy.
- **Investigation:** The Business Administrator will seek the advice of the Borough Attorney when planning the investigation. The investigation should be conducted by the Borough Attorney or outside counsel or the County Prosecutor, if the complaint alleges potential criminal activity. The investigation will be undertaken in as confidential a manner as possible under the particular circumstances. 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, observed or aware of similar misconduct by the accused. It is important to protect the rights of both the person making the complaint and the alleged wrongdoer.
- **Response Plan – No Corrective Action Required:** The Business Administrator will discuss the conclusions of the investigation with the Borough Attorney and render a decision within fourteen (14) days after the investigation is complete. If the validity of a complaint cannot be determined or the complaint is groundless, the complaining employee will be notified in writing. A general statement will be made 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 Borough of Red Bank is committed to eliminating wrongful employment practices when they are found to exist. If the investigation reveals that the complainant intentionally and maliciously levied false charges against the alleged wrongdoer, the complainant will be notified of the seriousness of filing a false complaint, and the appropriate disciplinary penalty under the circumstances, up to and including termination.
- **Response Plan – Corrective Action Required:** If the investigation reveals that the complaint is justified and substantiated, the Business Administrator will formulate, with

the advice of the Borough 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. The response plan should provide for appropriate remedial action to prevent a recurrence of the wrongful act or behavior. The accused also will be notified in writing that the complaint was sustained and an appropriate response plan will be formulated and will be implemented.

L. Grievance Policy and Procedure:

A grievance is any formal dispute concerning the interpretation, application and enforcement of any personnel policy or procedure of the Borough of Red Bank. Grievances from union employees will be handled pursuant to the terms of the applicable bargaining unit agreement. All grievances from non-union employees must be presented within five (5) working days after arising and failure to report a grievance within such time shall be deemed as a waiver of the grievance. In order to initiate a grievance, the following procedure should be followed:

- **Step One:** Any employee or group of employees with a grievance shall orally communicate the grievance to the supervisor who will discuss the matter with the Department Head. In the absence of an immediate supervisor, the employee should communicate directly with the Department Head. The supervisor or Department Head will communicate their decision to the employee within five (5) business days.
- **Step Two:** If the employee is not satisfied with the decision, the employee must submit a written grievance to the Department Head detailing the facts and the relief requested. The decision in Step One will be deemed final if the employee fails to submit a written grievance within five (5) business days following the Step One decision. In the event that a written grievance is submitted, the Department Head, or designated representative, shall meet within five (5) business days with the employee, unless such a meeting is waived by both parties in writing, and shall respond in writing within ten (10) business days following the close of this meeting.
- **Step Three:** If the employee is not satisfied with the Step Two decision, the employee must submit an appeal in writing to the Business Administrator within five (5) business days of the Step Two decision. The appeal shall include copies of all previous correspondence relating to this matter. After consulting with his/her designee and the Borough Attorney, as appropriate, the Business Administrator will conduct an informal hearing within five (5) business days and shall render a written decision to the employee within five (5) business days after said informal hearing.

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

M. Access to Personnel Files Policy:

The official personnel file for each employee shall be maintained by the Business Administrator or his/her designee. 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. In accordance with Federal law, records relating to any medical condition will be maintained in a separate file and will not be included in the Personnel File. Electronic personnel and medical records must be protected from unauthorized access. Any employee may review their own file in the presence of the Business Administrator or his/her designee, upon reasonable notice.

The Borough endeavors to maintain the privacy of personnel records. There are limited circumstances in which the Borough will release information contained in personnel or medical records to persons outside the Borough. 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 Borough's compliance with applicable law;
- To the Borough's agents, Business Administrator or his/her designees, and attorneys, when necessary;
- In a lawsuit administrative proceeding, grievance, or arbitration in which the employee and the Borough are parties;
- In a workers' compensation proceeding;
- To administer benefit plans and claims;
- To an authorized health care provider;
- To first aid or safety personnel, when necessary; and
- To a potential future employer or other persons requesting a verification of your employment, provided the employee has signed a document authorizing the release of the records and information.

N. Conflict of Interest Policy:

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

The Borough recognizes the right of employees to engage in outside activities that are private in nature and unrelated to Borough of Red Bank business. However, business dealings that appear to create a conflict between the employee's personal interests and the Borough of Red Bank's interests are unlawful under the New Jersey Local Government Ethics Act (the "Act"). Whenever an employee believes that such a conflict will, or may, occur, the employee should immediately disclose the potential conflict to his/her supervisor, the Business Administrator, or Borough Attorney. Under the Act, certain employees and officials are required to annually file with the Borough of Red Bank Clerk a state mandated disclosure form. The Borough of Red

Bank Clerk will notify employees and Borough of Red Bank officials subject to the filing requirements of the Act.

One form of potential or actual conflict of interest occurs whenever an employee, including a Borough of Red Bank official, is in a position to influence a Borough of Red Bank decision that may result in a personal gain for the employee or an employee's immediate relatives, including a spouse, domestic partner, civil union partner 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 all possible conflicts so that the Borough of Red Bank may assess and prevent potential conflicts. If there are any questions as to whether an action or proposed course of conduct would create a conflict of interest, immediately contact the Business Administrator to obtain clarification.

Employees are allowed to hold outside employment as long as it does not interfere with their Borough of Red Bank responsibilities. Outside employment with respect to members and employees of the Police Department is governed by PR:108(4) of the Rules and Regulations for the Governing of the Police Department. Employees are prohibited from engaging in outside employment and outside business activities while on the job and from using Borough of Red Bank time, supplies or equipment in any outside employment or any outside business activities. The Business Administrator may request employees to restrict outside employment if the quality of their Borough of Red Bank work diminishes. Any employees who holds an interest in, or is employed by, any entity doing business with the Borough of Red Bank must submit a written notice of these outside interests to the Business Administrator.

Employees may not accept donations, gratuities, contributions or gifts that could be interpreted as affecting their Borough of Red Bank duties. Under no circumstances may an employee accept donations, gratuities, contributions or gifts from a vendor doing business with or seeking to do business with the Borough of Red Bank or any person or firm seeking to influence Borough of Red Bank decisions. Meals and other entertainment paid for or provided by any individual or entity and valued in excess of \$150 are also prohibited. Employees are required to report to the Business Administrator any offer of a donation, gratuity, contribution or gift including meals and entertainment that is in violation of this policy.

O. 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 are prohibited from using Borough of Red Bank time, supplies or equipment in any political activity. Any violation of this policy must be reported to the supervisor, Department Head, Business Administrator or his/her designee.

P. Employee Evaluation Policy and Procedure:

Periodic evaluations are critical to create a formal record of an employee's performance over time and establish a foundation for personnel actions such as promotion and termination. In addition to day-to-day feedback to the employee, a performance evaluation by the employee's supervisor must be conducted at least annually for all employees. The completed appraisal becomes part of an employee's permanent record.

Performance discussions must also provide employees with guidance regarding their ability to meet job standards. Extraordinary skills or abilities should be recognized, and areas in need of employee improvement addressed. Supervisors should review the employee's future training needs and career planning. The reviewing supervisor should also encourage the employee to make suggestions about how the Borough can improve. In their review, the supervisor should ask employees for feedback regarding the employee's skills as they relate to communication, team building, delegation, and sensitivity to needs of subordinates.

It is crucial that all reviewers complete the evaluation forms with care and with complete candor. Although reviewers are encouraged to set forth areas of strength and utilize tact in presenting criticism, it is important that all performance issues of any significance be addressed thoroughly and in unambiguous terms in the evaluation form, and verbally with the employee. Self-assessment should be part of the evaluation process.

After completing the evaluation, the employee should sign the evaluation, acknowledging that he/she has read and discussed it with the supervisor. The employee's signature does not necessarily indicate agreement with the evaluation. The employee can write comments on the form or submit to the evaluator a rebuttal to the evaluation if he/she does not agree with it. The reviewer will return the form(s) with the signed acknowledgement to the Business Administrator. After review by the Business Administrator, the form(s) and any rebuttal will be included in the employee's official personnel file. As a part of the evaluation, employees have the right to request a conference with the Department Head and/or Business Administrator.

Q. Employee Discipline and Termination Policy and Procedure:

An employee may be subject to discipline for a variety of reasons. Major disciplinary action includes disciplinary demotion or suspension or fine exceeding five working days or termination. Minor discipline includes a formal, written reprimand or a suspension or fine of five working days or less. Employees who object to the terms and/or conditions of the discipline are entitled to a hearing under the applicable grievance procedure. In every case involving employee discipline, employees will be provided with an opportunity to respond to charges.

In general, in cases of employee misconduct, the Borough believes in corrective action to correct and change any undesirable behavior and to prevent a recurrence of undesirable behavior or misconduct. The corrective action taken will be related to the gravity of the situation, the number and kind of previous infractions by that employee, and other relevant

circumstances. In every case, employees will be given an opportunity to state their view of the situation, which will be given due consideration.

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

This manual, the employee discipline and termination policy and procedure, or any other Borough guidelines, policies or practices does not create an employment contract. Employment with the Borough may be terminated at any time with or without cause or reason by the employee or by the Borough, subject to any limitations contained in any collective bargaining unit agreement.

Many of the types of behaviors that may result in disciplinary action have been addressed in other sections of this manual. Since disciplinary action results from specific circumstances, it is not possible to create a comprehensive list. Such actions that will result in disciplinary action being taken against an employee include, but are not limited to: any illegal or unethical activity, being under the influence of intoxicants, any form of harassment and/or discrimination, insubordination, failure to perform work assignments and job functions or substandard performance of work assignments and job functions, excessive or unscheduled absences, chronic tardiness, violation of safety rules, destruction of Borough property, unauthorized use of Borough equipment, including computers and phones, and any other sufficient good cause.

The following are forms of discipline that may be used. The Borough reserves the right to use any form of discipline in any order.

- **Verbal Warning:** Depending on the circumstances, the supervisor may verbally notify the employee that the employee's actions have been improper and warn the employee against further occurrences. The supervisor will prepare a record of the verbal reprimand including the date, time and what was discussed with the employee. This record must be forwarded to the Business Administrator or his/her designee and placed in the employee's official personnel file.
- **Written Reprimand:** When a supervisor determines that a written reprimand is appropriate, the situation must be discussed with the Department Head. In the event that it is the Department Head writing the reprimand, the situation must be discussed with the Business Administrator. The reprimand should clearly identify the problem and outline a course of corrective action within a specific time frame. The employee should clearly understand both the corrective action and the consequence that will result if the problem is not corrected or reoccurs. The employee should acknowledge receipt of the warning and may include additional comments. A copy of the written reprimand with the signed acknowledgement and comments must be forwarded to the

Business Administrator or his/her designee for inclusion in the employee's official personnel file.

- **Suspension:** Department Heads are authorized to suspend employees for up to two (2) days. Employees suspended by Department Heads may contest the suspension through the grievance procedure. Whenever an employee is recommended for suspension for greater than two (2) days, the Business Administrator will make the decision and may seek the advice of the Borough Attorney, if appropriate.
- **Dismissal:** Whenever an employee is recommended for dismissal, the Business Administrator will make the decision only after seeking the advice of the Borough Attorney or Labor Counsel. There must be a complete review of the employee's personnel file and all other facts to determine if there is sufficient cause for the dismissal.

R. Resignation Policy:

An employee who intends to resign in good standing must notify the Department Head in writing at least two (2) weeks in advance. The submission of a written resignation is a final act and is considered accepted by the Borough upon submission to the Department Head and cannot be withdrawn under any circumstances.

Oral resignation shall be deemed binding, but shall not be considered resignation in good standing unless followed by a written confirmation which adheres to these policies and procedures.

After giving notice of resignation, employees are expected to assist their supervisor and co-employees by providing information concerning their current projects and help in the training of a replacement. During the last two weeks of employment with the Borough, the employee may not use paid time off except paid holidays. The Department Head will prepare an Employee Action form showing any pay or other money owed the employee. The Business Administrator or his/her designee will conduct a confidential exit interview to discuss benefits, including COBRA options, appropriate retirement issues, and pay due. A COBRA notification letter will be sent directly from the insurance carrier to the employee's home address. The exit interview will include an open discussion with the employee. On the last day of work, the employee must return the Employee Identification Card, all keys and equipment, and pay any money owed to the Borough. At the discretion of the Borough, any money owed to the Borough may be withheld from the employee's final paycheck. At this time, the employee will sign the termination memo designating all money owed to the Borough, and this memo will be retained in the official personnel file.

SECTION 2

Drugs and Alcohol Policy:

The Borough of Red Bank recognizes that the possession or use of unlawful drugs and the abuse of alcohol pose a threat to the health and safety of all employees. Any employee who is observed to be intoxicated or under the influence of alcohol or drugs during working hours, or is under the reasonable suspicion of being intoxicated or under the influence of alcohol or drugs, shall be immediately tested and, if the test results are positive, the employee is subject to discipline, up to and including termination. Supervisors and other employees should immediately report any reasonable suspicions, as defined below in the “Reasonable Suspicion Testing” section of this manual, to the employee’s supervisor or the Business Administrator.

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

The manufacturing, distribution, dispensation, possession, and use of alcohol or unlawful drugs on Borough premises, or during work hours, by an employee are strictly prohibited.

Employees must notify their supervisor within five (5) days of conviction for a drug or alcohol related violation, whether or not the violation occurred in the workplace. Notification of a conviction for an alcohol related violation is required under this paragraph if the conviction has the potential to impact the employee’s ability to perform his or her job duties.

Employees who are required to maintain a Commercial Driver’s License (CDL) or who are in other safety-sensitive positions are subject to random drug testing. Specific federal requirements and procedures for random drug testing of CDL holders shall be followed. Borough personnel who hold a Commercial Driver’s License (CDL) are subject to the provisions of the Commercial Driver’s Licenses Drug and Alcohol Testing Policy.

Employees using prescription drugs that may affect job performance or safety must be mindful of those affects and not engage in work if it would create a significant risk of harm to the employee, other employees, or the public. In such event, employees may notify their supervisor, who is required to maintain the confidentiality of any information regarding an employee’s medical condition in accordance with the Health Insurance Portability and Protection Act. A program to assist employees who may have a drug/alcohol problem is provided through the Borough of Red Bank’s Employee Assistance Program.

No prescription drug should be used by any person other than the individual to whom it is prescribed. Such substances or non-prescription (over-the-counter) drugs should be used only

as prescribed or indicated. Employees are prohibited from consuming prescription drugs that are not prescribed in their name on Borough property or while performing Borough business. Soliciting or distributing prescription drugs for or to other employees is also strictly prohibited.

A. Pre-Employment Testing:

All applicants for employment offered a position with the Borough will be required to undergo a pre-employment test for the presence of alcohol and illicit drugs. The offer of employment is conditioned upon receipt of a negative test result for illicit drugs. Employees who test positive for illicit drugs will be disqualified for employment at that time and the offer of employment will be withdrawn. A positive alcohol test may result in the withdrawal of the offer of employment.

Failure to keep an appointment with the Agent for the Borough assigned to administer the test, which was previously agreed to by both the prospective employee and the Agent, will be viewed as an attempt to elude the testing or alter its results. No further consideration for employment will be given the prospective employee at that time and the offer of employment will be withdrawn.

B. Random Testing:

All employees holding CDLs or who are in safety-sensitive positions will be subject to random, unannounced alcohol and drug testing. Selection criteria, number of tests, and test frequency will be determined by the language of FHWA regulations and will be communicated to employees.

Upon notification of selection, the employee will report to the designated collection center within one hour. Failure to report will be viewed as an attempt to elude the test or alter its results and could result in disciplinary action up to and including termination.

C. Reasonable Suspicion Testing:

All employees are subject to a fitness for duty evaluation, to include urine and breath testing, when there is reason to believe that alcohol or drug use is affecting, or will adversely affect, job performance. A reasonable cause referral for testing will be made on the basis of documented, objective facts and circumstances which are consistent with the long and short term effects of substance abuse.

Examples of reasonable suspicion include, but are not limited to, the following:

- Adequate documentation of unsatisfactory work performance or on-the-job behavior.
- Physical signs and symptoms consistent with substance abuse.

- Evidence of the manufacture, distribution, dispensing, possession, or use of controlled substances, alcohol, or drugs.
- Fights, assaults, or flagrant disregard or violations of established safety, security, or operating procedures.

A reasonable suspicion testing determination will be made by a supervisor or Borough Official who is trained to detect the signs and symptoms of drug and alcohol use and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to substance abuse. If another supervisor or Borough Official is immediately available, he/she will verify whether or not there is reasonable cause before the employee is transported to the agent's facility. At no time will this determination be made on the basis of third party reports without verification.

Employees are cautioned that various over-the-counter and prescribed medications can adversely affect an individual's ability to operate vehicles and other equipment. It is the employee's responsibility to report to work each day fit for his or her duties.

Employees who are deemed to require a fitness for duty evaluation based on reasonable cause will be sent to a health facility of the Borough's choice. The attending physician will make every attempt to determine the cause of the observed behavior, including authorizing, when his/her medical opinion dictates, an additional alcohol or drug test which is more comprehensive than that required by FHWA, state or contractual requirements. Employees will be placed on an unpaid medical leave of absence until the results of the examination are received by the Borough. Receipt of a negative drug test result, and/or doctor's statement, that the employee is fit for duty is required prior to continued employment. Employees who are returned to duty by this means will be reinstated without prejudice.

Employees who are medically determined to be temporarily unfit to perform their duties, but who test negatively for alcohol or drugs, will be returned to duty when they obtain the original examining doctor's written statement that they are fit for duty.

D. Post-Accident Testing:

Any employee involved in an accident, including a motor vehicle accident, will be required to submit to a post-accident alcohol and drug test if instructed to do so by a police officer, or a Supervisor of the Borough, or if:

- 1) The driver's performance either contributed to an accident or cannot be discounted as a contributing factor to the accident.
- 2) The driver involved in an accident receives a citation for a moving violation.
- 3) There is a fatality as a result of an accident.

- 4) The accident meets the Department of Transportation criteria for an accident that requires such testing.

When a post-accident test is indicated, the Borough will make every effort to have the test performed within two hours of notification of the accident. At no time will a period of more than eight hours transpire between notification and testing. Documentation of the entire post-accident procedure should be made by all personnel involved in the notification and testing process.

If an employee tests positive for alcohol or drugs, post-accident, receipt by the Borough of a subsequent negative alcohol and drug test result is required prior to return-to-duty. A positive test result during return to duty testing will disqualify an employee from further employment or reinstatement at that time or any time in the future. Refusal to comply with the testing process will be considered insubordination and will carry the same disciplinary action as a positive test result.

E. Disciplinary Action:

(This Section Applies only to those who Test Positive during Random, Post-Accident or Reasonable Suspicion Testing.)

Alcohol Testing Positives:

.02 – .039% Blood Alcohol Concentration

Employees who test positive during alcohol breath testing for the first time in the range of .02% to .039% blood alcohol concentration will be suspended from work without pay for a minimum of 24 hours and will be required to pass a return-to-duty breath alcohol test before returning to work. (All return-to-duty testing is done at the employee's expense). The employee may also be subject to additional discipline at the discretion of the Borough.

Employees who test positive during alcohol breath testing for a second time in the range of .02% to .039% blood alcohol concentration will be suspended from work for a minimum of 5 days without pay and until:

- 1) The employee is evaluated by a Substance Abuse Professional. This professional must meet the criteria outlined in the Department of Transportation's Alcohol and Drug Rules for Substance Abuse Professionals.
- 2) The employee complies and completes all recommendations made by the Substance Abuse Professional, and is able to document that all such recommendations have been met.
- 3) The employee submits to a return-to-duty drug test and proof of a negative test result is received by the Borough.

In addition to other discipline that may be imposed on the employee, the employee will be subject to follow-up testing, for up to sixty (60) months. A minimum of six (6) follow-up tests must be performed within the first twelve (12) months after the employee has returned to duty. (All follow-up testing is done at the employee's expense).

Employees who test positive during alcohol breath testing in the range of .02% to .039% blood alcohol concentration for a third time will be terminated.

.04% or Higher Blood Alcohol Concentration

Employees who test positive during alcohol breath-testing (1st offense) in the range of .04% or higher blood alcohol concentration will be suspended from work for a minimum of 5 days without pay and until:

- 1) The employee is evaluated by a Substance Abuse Professional. This professional must meet the criteria outlined in the Department of Transportation's Alcohol and Drug Rules for Substance Abuse Professionals.
- 2) The employee complies and completes all recommendations made by the Substance Abuse Professional and be able to document that all such recommendations have been met.
- 3) The employee submits to a return-to-duty drug test and proof of a negative test result must be received by the Borough. (All follow-up testing is done at the employee's expense).

In addition to other discipline that may be imposed on the employee, the employee will be subject to follow-up testing, for up to sixty (60) months. A minimum of six (6) follow-up tests must be performed within the first twelve (12) months. (All follow-up testing is done at the employee's expense).

Employees who test positive a second time for any level of alcohol after testing positive between .04% and higher blood alcohol concentration will be terminated.

Drug Testing Positives:

Employees who test positive during drug testing for the first time, in addition to other discipline which may be imposed by the Borough, will be suspended from work without pay until:

- 1) The employee is evaluated by a Substance Abuse Professional. This professional must meet the criteria outlined in the Department of Transportation's Alcohol and Drug Rules for Substance Abuse Professionals.
- 2) The employee complies with and completes all recommendations made by the Substance Abuse Professional and be able to document same.

- 3) The employee submits to a return-to-duty drug test and proof of a negative test result must be received by the Borough. (All follow-up testing is done at the employee's expense).

The employee will be subject to follow-up testing, for up to sixty (60) months. A minimum of six (6) follow-up tests must be performed within the first twelve (12) months after the employee has returned to duty. (All follow-up testing is done at the employee's expense).

Employees who test positive during drug testing for a second time will be terminated.

In any case where an employee who tests positive during a random or reasonable suspicion test and is required to remain out of work for a period of more than two (2) weeks, the Borough reserves the right to fill that position. Once the employee completes all required elements outlined above, they will be eligible for re-instatement in the first available opening.

Drug & Alcohol Positives:

Any employee who tests positive during a drug test and had previously tested positive for alcohol will be terminated.

Any employee who tests positive for alcohol and had previously tested positive during a drug test will be terminated.

Return-to-Duty Testing:

All return-to-duty testing is done at the employee's expense.

When the employee is cleared to return to work after a positive random, post-accident or reasonable suspicion test, he/she will be required to pass an alcohol and drug test. Upon receipt of a negative finding the Borough will review the employee's employment, and will then determine whether or not the employee will be allowed to return to work. If an employee is allowed to return to work, he/she will be subject to follow-up testing, as determined by the Borough.

Follow Up Testing:

All follow-up testing is done at the employee's expense.

Any employee returning to work with the Borough after being suspended for a positive alcohol or drug test, or returning to work after a leave of absence for voluntary substance abuse treatment, will be subject to random follow-up testing. The employee will be tested at least six (6) times in the first twelve (12) months after returning to duty and may be subject to follow-up testing for up to sixty (60) months.

Any employee who tests positive for drugs or alcohol during the follow-up testing process will be terminated.

F. Confidentiality of Test Results:

The results of any drug test will be reported and recorded in a confidential manner. Communication of medical or test results will be allowed only in accordance with guidelines established in 49 CFR, Part 40. The results will not be reported to any additional parties without the employee's written authorization, except as outlined in 49 CFR, Part 40. A copy of the individual's test results will be available to the individual upon request.

G. Quality Assurance of Testing Program:

The Borough, through its drug and alcohol testing Agent, will take steps in its arrangements for testing, to ensure that the laboratory is certified by SAMHSA and meets the requirements of the U.S. Department of Transportation (DOT).

The chain of custody for any urine sample shall be maintained at all times. If the chain of custody is broken after the tamperproof seal is applied, the employees shall be re-tested at the Borough's expense.

Any employee who receives a positive test result will have the right to ask the Borough's Medical Review Officer (MRO) to re-test the sample at a NIDA certified laboratory, of the employee's choice, at the employee's expense.

The Borough, through its Agent, will make every effort to ensure that the equipment being used for alcohol breath testing meets all the requirements of the Department of Transportation and all testing will be performed by a qualified Breath Alcohol Technician.

H. Substance Abuse Related Behavior:

Any employee engaging in the manufacture, distribution, dispensing, possession, or use of alcohol or illicit substances, including the illegal possession or abuse of prescription drugs, on Borough premises, in Borough vehicles, or while on Borough business, will be immediately discharged. Any manufacture, distribution, dispensing, possession, or use of alcohol or illicit substances, by any employee, in any manner, which affects the employee's job performance, or which may cause the public or a government or corporate body, to lose confidence in the Borough's ability to perform its responsibilities will result in disciplinary action up to and including termination of employment. Law enforcement officials will be notified, as appropriate, where criminal activity is suspected. Any employee convicted of violating a criminal drug statute will notify the designated Borough Representative within five (5) days of such conviction. Failure to provide such notification subjects the employee to disciplinary action up to and including termination of employment.

I. Refusal to Test:

Any employee who refuses to comply with a request for alcohol and drug testing during random, post-accident, and reasonable suspicion shall be considered as having produced a positive test result and will be discharged. Any employee who provides false information in connection with a test, or who attempts to falsify test results through tampering, contamination, adulteration, or substitution, shall be terminated for insubordination. In the event that the laboratory detects any substance which has been added to the sample to interfere with the normal testing process, it will be considered a “refusal to test” and the same sanctions will apply.

J. Controlled Substances on Site:

The Borough reserves the right to inspect, investigate and search for controlled substances and alcohol at any time, with or without prior notice, on or in any and all Borough premises and vehicles. Refusal to cooperate with any inspection, investigation, or search that is authorized by Borough Representative shall result in termination for insubordination.

K. Prescription Drugs and Over the Counter (OTC) Drugs:

Employees of the Borough shall not take any medication which may diminish their alertness or impair their senses prior to or after reporting for duty unless directed by a physician. When employees are required to take any prescription medication or any non-prescription medication which may diminish their alertness or impair their senses, the employee be mindful of the effects and not engage in work if it would create a significant risk of harm to the employee, other employees, or the public. In such event, employees may notify their supervisor that they are taking prescription medication and of the potential effects of that medication. This notification shall be by the prescribing physician. If the medication is a non-prescription drug the employee shall make this notification. The required notification shall be made prior to the employee reporting for duty. This information so provided shall be confidential.

L. Applicability:

This policy applies to all Borough employees. Borough visitors, vendors, and contractors are also governed by this policy while on Borough property or providing services to or for the Borough. Failure on the part of vendors or contractors to adhere to this policy will cause the Borough to cease to do business with them.

M. Reasonable Accommodation:

Employees Voluntarily Seeking Help:

The Borough strongly encourages an employee with a drug/alcohol abuse problem to voluntarily step forward to tell the Borough.

The Borough will assist in referring the employee to Community Assistance Programs. An unpaid leave of absence may be granted for a reasonable period for treatment. The Borough will make every effort to hold the employee's position during the rehabilitation process, but the Borough cannot guarantee that the employee shall retain his/her position.

If an employee fails to remain drug or alcohol free after the first voluntary rehabilitation, he/she will be disciplined in accordance with this policy, up to and including termination.

N. Employees Testing Positive for Alcohol/Drug Abuse:

If a substance abuse problem is disclosed to the Borough only after there has been (1) a positive drug or alcohol test, (2) a violation of a Borough rule or standard, (3) a violation of law, or (4) a violation of this policy, it shall be counted as a positive test. However, in addition to counting as a positive test, if the employee tests positive for drugs or alcohol and is determined by a physician to be an alcoholic or addicted to drugs, the Borough will assist in referring the employee to Community Assistance Programs. An unpaid leave of absence may be granted for a reasonable period for treatment. The Borough will make every effort to hold the employee's position during the rehabilitation process, but the Borough cannot guarantee that the employee shall retain his/her position.

O. Training:

In an effort to educate employees about the dangers of drug use and the Borough's commitment to keeping drugs out of the workplace, each employee will receive information covering the dangers of substance abuse, the Borough's commitment to an alcohol and drug free workplace, and the penalties for violation of this policy.

Supervisory employees will receive at least one hour of training on identifying those individuals who might be impaired by the use of drugs.

P. Employee Acknowledgement:

Each employee or prospective employee shall be given a copy of this policy. He/she must acknowledge receipt and understanding of the policy as a condition of employment.

SECTION 3

Workplace Policies:

A. Job Description Policy:

A job description including qualifications shall be maintained for each position. All job descriptions must be approved by the Business Administrator. The Business Administrator or his/her designee will make copies available upon request.

B. Attendance Policy:

All employees are expected to be at work and ready to assume their duties at the beginning of the scheduled workday. Lateness and absence will be tolerated only in emergencies or when the employee's supervisor gives prior approval. All absences must be reported to the supervisor prior to the start of the normal workday. The normal working hours for administrative departments are 9:00 AM to 5:00 PM. The normal working hours for the Municipal Court is 8:00 AM to 4:00 PM. The normal working hours for the Building Department and the Department of Public Works is 8:00 AM to 5:00 PM. The normal work week administrative, office, and technical employees shall consist of five (5) day, thirty-five (35) hour weeks, exclusive of a one-hour meal break. The work week for all other employees shall consist of five (5) day, forty (40) hour weeks, exclusive of a one-hour meal break.

C. Early Closing and Delayed Opening Policy:

In the event of unsafe conditions, the Business Administrator may authorize Department Heads to close operations earlier than the normal working hours. If such conditions exist prior to scheduled openings, the Business Administrator shall notify Department Heads of a delayed opening and a new opening time. Each Department will have a calling system in place. If the employee chooses not to report to work on a work day with a delayed opening, a full vacation day or compensatory time will be charged. Sick time will only be charged for a legitimate illness. If work is called off for the day, no time will be charged for the day. This provision does not apply to the Department of Public Works or Police or any personnel who may be required to assist in an emergency.

D. Breaks:

Full-time employees are entitled to a one (1) hour unpaid lunch that is to be arranged by their supervisor so that offices and departments continue to function. All employees may take a 15-minute break in the morning and in the afternoon as scheduled by the supervisor.

E. Dress Code Policy:

Dress, grooming and personal hygiene must be appropriate for the employee's position. Uniforms are required for certain jobs and are to be worn in accordance with applicable

departmental standards. Uniforms are to be worn only while performing employment duties for the Borough and may be worn traveling to and from work. All other employees are required to dress in a manner that is normally acceptable in similar business establishments and consistent with applicable safety standards. Employees shall not wear suggestive attire, jeans, athletic clothing, shorts, sneakers, sandals, T-shirts, novelty buttons, baseball hats and similar items of casual attire that do not present a businesslike appearance unless specifically approved by the appropriate Department Head and/or Business Administrator. Hair, sideburns, moustaches and beards must be clean, combed and neatly trimmed. Unkempt hair is not permissible regardless of length. Body piercings, other than on the ear, may not be visible. With the advance approval of the Business Administrator, the Borough of Red Bank will make reasonable religious accommodations that do not violate safety standards. Employees violating this policy shall be required to take corrective action or will be sent home without pay.

F. No Smoking Policy:

In accordance with State law, the Borough has adopted a smoke-free policy for all buildings. The New Jersey Legislature has declared that in all governmental buildings the rights of non-smokers to breathe clean air supersedes the rights of smokers. Borough facilities shall be smoke-free and no employee or visitor will be permitted to smoke anywhere in any Borough building. Employees are permitted to smoke outside of Borough buildings only in such locations that will not allow the re-entry of smoke into building entrances. Smoking inside vehicles owned by the Borough and near equipment that may be sensitive to smoke is also prohibited. This policy shall be strictly enforced and any employee found in violation will be subject to disciplinary action.

G. Use of Vehicles Policy:

Borough of Red Bank owned vehicles shall be used only on official business. (An employee who is also employed by another governmental entity may use a Borough of Red Bank vehicle for that employment only if the employment is pursuant to an inter-local agreement between the Borough of Red Bank and the other jurisdiction) and all passengers must be on Borough business. The Borough provides these vehicles to employees in its sole discretion, and the Borough reserves the right to alter the list of employees who are provided Borough vehicles (subject to contractual obligations). No unauthorized individuals are permitted to drive a municipal vehicle at any time. Any violation of this policy constitutes cause for disciplinary action. Use of Borough vehicles shall be further defined and established as follows:

Class A

As an exception to the above policy, Class A Municipal Vehicles are permitted for any use, twenty-four (24) hours a day, seven (7) days a week, provided that the employee using the vehicle is available to respond to any and all appropriate Borough business or emergency that requires the presence of the employee.

Job titles designated and assigned Class A Vehicles are: Police Chief, Deputy Police Chief/Captains as approved by the Police Chief, Fire Chief, Deputy Fire Chiefs (2), Fire

Marshal, Deputy Fire Marshal, Fire Sub-code Official, Emergency Management Coordinator, and Public Utilities Director.

Class B

Class B municipal vehicle is permitted only for transportation to and from the employee's home and the employee's regular Borough work location. The vehicle may be used at any and all times to conduct Borough business and/or to respond to an emergency that requires the presence of said employee.

Job Titles designated and assigned Class B Vehicles are: Public Utilities Supervisors, Public Utilities Foreman, Construction Official, Building Sub-code Official, Animal Control Officer, and Code Enforcement Officer.

Class C

Class C municipal vehicles may be provided for use by Borough employee at location of employment. Vehicles may be used in the performance of an employee's official duties in accordance with established policies and procedures for such use.

Nothing contained in this section shall prevent employees from utilizing a municipal vehicle in the performance of official government business. This shall include transportation to and return from a location at which the official business occurs.

Employees authorized to use Borough vehicles for commuting to and from work shall have a fringe benefit value added to the gross income reported on the employee's W-2 (unless the vehicle meets the "qualified non-personal vehicle" criteria specified by the IRS).

The Personnel Committee of the Governing Body will review and may recommend changes to this policy at the time of changes in personnel.

H. Telephone Usage Policy:

Borough of Red Bank telephones are for official business and employees are to limit personal use of Borough telephones, but may make a personal call to inform their family of unexpected overtime. Charges for all other personal calls must be reimbursed to the Borough of Red Bank. Use of hand-held cell phones while driving is prohibited by State law, and, as such, the use of hand-held cell phones while driving Borough of Red Bank vehicles or while driving on Borough of Red Bank business is strictly prohibited. Personal cell phones may not be used while conducting Borough business.

I. Use of Computers and Related Equipment Policy

The following policies are to ensure the security and support of all systems connected to the Borough of Red Bank Computer System:

All equipment is to be used solely for Borough-related functions. Specifically designated Borough personnel or designated Borough contractors (also known as “MIS”) are responsible for the installation, support and maintenance of the Borough’s computers and computer systems. Prior approval is required by MIS for the installation of any software application. All downloads and installation of software and or peripheral equipment must be performed or supervised by MIS personnel.

All data contained on Borough computers, including text, memos, letters, scanned images, digital photos, faxes and E-mail are considered Borough property and are subject to the provisions of NJ records retention and disposition schedule pursuant to N.J.S.A. 47:3-15, et seq. (Destruction of Public Records Act).

Any text or images with implied or explicit improper content, as defined in the Borough harassment training and policies, is strictly prohibited.

All software used on Red Bank computing equipment must comply with copyright compliance. Under no circumstances will exceptions to this policy be authorized or permitted.

Any persons abusing equipment will be held responsible for that cost of that equipment, or the cost of its repair. Any equipment removed from Borough property must be done with approval of management. All equipment, including laptop computers assigned to specific individuals, who are removed from Borough property for business purposes must be returned on a periodic basis for inspection and inventory control.

J. Bring Your Own Device Policy:

INTRODUCTION

The use of a smart device owned by the Employee in connection with Borough business is a privilege granted to the Employee by the approval of management of the Borough. The Borough has the discretion to determine which employees will be eligible for this privilege and reserves the right to revoke the privilege granted herein if the employee does not abide by the terms set forth below. The policies referenced herein are aimed to protect the integrity of data belonging to the Borough and ensure the data remains secure. Each employee who desires to use a smart device owned by employee in connection with employment with the Borough must execute the attached Agreement.

DEFINITIONS

Smart Device: When used in this Policy and the Agreement, a smart device is defined as a personal computing device that connects directly to the Borough network services including but not limited to email and calendar services. This definition includes, without limitation, smart phones, PDAs, and tablets.

Nonpublic Information: Nonpublic information is information that the employee gains during their employment with the Borough that the employee knows, or reasonably should know, has not been made available to the public. It includes information that the employee knows, or reasonably should know:

- Is designated by the Borough as nonpublic information or contains markings such as “Confidential”, “Sensitive”, “Personal”, or similar language;
- Contains Protected Health Information (PHI) or similar nonpublic personal information;
- Is provided to the Borough by customers or third parties under agreement and with the understanding that it will be treated as confidential, nonpublic information; or
- Contains information related to the internal Borough capabilities and operations that is not available to the public or that an individual could use to negotiate or otherwise circumvent security controls.

ELIGIBILITY

The Borough reserves the right, without prior notice to the employee, to disable or disconnect some or all services related to connection of a personal smart device to the Borough network. The following criteria will be considered by the Borough, initially and on a continuing basis, to determine if the employee is eligible to connect a personal smart device to the Borough network:

- Sensitivity of data the employee can access;
- Legislation or regulations prohibiting or limiting the use of a personal smart device for Borough business;
- The personal smart device hardware and operating system version must be supported by the Borough’s relevant provider(s);
- The employee’s adherence to the terms of this policy and the corresponding Agreement; and
- Any technical limitations and other eligibility criteria deemed relevant by the Borough.

REIMBURSEMENT CONSIDERATIONS

The Employee is personally liable for the smart device and carrier service costs and is not eligible for expense reimbursement for hardware or carrier services, except that the Borough will provide a monthly stipend of \$20 to eligible employees. Accordingly, the Borough will NOT reimburse employees for any loss, cost or expense associated with the use or connection of a personal smart device to the Borough network, including but not limited to:

- Expenses for voice minutes used to perform Borough business;
- Data charges related to the use of Borough data services;
- Expenses related to text or other messaging;
- Cost of handheld devices, components, parts, or data plans;
- Cost of replacement handheld devices in case of malfunction whether or not the malfunction was caused by using applications or services sponsored or provided by the Borough;
- Loss related to unavailability of, disconnection from or disabling the connection of a smart device to the Borough network; and
- Loss resulting from compliance with this Policy or applicable laws, rules or policies.

SECURITY CONSIDERATIONS

Compliance by an employee with this Policy and the Borough “Communication Media Policy”, below, is a prerequisite to and continuing condition of an employee’s privilege to connect a personal smart device to the Borough network servers. Additional considerations include but are not limited to:

ACCEPTABLE USE

Employees will use the personal smart device in an ethical manner and will not use the personal smart device in a way not designed or intended by the manufacturer including “jailbreaking” or any other use that could circumvent any controls that separate Borough data from personal information. Use of the personal smart device to remove sensitive information from Borough networks, attack Borough assets or circumvent current security settings and policies or violation of any applicable Borough policy related to the subject matter of Policy may result in the Borough removing all Borough data from the device.

MANAGEMENT CONTROLS

The Borough maintains the right to exercise and enforce a range of security, privacy, and management controls on an employee’s smart device including, but not limited to the mandatory use of device passwords; timeouts; device and media encryption; geo-location tracking; and, remote deletion of Borough applications and data. Employees are required to cooperate with the Borough to satisfy legitimate internal or external investigations, or legitimate discovery requests arising out of administrative, civil or criminal proceedings, which could result in the surrendering of the personal smart device assigned to an Employee. The Borough maintains the right to monitor or inspect Borough applications and data. In doing so, the Borough could inadvertently access personal information on the personal mobile device. As such, Employee should not have any expectation of privacy related to the use of a smart device connected to the Borough network.

EMPLOYEE RESPONSIBILITIES

When the use of personally owned smart devices is necessary to conduct Borough business, an appropriately authorized employee assumes certain responsibilities and shall:

- Follow all relevant elements of the Borough’s security/privacy policies and standards when accessing Borough-provided mobile applications and data;
- Abide by all federal, state and local laws concerning the use of mobile devices when driving and strict prohibition against using messaging functionality including text messaging, calendar or email functions while operating a motor vehicle or engaging in other activities when the concurrent use of the device could result in the harm of the user or others;
- Ensure timely payment of all fees, taxes, and surcharges associated with the use of employee-owned devices to connect to and access Borough-provided systems and data;
- Maintain the device in accordance with manufacturer or carrier recommendations including the prompt implementation of recommended operating system and software upgrades;
- Not “jail break” the device or otherwise install or modify the software that allows the user to alter or bypass standard built-in security features and controls;

- Not enable potentially dangerous mobile services while accessing Borough information services that can export or transmit nonpublic information to unauthorized devices without the user's knowledge (for example serving as a mobile hotspot or enabling Bluetooth or Near Field Communications (NFC) network services without using PINs and other recommended safeguards that prevent unauthorized devices from connecting while connected to Borough information services);
- Not modify or disable security features implemented by the Borough through its mobile device management system(s) (for example geo-location services, password controls and device/media card encryption);
- Not share or otherwise allow access to the device by others;
- Not transfer or allow the transfer of nonpublic information from the smart device to any device not specifically authorized by the Borough to receive such information including the use of unapproved cloud-based storage locations or synchronization of Borough data between participating smart devices and other personal computing devices;
- Cooperate with the Borough in deleting from the approved personal smart device of all Borough applications and data upon termination of employment or the termination of the employee's participation in the BYOD program; and
- Cooperate with the Borough to satisfy legitimate discovery requests arising out of administrative, civil or criminal proceedings or Open Public Record Act Requests.

K. Communication Media Policy:

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

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

The Borough respects the individual privacy of its employees. However, employee communications transmitted by the Borough's Communication Media are not private to the individual. All Communication Media and all communications and stored information transmitted, received, or contained in or through such media, including employees' internet usage, may be monitored by the Borough. The Borough reserves the absolute right to access, review, audit and disclose all matters entered into, sent over, placed in storage in the Borough's Communication Media. By using the Borough's equipment and/or Communication Media, employees consent to have such use monitored at any time, with or without notice, by Borough personnel. In addition, the Borough has the right to restrict access to specific types of prohibited content through the use of a content filtering system. The existence of passwords

does not restrict or eliminate the Borough's ability or right to access electronic communications. However, the Borough cannot require the employee to provide its password to his/her personal account.

All email, voicemail and Internet messages (including any technology-based messaging) are official documents subject to the provisions of the Open Public Records Act (N.J.S.A. 47:1A-1). Employees of the Borough are required to use the assigned municipal email account for ALL Borough business and correspondence. The use of private email accounts for ANY Borough business or during business hours is strictly prohibited.

Employees can only use the Borough's Communication Media for legitimate business purposes. Employees may not use the Borough's Communication Media in any way that is defamatory, discriminatory, obscene, or harassing or in violation of any Borough rules or policy. Examples of forbidden transmissions or downloads include sexually-explicit messages; unwelcome propositions; ethnic or racial slurs; or any other message that can be construed to be harassment or disparaging to others based on their actual or perceived age, race, religion, sex, sexual orientation, gender identity or expression, genetic information, disability, national origin, ethnicity, citizenship, marital status or any other legally recognized protected basis under federal, state or local laws, regulations or ordinances.

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

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

Acceptable Usage:

The acceptable use of the global Internet, the Borough of Red Bank Local Area Network, and any connected Local Area Network (LAN) server, or workstation, and system components including Email, is solely for Borough of Red Bank business purposes. As such, the access to and use of the variety of Internet, Local Area Network, and Email services, both internal and external to the Borough, are considered a business privilege and should be treated as such by all users.

Unacceptable Usage:

By example, the Borough of Red Bank characterizes as unethical and unacceptable any activity which purposely:

1. Seeks to use Internet services for private or personal business;
2. Seeks to gain unauthorized access to any resources within or outside of Red Bank;
3. Disrupts the intended use of the Red Bank Computer System and/or the global Internet;
4. Wastes resources through such action;
5. Destroys the integrity of or misuses any host/server information assets;
6. Compromises the privacy of any users or other departments;
7. Does not comply with applicable local and national laws;
8. Compromises Borough proprietary or otherwise-sensitive information;
9. Does not comply with other Borough policies or procedures.

Any users found in violation of the above Acceptable Use Policy may be subject to, at minimum, denial of access, up to termination of employment and/or criminal prosecution.

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

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

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

On an annual basis, all users of the Borough of Red Bank Computer Systems, Internet and/or Email are required to read the above, sign a copy of this policy on the form provided, and return to the appropriate manager. Failure to sign this document may lead to denial of access to the Borough of Red Bank Computer System.

L. Social Media Policy

A. Purpose

- a. The intended purpose behind establishing the Borough of Red Bank social media sites is for the sole purpose of disseminating information from the Borough, about the Borough, to its residents, employees and visitors. The Borough understands that social networking and internet services have become a common form of communication in the workplace and among citizens. Social networks are online communities of people or organizations that share interests or activities and use a wide variety of Internet technology to make the interaction a rich and robust experience.

For purposes of this policy, “social media” is understood to be content created by individuals, using accessible, expandable, and upgradable publishing technologies, through and on the Internet, to include notification services. Examples of social media and notification services include, but are not limited to, Facebook, blogs, RSS, YouTube, Twitter, LinkedIn, Flickr, Instagram, Nixle, CodeRed, mass e-mails, newsletters and all others that may be in existence or created hereafter. For purposes of this policy, “comments” include text, information, articles, links, video and other multimedia, graphics and pictures.

This Social Media Policy (the “Policy”) sets forth guidelines for the establishment and use by the Borough of Red Bank ("the Borough") of all social media sites as a means of conveying Borough-related information to its residents, employees and visitors. The purpose of this policy is to communicate the Borough’s policies regarding the use of social media sites and establish processes for authorization and use of social media sites by Borough employees and departments and offices. This policy is meant to provide clear and concise guidelines for the proper use of social media by its employees, residents and visitors.

B. Scope

- a. This policy shall apply to any and all employees, individuals, volunteers, agencies, departments, officials, committee and/or governing body members who are now or hereinafter permitted as authorized users by the Borough to post content on the Borough’s social media sites, including, but not limited to, members of the public that are permitted to comment on Borough social media posts or tag photos in Borough social media posts. The Borough’s social media sites encompassed by this Policy include all sites and accounts authorized and/or created by the Borough and any of its departments, agencies, boards, commissions and authorities. References to “comments” or “commenting” in this Policy shall also encompass tweets directed at a Borough Twitter account, social media posts that “tag” a Borough social media account, and any post or comment that may appear on the home page of any Borough social media site.

The Borough shall identify employees, including but not limited to the Business Administrator and/or his/her designees, who are authorized to engage in social media activities on the behalf of the Borough for the limited purpose of discussing Borough programs, activities and services.

Anyone who participates in social media on behalf of the Borough, whether on or off duty, is expected to understand and follow these policies and guidelines.

These policies and guidelines are subject to change as new technologies and social networking tools emerge.

C. General Policy

- a. Because the Borough of Red Bank has an overriding interest and expectation in deciding who may “speak” and what is “spoken” on behalf of the Borough of Red Bank on social media sites, this policy is established for the use of all social media.

The Borough of Red Bank shall have a single presence on social media sites deemed appropriate for use by the Administrator. Individual departments, agencies, boards, commissions and authorities of the Borough may maintain a separate social media presence when deemed appropriate and confirmed in writing by the Administrator. Any request by a Borough department, agency, board, commission or authority to maintain a social media presence shall be made in writing to the Administrator for consideration. Such request shall contain enough information for the Administrator to assess the need for such social media presence, its purpose, and its compliance with this policy. The request shall also set forth the person or persons (designee) recommended to be responsible for and authorized to post content on such sites and accounts. Any social media site created by the Borough remains the property of the Borough, including all the followers and friends generated by the site. If the person who created the site is no longer an employee, official, or volunteer of the Borough, they must relinquish everything related to the site including user names, passwords and/or access codes or information. The Borough, through the Administrator and/or his/her designees, may at any time choose to revoke permission previously given to individual departments, agencies, boards, commissions and authorities of the Borough for separate media presence.

No Borough of Red Bank social media site, including those maintained by departments, agencies, boards, commissions and authorities of the Borough, shall be established without prior approval of the Administrator as set forth above. All Borough social media sites shall be administered by permissible users which shall be the Administrator and/or designee. Where a department, agency, board, commission or authority of the Borough maintains its own social media presence, such department, agency, board, commission or authority shall designate, with approval from the Administrator, a person or persons responsible for and authorized to post content on such sites and accounts.

Designees must comply with government records retention policies, the Open Public Records Act, and ensure adherence to this policy, including appropriate use, messaging, and branding that is consistent with the interests, goals, and objectives of the Borough. The designee will be responsible for the content they may create or post.

The designated person must provide a copy of all social media account passwords to the Administrator. No personal email addresses may be used to set up a Borough social media account. Email addresses for all social media accounts must be obtained from the Administrator. A “designee” or a person appointed by the Business Administrator is never to be allowed to transfer his/her social media account information or allow someone access to his/her account on their behalf without prior written authorization from the Business Administrator.

Any and all permissible users of any social media site shall be provided with a copy of this policy and sign an Acknowledgment of Use (attached hereto) prior to managing or posting to any Borough social media sites.

The Business Administrator will provide guidance on the engagement of Borough personnel in social media to ensure the portrayal of a consistent and accurate message and branding of the Borough of Red Bank via online media outlets. The Business Administrator will oversee the coordination of social media activity for the Borough of Red Bank and its departments.

The Borough social media sites shall clearly set forth that they are maintained by the Borough and that the sites follow this Social Media Policy.

Wherever possible, the Borough social media sites should link back to the official Borough website for forms, documents, online services and other information necessary to conduct business with the Borough of Red Bank. The Borough of Red Bank Website (currently located at <http://www.redbanknj.org>) will remain the Borough’s primary and predominant Internet presence.

The Borough of Red Bank social media sites are intended to be informational only and are not intended to be used as an open public forum for making comments, including any official communications to the Borough; for example, reporting crimes or misconduct, reporting dangerous conditions, giving notice required by any statute, ordinance or regulations such as but not limited to notices of claim. Prominent notice of this paragraph shall be displayed on every Borough social media site, along with the appropriate contact information for submitting official communications.

This Policy and the Borough’s Terms of Use Disclosure (attached hereto) shall be placed on the Borough of Red Bank Website, and displayed to social media users or made available by hyperlink on each of the Borough’s social media sites, including those maintained by a department, agency, board, commission or authority of the Borough.

The Borough's social media sites and this Policy are subject to all applicable federal and New Jersey State laws and regulations, as well as applicable record retention requirements. This includes adherence to established laws and policies regarding copyright, records retention, Freedom of Information Act (FOIA), Open Public Records Act (OPRA), First Amendment, privacy laws, sunshine laws and information security policies established by the Borough of Red Bank, its departments, agencies, boards, commissions and authorities.

All Borough of Red Bank social media sites covered under this Policy remain the property of the Borough, including the list of all the followers and friends generated by each of the Borough's social media sites. If a person appointed to maintain a social media site no longer serves in such capacity, for any reason, he/she must relinquish and return to the Administrator or his/her designee everything related to the site including user names, passwords and/or access codes or information.

D. Post/Comment Policy

- a. As a public entity the Borough must abide by certain standards to serve all its constituents in a civil and unbiased manner.

When a post, comment, link, photograph, or other notification is made by an authorized designee on behalf of the Borough of Red Bank, the authorized designee shall not share personal information about himself or herself, or other Borough of Red Bank employees and or officials.

The Borough Government Website does not allow for any public comments whatsoever. It is reserved for the Borough government to engage in its own expressive conduct to promote its own message and disseminate information. From time to time, the Borough may post surveys on its website which may allow for comments or the reporting of information. Commenting shall be limited to those surveys and the topics thereof and shall not make it a public forum. Borough social media sites shall disable public comment and messaging if possible. The Borough does not police comments made by the public related to Borough activities.

A comment posted by a member of the public on any Borough social media site is the opinion of the commentator or poster only, and publication of a comment does not imply endorsement of, or agreement by, the Borough, nor do such comments necessarily reflect the opinions or policies of the Borough. If commenting or messaging cannot be disabled, comments or messages by the general public may not be edited or removed, in whole or in part, regardless of whether it is favorable or unfavorable to the Borough.

Any attempt to hack or otherwise compromise the Borough's Internet or social media sites will be reported to law enforcement.

The Borough of Red Bank may not deny access to its social media sites for any individual.

All members of the public who choose to comment on Borough social media sites are advised that such posts, comments, tweets, etc. may be subject to OPRA, FOIA, and other records retention laws.

Employees who are authorized by the Borough to participate in social networks as a representative of the Borough shall adhere to the following guidelines:

- Protect your privacy, the privacy of citizens, and the Borough's confidential information when engaging in social media activities. Follow all privacy protection laws, i.e., HIPPA, and protect sensitive and confidential Borough information. For purposes of this policy, "confidential information" refers to any information that is not publicly known, that is not otherwise available through New Jersey's Open Public Records Act, N.J.S.A. 47:1A-1, ("OPRA"), or that is considered private information pursuant to federal, state or local law. It does not include any information that is subject to disclosure by OPRA or is otherwise disclosable pursuant to the Employer-Employee Relations Act.
- Follow all copyright laws, open public records laws, document retention laws, fair use and financial disclosure laws and any other laws that might apply when engaging in social media activities.
- Do not tag vendors, suppliers, clients, citizens, co-workers or other stakeholders without their express prior approval.
- Do not use ethnic slurs, profanity, personal insults, or engage in any conduct that would not be acceptable in the Borough's workplace.
- Do not engage in political activity. Political activity is activity directed toward the success or failure of a political party, candidate for political office, or political group.
- Posts or comments that demonstrate unfair preference, bias or partiality or that have the appearance of such are prohibited.
- Add value to the Borough through your interaction. Provide worthwhile information and perspective.
- All Borough information that is considered non-public and that is not disclosable under OPRA or the Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., must be protected. Respect and maintain the confidentiality entrusted to you. Do not divulge or discuss proprietary information, personal details about other employees or other confidential material.

E. Links / Posts By or About Non-Municipal Groups

- a. From time to time, the Borough (or a department, agency, board, commission or authority thereof) may find it necessary or beneficial to the public to post on its social media sites about groups unaffiliated with the Borough. Such content shall be limited to those that promote the health, safety, and well-being of Borough residents and those groups must be other government departments, agencies, boards, commissions, authorities or registered non-profits. Such posts will be requested via written application and made at the discretion of the person or persons designated to maintain such social media site. Such posts will be made at the discretion of the person or persons designated to maintain such social media site.

F. Personal Social Media Use

- a. The Borough recognizes that employees have the right to use and maintain personal Web sites or to engage in social networking. However, the line between public and private activity has been blurred by these social networking tools, which is the primary reason these guidelines have been promulgated. Information from your personal Facebook page, blog entries and tweets – even if they are intended as personal messages between family and friends – can easily reach beyond your intended audience and represent you and the Borough to the outside world. For that reason, the Borough’s policies, rules, regulations, code of conduct and ethics, its equal employment opportunity, anti-harassment policy and disciplinary policy, and other sections of this Social Media Policy should be your guides when you use these tools.

To the extent that employees use social media outside of their employment and in so doing employees identify themselves as Borough employees, or if they discuss matters related to the Borough on a social media site, employees must add a disclaimer on the front page, stating that it does not express the views of the Borough, and the employee is expressing only their personal views. For example: **“The views expressed on this website/web log are mine alone and do not necessarily reflect the views of my employer.”** The disclaimer shall be placed in a prominent position and repeated for each posting that is expressing an opinion related to the Borough or the Borough’s business. Employees must keep in mind that, if they post information on a social media site that is in violation of Borough policy and/or federal, state or local laws, the disclaimer will not shield them from disciplinary action.

Here are some additional guidelines for employees’ personal social networking sites:

- Recognize that everything you post or receive on a social media site is public. Anyone with access to the web can get access to your activity on social media sites. You are solely responsible for the content you post.

- Remember that your personal and professional lives overlap in your online activity and that as a public employee you can be disciplined for inappropriate off-duty activity and conduct.
- Before posting, consider how your comment or behavior would be received if it appeared in the mass media.
- Use privacy settings to keep items you share with friends and family separate from what you share with your work-related “friends.”
- The foregoing provisions are not intended to interfere with any employee’s rights pursuant to the First Amendment of the United States Constitution or Article I Section 6 of New Jersey’s Constitution. Likewise, this policy is not intended to restrict the right of any employee to engage in protected concerted activities as defined by the Employer-Employee Relations Act, N.J.S.A. 34:13A-1 et seq., and as recognized by the National Labor Relations Board. This policy shall not be construed as prohibiting a bargaining-unit member’s protected right to discuss wages or working conditions with fellow employees and engaged in other protected concerted activities. Any person who believes their right to engage in such activities has been or is being violated by this policy should contact the Business Administrator’s Office. The Business Administrator shall address such concerns after consulting with legal counsel.

G. Legal

- a. The Borough reserves the right to report any violation of a social media site’s Rules, Terms and Conditions, Rights and Responsibilities, etc., to that site with the intent of that site taking appropriate and reasonable responsive action. All Borough of Red Bank policies are applicable to interactions on social media sites when acting in an official capacity and representing the Borough.

All of the Borough’s policies, rules, regulations, and code of conduct and ethics including, but not limited to, its equal employment opportunity, anti-harassment policy, Information Systems Policies and Guidelines Policies on the Use of Borough Information Systems and disciplinary policy, apply to employees who engage in social networking activities while conducting Borough business. Use of your Borough e-mail address and communicating in your official capacity will constitute conducting Borough business.

K. Bulletin Board Policy:

The bulletin boards located in the Borough of Red Bank administrative building and other facilities are intended for official notices regarding policies, procedures, meetings and special events. Only personnel authorized by the Business Administrator may post, remove, or alter any notice. Space on the bulletin boards will be provided for the recognized employee bargaining units.

L. Employee Dating Policy:

The Borough of Red Bank recognizes the right of employees to engage in social relationships with each other, including relationships of a romantic or intimate nature. However, the municipality also recognizes that such relationships can be a problem in the workplace. They may result in favoritism, discrimination, unfair treatment, friction among coworkers, or the perception that they generate such problems.

To try to achieve a balance between employee rights and workplace needs, the Borough of Red Bank has adopted the following policy on the subject of supervisor/subordinate dating.

If such a relationship exists or develops, both parties involved shall report the fact to A) their immediate supervisor or B) the Business Administrator or his/her designee.

For the purposes of this policy, a supervisor/subordinate status means a situation where one employee, irrespective of job title, makes or has the authority to make decisions or to take action concerning another employee's compensation, promotion, demotion, discipline, daily tasks, or any other terms, conditions or privileges of employment with the Borough.

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

Any employee who violates this policy will be subject to disciplinary action, up to and including discharge. The Borough regards a violation of this policy as particularly serious because such workplace relationships can cause favoritism, discrimination, unfair treatment for other interference with municipal operations.

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

SECTION 4

Paid and Unpaid Time-Off Policies:

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

A. Paid Holiday Policy:

Employees are entitled to the following fourteen (14) paid holidays:

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

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

B. Vacation Policy:

Vacation is an accrued benefit for full-time employees based on the following schedule (for employees hired prior to January 1, 2014):

- During the first calendar year of appointment, an employee will earn one-half (1/2) day for each full month of service.
- During the first full calendar year after appointment, the employee will be credited with ten (10) days' vacation on January 1.
- Ten (10) days for the second (2nd) through fifth (5th) year.
- Fifteen (15) days for the sixth (6th) through tenth (10th) years.
- Twenty (20) days for the eleventh (11th) through fifteenth (15th) years.
- Twenty-five (25) days for the sixteenth (16th) through twenty-ninth (29th) years.

- Thirty (30) days from the thirtieth (30th) year on.

Employees hired between January 1, 2014 and December 31, 2017 will receive vacation based upon the following schedule:

1. During the calendar year of appointment, an employee will earn one-half (1/2) day for each month worked.
2. During the calendar year after appointment, the employee will be credited with ten (10) days' vacation on January 1, but the vacation shall not be taken prior to June 1.
3. After the first full calendar year and through the fifth (5th) year: ten (10) days of vacation.
4. From the sixth (6th) year up through the twelfth (12th) year: fifteen (15) days of vacation.
5. Beginning with the thirteenth (13th) year: twenty (20) days of vacation.

Employees hired on or after January 1, 2018 will receive vacation based on the following schedule:

- During the calendar year of appointment, an employee will earn one (1) day for each month worked not to exceed ten (10) days.
- During the calendar year after appointment, the employee will be credited with ten (10) days' vacation on January 1, but the vacation shall not be taken prior to June 1.
- After the first full calendar year and through the fifth (5th) year: ten days of vacation.
- From the sixth (6th) year up through the twelfth (12th) year: fifteen (15) days of vacation.
- Beginning with the thirteenth (13th) year: twenty (20) days of vacation.

All vacations must be scheduled and approved by Department Heads. Employees must receive their supervisor's approval at least five (5) days in advance of the first vacation day. Employees seeking to take more than five (5) consecutive vacation days shall provide their Department Head with at least thirty (30) calendar days' written notice of their intention to do so. Approval of vacation shall not be arbitrarily denied, and approval will only be withheld for articulated valid business purposes.

Vacation may not be accumulated year to year, except that an employee may carry over up to five (5) days of vacation into the ensuing year. The employee must notify his/her respective Department Head of a request to carry over any vacation time. Approval in writing must be obtained from the Department Head or Business Administrator. Any carried over vacation days must be taken during the ensuing year.

Vacation time will be charged on an hourly basis.

Permanent part-time employees will receive five (5) days paid vacation after one (1) full year of service.

If an official holiday falls during an employee's vacation period, an additional day of vacation will be granted.

It is assumed that an employee shall remain in the service of the Borough for the calendar year and the total number of vacation days shall be pro-rated and credited to the employee. If separation occurs before the end of the year and the employee has taken more vacation leave than that to which the employee is entitled, that employee shall be assessed the per diem rate of pay for the excess vacation leave, and same shall be deducted from final pay.

Employees who leave the employ of the Borough will be paid for any unused, accrued vacation time within the parameters of accrual of vacation time as set forth above.

C. Personal Days Policy:

Full-time employees are entitled to four (4) personal days per year. Any unused days are forfeited at the end of each calendar year. Personal days are earned *pro-rata* on the basis of one (1) personal day for each three (3) months worked. Personal time is charged on an hourly basis. An employee wishing to take a personal day must obtain approval from his/her Department Head.

D. Sick Days Policy:

Full-time employees are entitled to fifteen (15) working sick days per calendar year. However, during the first calendar year of service, a full-time employee shall earn one (1) working sick day for each month of service, but no more than five (5) days during that first calendar year of service, unless inconsistent with the New Jersey Paid Sick Leave Act. Sick time is charged on an hourly basis. Part-time employees will accrue one (1) hour of sick time for every thirty (30) hours of work up to a maximum of forty (40) hours of sick time in any calendar year.

Sick time may be used for the following:

- (1) time needed for diagnosis, care, or treatment of, or recovery from, an employee's mental or physical illness, injury or other adverse health condition, or for preventive medical care for the employee;
- (2) time needed for the employee to aid or care for a family member of the employee during diagnosis, care, or treatment of, or recovery from, the family member's mental or physical illness, injury or other adverse health condition, or during preventive medical care for the family member;
- (3) absence necessary due to circumstances resulting from the employee, or a family member of the employee being a victim of domestic or sexual violence, if the leave is to allow the employee to obtain for the employee or the family member: medical attention needed to recover from physical or psychological injury or disability caused by domestic or sexual violence; services from a designated domestic violence agency or other victim services organization; psychological or other counseling; relocation; or legal services, including obtaining a restraining order or

preparing for, or participating in, any civil or criminal legal proceeding related to the domestic or sexual violence;

(4) time during which the employee is not able to work because of a closure of the employee's workplace, or the school or place of care of a child of the employee, by order of a public official due to an epidemic or other public health emergency, or because of the issuance by a public health authority of a determination that the presence in the community of the employee, or a member of the employee's family in need of care by the employee, would jeopardize the health of others; or

(5) time needed by the employee in connection with a child of the employee to attend a school-related conference, meeting, function or other event requested or required by a school administrator, teacher, or other professional staff member responsible for the child's education, or to attend a meeting regarding care provided to the child in connection with the child's health conditions or disability.

For purposes of this section, "family member" shall mean a child, grandchild, sibling, spouse, domestic partner, civil union partner, parent, or grandparent of an employee, or a spouse, domestic partner, or civil union partner of a parent or grandparent of the employee, or a sibling of a spouse, domestic partner, or civil union partner of the employee, or any other individual related by blood to the employee or whose close association with the employee is the equivalent of a family relationship.

Verification for sick days may be requested at any time, irrespective of the number of days an employee is out sick. A doctor's note is required for any employee who is out sick for more than three (3) days.

Abuse of sick time is grounds for disciplinary action. Employees who need to call out sick leave must notify their Department Head no later than thirty (30) minutes before their scheduled starting time each day of the required absence.

At the end of each calendar year, an employee's unused sick time is added to the allotment for the following year. Any employee that uses no sick time within a calendar year shall be granted one (1) additional personal day in the following calendar year.

E. Workers' Compensation Policy:

Employees who suffer job related injuries and illnesses may be entitled to medical expenses, lost income and other compensation pursuant to the New Jersey Workers' Compensation Act. Any occupational injury or illness must be immediately reported to the supervisor or Department Head. All required medical treatment must be performed by a Workers' Compensation Physician appointed by the Borough's insurance carrier or the Borough. Payment for unauthorized medical treatment may not be covered pursuant to the Act.

An employee injured on the job will receive his/her full salary from the Borough of Red Bank for thirty (30) days after the injury. After that time, the employee may utilize any accrued sick time to make up the difference between the employee's salary and Workers' Compensation benefits in order to receive full compensation. After thirty (30) days, time credited toward the pension will cease until the employee returns to work. Health insurance benefits, however, will

continue pursuant to state and federal law on the same conditions as coverage is otherwise provided, including the employee's payment of his/her share of the cost of coverage. All employee rights and responsibilities while out of work on Workers' Compensation shall be defined and administered in accordance with the provisions of the New Jersey Workers' Compensation Act.

Before an employee who has been out on Workers' Compensation is permitted to return to work, a medical release must be submitted to the Business Administrator for approval.

F. 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 Borough; and, at least 1,000 hours of work (for New Jersey FLA leave) and 1,250 hours of work (for Federal FMLA leave) during the previous twelve (12) months.

FLMA applies to both the employee and his/her immediate family members. FLA leave applies exclusively to immediate family members. For the purpose of these Acts, "immediate family" means spouse, domestic partner or civil union partner, child, step-child, foster child, or other individuals residing in the employee's household, or mother or father. Upon written notice of eligibility, employees are entitled to a family or medical leave to care for a newly born or adopted child or a seriously ill immediate family member, or for the employee's own serious health condition that makes the employee unable to perform the functions of the employee's position. If the leave is for the care of an immediate family member, the two forms of leave may run concurrently.

FLMA/FLA pertains to job protection and continuation of health benefits during the applicable period of leave. FMLA/FLA is distinct from an employee's sick, personal or vacation time, and runs concurrently with the utilization of accrued paid time off from work. Employees with accrued sick, vacation and personal days must use all accrued available sick, vacation and personal days during the leave period and will continue to be paid to the extent of their accrued time. The use of any accrued time, however, does not extend the leave period. After exhausting accrued time, the employee will no longer be paid for the remainder of the leave, except an employee may qualify for paid family leave insurance, as discussed below.

Eligible employees who are out sick for more than five (5) consecutive work days should apply for FLMA/FLA. Any employee anticipating that they may be required to take a Leave of Absence under FMLA and/or FLA, should immediately notify and meet with the Business Administrator or his/her designee to obtain further information and fill out and sign the required application forms, irrespective of whether or not they have accumulated sick, vacation and personal days. Although an employee should apply for FMLA/FLA leave if an applicable situation exists, it is the responsibility of the Borough to place an employee on FMLA/FLA leave if the Borough has sufficient information to make a decision that the employee or employee's immediate family member is seriously ill and that the employee is out of work for this reason.

Eligible employees may receive up to twelve (12) weeks of leave per year under FMLA, or twelve (12) weeks every twenty-four (24) months under FLA. The method to calculate the aforementioned twelve (12) or twenty-four (24) month periods shall be the “rolling back method,” which uses a “rolling” 12- or 24-month period, as applicable, measured backward from the date an employee uses any FMLA and/or FLA leave to determine one’s eligibility for leave.

During the leave period, the employee’s health benefits will be continued on the same conditions as coverage is otherwise provided to the employee when not on said leave. The employee will not accrue vacation, sick or personal days for the unpaid portion of 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 position with the same terms and benefits that existed prior to the exercise of leave.

The period of medical leave or leave to care for a sick family member must be supported by a Medical Certification from a physician or other licensed health care provider. If an employee on FMLA/FLA cannot return to work at the end of the twelve (12) week period, but can provide a reasonable date of return, supported by medical verification, the employee’s job will be reinstated as set forth above. Prior to the return to work, the Borough of Red Bank may require an employee to be examined by a physician designated by the Borough to verify fitness to return to normal duties. An employee will not be permitted to return to work until the verification is received.

Paid Family Leave Insurance (“FLI”) benefits for up to six (6) weeks in a twelve (12) month period are available from the State of New Jersey for eligible employees who are absent on an approved family leave to care 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 earning at least minimum wage within the last 52 weeks or earned 1000 times the minimum wage. The weekly benefit is two-thirds (2/3) of weekly compensation up to a maximum per week as determined by law. FLI benefits will run concurrently with FMLA and/or FLA family 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 before receiving any FLI benefits.

Employees taking paid family leave in connection with a family member’s serious health condition may take leave intermittently or consecutively or on a reduced work schedule. 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 any family leave is required to provide the Borough with 15 days’ notice unless an emergency or other unforeseen circumstance precludes prior notice. The employee seeking intermittent family leave shall make a reasonable attempt to schedule leave in a non-disruptive manner. Employees requesting such leave shall provide the Borough with a regular schedule of days for intermittent leave.

G. Leave of Absence Policy:

Apart from FMLA/FLA/FLI leave, employees may be granted a personal leave of absence of up to 12 weeks at the sole discretion of the Business Administrator, for a period of time to be determined by the Business Administrator, if the leave does not cause undue operational disruption. The leave must include the use of any accrued vacation, personal and sick leave time, regardless of the length of leave requested. In situations where FMLA, and/or FLA is applicable, FMLA/FLA leave must be utilized and exhausted prior to the employee making a request for a personal leave of absence.

The portion of any leave of absence that runs beyond the exhaustion of vacation, personal and sick leave will be without pay or longevity credit. In exceptional circumstances, the Business Administrator may extend a leave of absence beyond the aforementioned 12 week period, if such extension is deemed by the Borough to be in the best interest of the Borough of Red Bank.

An employee who has exhausted his/her paid sick leave, vacation and personal days, and time out of work pursuant to the FMLA and/or FLA may, at the sole discretion of the Borough of Red Bank, be granted an additional unpaid sick leave of absence, during which time health benefits shall continue to be paid by the Borough, with the employee paying his/her share of the benefits. If, at the end of the leave of absence approved by the Borough, the employee is unable to return to work, he/she will be terminated from employment.

Personal leaves are not granted for the purpose of seeking or accepting employment with another employer, or for extended vacation time. Employees on personal leave of absence for more than two weeks in any month will not receive holiday pay, and will not accrue personal leave, sick leave or vacation time for that month. A personal leave is granted with the understanding that the employee intends to return to work for the Borough of Red Bank. 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.

H. Bereavement Leave Policy:

Employees are entitled to five (5) day's leave of absence for each death of an employee's immediate relative. "Immediate relative" includes spouse, domestic partner, civil union partner or significant other, child, parent, stepparent, stepchild, foster child, sibling, grandparents, daughter-in-law, son-in-law, parents-in-law, grandchildren, or any person residing in an employee's household who is not a tenant. Employees are entitled to three (3) day's leave in the event of the death of a relative not a member of the employee's immediate family or household. All requests must be approved by the Department Head. Employees are paid for all working days during the Bereavement Leave. Any additional leave must be approved by the employee's Department Head and charged against vacation, sick, or personal leave. Reasonable proof of death and relationship may be required.

I. Jury Duty Policy:

An employee required to render jury service shall be entitled to be absent from work during that service and will be paid the employee's regular salary. If an employee is released early from jury duty, he/she shall contact the Department Head to determine whether his/her services are required for the remainder of that day. The employee must submit appropriate documentation from the court to the Business Administrator or his/her designee confirming his/her jury duty service prior to receiving his/her next paycheck.

J. 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 up 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 Borough for at least twelve (12) 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 a restraining order, letter from a prosecutor, proof of conviction, medical documentation or a certification from an agency or professional involved in assisting the employee.

In certain circumstances, the basis for the leave may also qualify under the federal Family and Medical Leave Act and/or the New Jersey Family Leave Act. If so, the Borough 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 Borough 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 Borough shall not retaliate, harass or discriminate against any employee exercising his/her right to take the leave provided by this policy.

K. Military Leave Policy:

The Borough of Red Bank shall comply with the provisions of the Uniformed Services Employment and Reemployment Rights Act ("USERRA"). When a full-time employee (either permanent or temporary) who is a member of the reserve component of any United States armed force or the National Guard of any state including the Naval Militia and Air National Guard is required to engage in field training or is called for active duty, the employee will be granted a military leave of absence for the duration of the service. The first thirty (30) workdays of the leave shall be with full pay except that a member of the New Jersey National Guard shall receive full pay for the first ninety (90) days. Thereafter, the employee shall be paid the difference between military salary and the employee's regular salary for a period not to exceed 180 days. The paid leave will not be counted against any available time off including but not limited to vacation, sick or personal time. A full-time temporary employee who has served less than one (1) year shall not be entitled to paid leave but shall be granted non-paid military leave without loss of time.

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

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

SECTION 5

Compensation & Employee Benefits Policies:

The policies within this section cover non-union employees. They also cover union employees to the extent that their collective bargaining agreements do not address these issues.

A. Payroll Policy:

Salary ranges and/or rates of pay are established by ordinance and/or applicable collective bargaining agreements. Employees are paid semi-monthly on the 15th and last day of each month. If payday date falls on a Saturday, Sunday or holiday, paychecks will be dated and distributed on the last business day preceding the regular issue date. Overtime will be paid in the pay period subsequent to the reporting of the overtime hours. Employees who are going on vacation and would like their checks in advance must make a written request the Business Administrator or his/her designee at least two weeks in advance of the vacation. Any questions or discrepancies relating to paychecks should be addressed to the Business Administrator or his/her designee.

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

B. Overtime Compensation Policy:

Under the Federal Fair Labor Standards Act, certain employees in managerial, supervisory, administrative or professional positions are exempt from the overtime provisions of the Act. The Business Administrator or his/her designee shall notify all Exempt employees of their status under the Act. Exempt employees are not eligible to receive overtime compensation and are required to work the normal workweek and any additional hours needed to fulfill their responsibilities.

All other employees are classified as Non-Exempt and are subject to the overtime provisions of the Act. Non-Exempt Employees work up to forty (40) hours in a week, unless paid overtime is approved. Overtime must be budgeted and approved by the Department Head, the Chief Financial Officer and the Business Administrator. Non-Exempt employees working overtime without prior approval will be subject to disciplinary action.

Non-Exempt employees approved to work overtime will receive overtime compensation for hours worked in excess of forty (40) hours at one and one-half times (1.5) their regularly scheduled rate in a weekly period. Employees may choose overtime compensation in the form of overtime pay or compensatory time off (1.5 hours for each over-time hour worked). The maximum number of hours that an employee may accrue for future compensatory time off is sixty (60) hours. Once this maximum has been accumulated, all additional hours will be compensated by overtime pay. Accrued and taken overtime compensatory hours must be noted on the employee's time sheet.

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

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

C. Reimbursements for Out-of-Pocket Expenses:

Employees who must use their personal vehicles as a condition of employment are entitled to a vehicle maintenance allowance at a rate to be determined at the adoption of the annual budget. The total annual reimbursement shall in no case exceed the amount appropriated in the current year's departmental budget unless authorized by the Chief Financial Officer.

An employee who has received approval to expend cash for Borough supplies or to attend a meeting/conference on Borough business will be reimbursed for legitimate expenses, provided they are supported by a detailed voucher and appropriate receipts.

Requests for reimbursements shall be submitted to and approved by Department Heads.

D. Educational Benefits, Conference and Seminar Policy:

Requests to attend an educational course, conference or seminar must be approved by the Department Head and the Business Administrator. Requests shall be made sufficiently in advance to take advantage of discounts for early registration, and must be submitted to the Department Head at least thirty (30) days before the event. Requests must be in writing, including the conference schedule, registration information and estimated costs. The Department Head is responsible to detail all training requests during the budget formulation process. Approval of any conference or seminar request is conditioned upon the availability of funds.

E. Years of Service Policy

Years of service is defined as uninterrupted full-time employment with the Borough of Red Bank. Employees who leave the Borough in good standing and return will be granted credit for prior service with the Borough upon the completion of five (5) years employment after their return. Permanent part-time employees who become full-time may be granted pro-rated service credit based upon their part-time hours of work as a percentage of full-time hours for that position.

All returning employees shall receive benefits applicable at the time of their return and not based upon when they initially started with the Borough. For example, all returning employees will now contribute towards their health insurance. Employees who retired from the Borough and are subsequently rehired by the Borough in a different position from which they retired are not eligible for service credit for the years of employment prior to said retirement.

F. Seniority Policy

Seniority is defined as an employee's continuous length of service with the Borough, beginning with the employee's latest date of hire.

G. Health Insurance Policy:

Employees regularly scheduled to work thirty (30) hours or more per week and their immediate family members are provided medical, hospital, dental and co-pay prescription insurance coverage commencing the first day of the month following the date of hire. The complete benefit plan is on file in the administrative office and a Summary Plan Description will be provided to all eligible employees. All employees hired on or after January 1, 2018, will be enrolled in 3-Tier Health Plan options and Step Therapy/Generic Prescription plans. Benefit plans for eligible non-unionized employees are subject to change at the discretion of the Borough of Red Bank.

All eligible non-Union Employees will contribute at Tier 4 level in 2017, Tier 3 level in 2018 and Tier 2 level in 2019/2020 and thereafter. However, all employee health insurance contributions will comply with the provisions of Chapter 78, P.L. 2011, including the provisions for minimum employee contribution for health benefits as required by State law.

Employees hired after January 1, 2018 shall not be entitled to retiree health benefits.

Health insurance coverage for eligible employees on a leave of absence or who cease Borough of Red Bank employment will terminate at the end of the month in which the leave begins or employment is terminated unless otherwise agreed between the Borough and the employee. Coverage will continue for up to twelve (12) weeks for employees on leave pursuant to the Family and Medical Leave Act and/or Family Leave Act, and up to thirty (30) weeks for employees on Military Leave. Upon termination of coverage, employees may extend health insurance coverage for themselves and/or their dependents by taking advantage of the COBRA provision for a period of up to eighteen months. For more information, consult the Business Administrator or his/her designee.

Eligible employees and their immediate family members are provided medical, hospital, dental and co-pay prescription insurance coverage commencing the first day of the month following the date of hire. The complete benefit plan is on file in the administrative office and a Summary Plan Description will be provided to all employees. All employees hired on or after January 1, 2018, will be enrolled in 3-Tier Health Plan options and Step Therapy/Generic Prescription plans. Benefit plans for non-unionized employees are subject to change at the discretion of the Borough of Red Bank.

All eligible non-Union Employees will contribute at Tier 4 level in 2017, Tier 3 level in 2018 and Tier 2 level in 2019/2020 and thereafter. However, all employee health insurance contributions will comply with the provisions of Chapter 78, P.L. 2011, including the provisions for minimum employee contribution for health benefits as required by State law.

Employees hired after January 1, 2018 shall not be entitled to retiree health benefits.

Health insurance coverage for employees on a leave of absence or who cease Borough of Red Bank employment will terminate at the end of the month in which the leave begins or employment is terminated unless otherwise agreed between the Borough and the employee.

Coverage will continue for up to twelve weeks for employees on leave pursuant to the Family and Medical Leave Act and up to thirty weeks for employees on Military Leave. Upon termination of coverage, employees may extend health insurance coverage for themselves and/or their dependents by taking advantage of the COBRA provision for a period of up to eighteen months. For more information, consult the Business Administrator or his/her designee.

In accordance with N.J.S.A. 40A:10-23, the Borough will provide paid medical benefits for the retiring employee and spouse for those employees hired prior to January 1, 2018 as follows:

- Retire on a disability pension approved by the Public Employees Retirement System;
- Retire with twenty-five years (25) of service credit in the Public Employees Retirement System with the last twenty (20) consecutive years of employment with the Borough at the time of retirement;
- Upon reaching the age of sixty-two (62) years of age or older with the last twenty (20) years of service credit in the Public Employees Retirement System with the last fifteen (15) years of service with the Borough at the time of retirement;
- If the retiree is eligible for free insurance through other employment, the Borough will not carry him/her. The retiree would be required to sign an affidavit stating that he/she does not have other coverage. This shall apply to those who retire after January 1, 1982;
- Any other full-time employee may continue on a full contributory basis;
- Part-time employees who have participated in the Borough's Group Health Plan during employment may continue in the plan on a full contributory basis upon retirement.

H. Retirement Policy:

Under State law, all employees must enroll in the New Jersey Public Employees Retirement System or the Police and Fire Fighters Retirement System, as applicable. The employee's contribution to the Plan will be deducted from the employee's pay. An employee who has completed the required number of years and who has reached the required age under the Plan may retire. Employees planning to retire should first notify the Department Head in writing. The State retirement plans request six months advance notice to process the application. Anything to do with the employee's pension should be addressed to the Division of Pensions. After giving notice of retirement, employees are expected to assist their supervisor and co-employees by providing information concerning their current projects and help in the training of a replacement. The Department Head will prepare an Employee Action form showing any pay or other money owed the employee. The Business Administrator or his/her designee will conduct a confidential exit interview to discuss benefits including COBRA options, appropriate

retirement issues and pay due. A COBRA notification letter will be sent to the employee's home address. The exit interview will also include an open discussion with the employee.

On the last day of work, the employee must return the Employee Identification Card, all keys and equipment and pay any money owed to the Borough. At this time, the employee will sign the termination memo designating all money owed and this memo will be retained in the official personnel file.

Upon retirement, employees hired before January 1, 1994 shall be paid for up to 260 days of accumulated unused sick time. Employees hired after January 1, 1994 shall be paid, upon retirement, for half of their total accumulated unused sick time or \$15,000, whichever is less.

Employees hired after January 1, 2018 shall not be entitled to paid accumulated unused sick time retirement benefits.

Upon retirement, employees shall also be paid for any unused accrued vacation time in accordance with the provisions of the Vacation Policy.

I. Retirement Policy:

A. Policy.

(1) All permanent employees who have not yet attained their 60th birthday will be enrolled in the Public Employees Retirement System Life Insurance Program. This coverage consists of 1 1/2 times their annual salary on a noncontributory basis, and 1 1/2 times their annual salary on a contributory basis, for a total of three times their annual salary. Employees are required to participate in the contributory enrollment plan for a period of one year. After the completion of one year, they may elect to continue or cancel this contributory coverage. Those who have attained age 60 must provide proof of insurability before this coverage can be effective.

(2) For further information, please refer to the Public Employees Retirement System brochure, which fully describes this coverage.

(3) All police officers and fire fighters enrolled in the New Jersey Police and Firemen's Retirement Plan will have life insurance coverage amounting to 3 1/2 times their annual salary on a noncontributory basis.

(4) For further information, please refer to the Police and Firemen's Retirement Plan brochure.

B. Procedure. Enrollment will be completed by the Business Administrator or his/her designee at the time application is completed for membership in the pension plan. Appointed and elected officials are eligible for enrollment immediately upon their appointment to a Borough position.

J. Workplace Democracy Enhancement Act:

The Borough of Red Bank shall comply with its duties under the provisions of the Workplace Democracy Enhancement Act and any regulations promulgated thereunder.

SECTION 6

Managerial/Supervisory Procedures:

A. Employment Procedure:

- **Recruitment:** The Business Administrator, in conjunction with his/her designee, will coordinate the employment recruitment process for all vacancies to ensure compliance with contractual, legal, and equal opportunity requirements. When a vacancy occurs, it is the responsibility of the Department Head to notify the Business Administrator who will distribute notification of the vacancy to all departments. The Business Administrator will undertake to recruit qualified applicants in accordance with applicable Federal and State law. Where positions are advertised, the media or other periodical utilized must have as wide circulation as possible to encourage applications from candidates from diverse backgrounds and must prominently state that the Borough of Red Bank is an equal opportunity employer.
- **Applications:** All candidates must fully complete an application form. A resume will not be considered as a substitute for this form. The application 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.
- **Interviews:** The Business Administrator or Department Head will coordinate the interview process including the scheduling of applicants, development of interview questions and standards to measure candidate responses. All questions must be in accordance with the New Jersey Division of Civil Rights Guidelines for Pre-Employment Inquiries. Reasonable accommodations must be made for disabled applicants provided that the applicant is otherwise qualified to perform the essential functions of the job and also provided that the accommodation does not impose an unreasonable hardship on the Borough.
- **Physical Examinations:** Offers of employment are made subject to the applicant meeting the physical requirements of the specific position sought. The Business Administrator shall require prospective employees, prior to employment, to successfully pass a physical examination consistent with the Americans with Disabilities Act, to assure that the person is medically qualified to perform the essential functions of the position without reasonable accommodations to meet the requirements of the position. The Business 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 Borough of Red Bank at

the expense of the Borough of Red Bank. All medical records of employees and prospective employees are confidential and are to be maintained by the Business Administrator or his/her designee separate from the employee's official personnel file.

- **Job Offers:** The final decision as to hiring will be made, pursuant to Borough Ordinance, by the Business Administrator, subject to the approval of the Mayor and Council, after all references and other information has been verified. Every effort shall be made to offer reasonable accommodations pursuant the Americans with Disabilities Act and the New Jersey Law Against Discrimination, as requested by the candidate, provided that the candidate 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 Borough. The employment offer must be made in a letter to the candidate outlining all terms and conditions of the offer. The letter will also establish a deadline for acceptance. The letter will state that this offer is contingent upon the candidate passing any required drug/alcohol test and physical examination that may be required for the position.
- **Acceptances and Rejections:** If the first offer is rejected, the Business Administrator will decide either to hire another candidate or re-open the position. Once a candidate accepts the employment offer, all other candidates will be notified in writing that they were not accepted for the position.
- **Employability Proof:** Within the first three (3) days of employment, all new employees shall be required to fill out an Employment Eligibility Verification Form I-9 and to provide acceptable proof of identity right to work in the United States.
- **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 Business Administrator or his/her designee. Documents related to the successful candidate will be placed in the employee's official personnel file, except medical records, including records of physical examinations, must be maintained in a separate file. All records documents related to other candidates must be retained for at least one year. Records and documents created during the hiring process are confidential and must be retained in a locked cabinet.

Background Checks and Procedures for Candidates, Employees and Volunteers:

- **Background checks required:** Background checks are required of all candidates, whether for paid or volunteer positions, working directly or indirectly with children/youth/minors, as a condition of the job offer. Background checks will also be administered for each employee or volunteer, that works directly or indirectly with children/youth/minors, every three (3) years.

The Borough will perform or initiate criminal background checks and be the recipient of reports from outside agencies or contractors. These reports shall include, but are not limited, to court records; police department and corrections agency records; registries or watch lists; state

criminal record repositories; and the Interstate Identification Index maintained by the FBI. The Business Administrator or his/her designee will discuss potentially disqualifying information received with the employee's or volunteer's Department Head, and a determination that the information is disqualifying shall be made based on whether the disqualification is job-related for the position and is consistent with business necessity. Written information received as a result of a "Request for Criminal History Record Information for a Noncriminal Justice Purpose" will be destroyed immediately after it has served its authorized purpose, as required by the State Police. Such information will be kept confidential and will not be published or disclosed in any manner not consistent with the procedures listed herein. Such information will not be deemed a public record under P.L. 1963, c.73 (c:47:1a-1, et seq.) as amended and supplemented by P.L. 2001, c.404 (c:47:1a-5, et seq.).

When a disqualification decision has been made as a result of the Borough's "targeted screening process" described below, the Business Administrator or his/her designee will inform the candidate or employee, in writing, of any information that would disqualify the person from working with children/youth. If the Borough contracts with an outside vendor to process the background checks, that contractor may be authorized to inform the person in writing of any information that would disqualify the person from working with children/youth/minors. In addition, the individual shall be advised that he/she has the opportunity to appeal the disqualification, pursuant to the Appeal Process set forth below, to explain the criminal record and to demonstrate why the exclusion based on the Borough's targeted screening process should not apply to him/her under the circumstances.

- **Conditions Under Which An Employee Will Be Disqualified From Working With Children/Youth:** A candidate, volunteer, or employee may be disqualified from employment in a position that works with children/youth/minors if that person's criminal record history background check reveals a record of conviction of any of the following crimes and disorderly persons offenses as defined by New Jersey law or by analogous laws in other States:
 - Homicide (N.J.S.A. 2C:11)
 - Assault, reckless endangerment, threats, stalking (N.J.S.A. 2C:12)
 - Kidnapping (N.J.S.A. 2C:13)
 - Sexual Offenses (N.J.S.A. 2C:14)
 - Offenses Against the Family, Children and Incompetents (N.J.S.A. 2C:24)
 - Controlled Dangerous Substances (N.J.S.A. 2C:35 except for 2C:35-10(a)4)
 - Robbery (N.J.S.A. 2C:15)
 - Theft (N.J.S.A. 2C:20)

A disqualification from any position will be based only on a conviction for one or more of the above disqualifying crimes and offenses. An acquittal, a dismissal, successful completion of Pre-Trial Intervention (PTI), or an expungement of a criminal offense, including a disqualifying criminal offense, is not a disqualifying conviction.

- **Appeal Process:** The Appeals Committee will be comprised of the Police Chief, the Business Administrator and his/her designee.

Once a candidate, employee or volunteer has been notified of a disqualifying conviction, the employee has fourteen (14) calendar days to file a Notice of Appeal with the Borough. Such Notice of Appeal must be sent in writing to the Business Administrator or his/her designee. The Notice of Appeal shall include a Notice of Rehabilitation and/or a Notice that the information is inaccurate or incorrect, pursuant to N.J.A.C. 13:59-1.6.

During the 14-day period listed above, and until the issuance of the decision of the Appeals Committee, an employee will be on a suspension with pay, pending the outcome of the Notice of Appeal.

In making a determination on the appeal, the following information will be considered:

1. The nature and responsibility of the position which the convicted individual would hold, has held, or currently holds, as the case may be.
2. The nature and seriousness of the crime or offense.
3. The circumstances under which the crime or offense occurred.
4. The date of the crime or offense.
5. The age of the individual when the crime or offense was committed.
6. Whether the crime or offense was an isolated or a repeated incident.
7. Any social conditions which may have contributed to the commission of the crime or offense.
8. Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received.
9. Acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of those who have had the individual under their supervision.

The Borough will issue a written determination on the employee's appeal of their disqualifying conviction, setting forth the reasons for the determination.

B. Open Public Meetings Act Procedure Concerning Personnel Matters:

Discussions by the governing body or any public body of the Borough of Red Bank concerning appointment, termination, terms and conditions of employment, performance evaluation, promotion or discipline of any current or prospective officer or employee may be held in closed session, unless the affected employee submits a timely request that discussions regarding his/her employment be conducted in a public session. Ultimately, the guidance as to notification of employees and the right to have the discussion in executive or the open session should be

discussed with and be based upon the guidance and advice of the Legal Counsel for the Borough and recent court decisions.

C. Processing and Orientation of New Employees Procedure:

All new full-time and part-time employees will be scheduled to meet with the Department Head, the Business Administrator and his/her designee on their first day for a general orientation. Copies of all forms and acknowledgements must be returned to the Business Administrator or his/her designee 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 Personnel Policies and Procedures Manual and acknowledgement of receipt;
- The Employee Complaint Policy letter and acknowledgement;
- A safety orientation and acknowledgement; and
- Arrangements for the new employee to complete required PEOSHA safety training.

D. Initial Employment Period Procedure:

Except where State requirements or contracts direct otherwise, new employees (or present employees transferring to new positions) will be hired subject to an initial employment period of ninety (90) working days. During this initial employment period, the new employee or transferee will be provided with training and guidance from the supervisor. At the end of the initial employment period, the supervisor will conduct an employee evaluation. New employees may be discharged at any time during this period without recourse to any grievance procedures or rights to appeal, if the Business Administrator concludes that the employee is not progressing or performing satisfactorily. Under appropriate circumstances, the Business Administrator may extend the initial employment period. Newly hired employees are not eligible for payment of paid time off except holidays until the successful completion of their initial employment period.

Nothing in the procedure set forth in this section shall alter the Borough's employment at will policy.

E. Personnel Policies and Procedure Manual:

Copies of this Personnel Policies and Procedures Manual will be distributed (in lieu of an Employee Handbook) to all employees and elected officials of the Borough. Employees will be required to sign an acknowledgement of receipt that will be placed in the official personnel file. The Manual will be revised and re-distributed whenever there is a significant change in personnel practice or at the Borough's discretion.

F. Personnel File Procedure:

The official personnel files shall be maintained by the Business Administrator or his/her designee and employee medical information will be maintained in a separate file. At least annually, the Business Administrator or his/her designee will review files to make sure they are up-to-date and will follow-up with the Department Heads as necessary. Employees are responsible to notify the Business Administrator or his/her designee any changes in vital information.

The Official file shall include at least the following:

- The original application signed by the employee;
- Notes from any pre-employment interview and reference check;
- The original letter detailing an offer of employment and any additional correspondence concerning the employee's hiring;
- A signed acknowledgement that the employee received a copy of the Employee Complaint Policy letter;
- A signed acknowledgement that the employee has received the Personnel Policies and Procedures Manual;
- A signed acknowledgement that the employee received the safety orientation;
- Annual written performance evaluations including documentation that the evaluation was reviewed with the employee;
- Counseling Action Plans;
- Records relating to on-the-job accidents;
- Disciplinary actions including an acknowledgement that the employee was notified of the proposed disciplinary action and was given an opportunity to respond;

- Records relating to any other employment actions including promotions, demotions, transfers, resignations, leaves, etc.;
- Educational transcripts; and
- Any other pertinent information.

G. Requests for Employment Verification and Reference Procedure:

Inquiries and written requests for references or employment verification regarding a current or former employee must be referred to the Business Administrator or his/her designee. No employee may issue a reference letter without the permission of the Business Administrator or his/her designee. Under no circumstances should any information be released over the phone.

In response to a request for information, the Business Administrator or his/her designee will only verify an employee's name, dates of employment, job title, department and final salary. No other data or information will be furnished unless; (1) the Borough of Red Bank is required to release the information by law, or (2) the employee or former employee authorizes the Borough of Red Bank in writing to furnish this information and releases the Borough of Red Bank from liability.

H. Continuing Education Procedure:

The Business Administrator or his/her designee will arrange for employment practices seminars at least annually to train all managerial/supervisory personnel.

The Borough of Red Bank will also offer non-mandatory training to all other employees with special emphasis on employee rights and protections under various Federal and State laws as well as Borough of Red Bank employment practices. Records will be maintained in the official personnel files of all employees trained under this procedure.

Managerial and supervisory personnel will also update employees periodically by department meetings and memos that should address specific problems and concerns that may arise. Every effort will be made to encourage employee suggestions about ways to avoid employer-employee disputes and violations of employment rights.

APPENDIX:

Model Forms

- Notice of Personnel Discussion
- Employee Letter Concerning Employee Complaint Procedure
- Employee Complaint Form
- Application for Employment
- Sample Notices Concerning Whistleblower Act
- FMLA/FLA Request for Family and Medical Leave (Self or Family Member)
- FMLA/FLA Certification of Health Care Provider Forms (Self or Family Member)
- Bring Your Own Device Agreement
- Receipt of Social Media Policy Form
- Social Media Policy Terms of Disclosure

NOTE: Forms provided herein may be revised from time to time and the Borough reserves the right to utilize updated current versions of these forms and shall make such updated forms available to all employees.

Borough of Red Bank

NOTICE OF PERSONNEL DISCUSSION

Certified and regular mail

To: _____

Address: _____

This letter serves as notice to you that the terms and conditions of your employment with The Borough of Red Bank will be discussed at the regularly scheduled meeting of the Borough Council.

Date of Meeting(s): _____

Time: _____

Location: _____

The discussion will be in closed session, not open to the public, unless at least 24 hours before the meeting the Borough Clerk receives a request, in writing, in which you request that the discussion be held in public. If the discussion will affect other employees or potential employees, it may be closed to the public unless all such affected persons submit such signed requests. You are not required to attend this meeting. If you have any questions about this matter, please contact me.

Notice Date: _____ Signed: _____ (title) _____

Form PD - 1

Borough of Red Bank Employee Complaint Procedure

The Borough of Red Bank has a “no tolerance” policy towards workplace wrongdoing. Under Federal and State law, you have a right to formally or informally report any statement, act, or behavior by a co-employee, supervisor, elected official or visitor that you perceive to be improper, including harassment of any kind, violence or threat of violence, retaliation, wrongful termination, breach of an employment agreement, failure to promote, wrongful demotion, violation of any employment protection law or regulation, discrimination of any nature, misrepresentation, defamation, or any other statements, acts, or behaviors that violate employment rights.

You also have the right to:

Disclose to a supervisor, Department Head, the Business Administrator or his/her designee, or to member of the governing body or to a public body, as defined in the Employment Protection Act (N.J.S.A. 34:19) an activity, policy or practice that you reasonably believe is in violation of a law, a rule or regulation promulgated pursuant to law; or

Provide information to, or testify before any public body conducting an investigation, hearing, an inquiry into any violation of law, or a rule or regulation promulgated pursuant to law; or

Object to or refuse to participate in any activity, policy, or practice that you reasonably believe is a violation of a law, rule or regulation promulgated pursuant to law; is fraudulent or criminal; or is incompatible with a clear mandate of public policy concerning the public health, safety, or welfare; or

Participate in political activities or join political organizations, as long as you do so on your own time and maintain a clear separation between your official responsibilities and your political affiliations.

Immediately report any wrongdoing to your supervisor, or, if you prefer your Department Head, the Business Administrator or his/her designee, or the Borough Attorney. No retaliatory measures will be taken against any employee who, in good faith, complains of wrongdoing or harassment. To the maximum extent feasible, the confidentiality of all such complaints will be maintained on a need-to-know basis. However, investigation of such complaints may require disclosure to the accused party and other witnesses in order to gather pertinent facts.

I, hereby acknowledge receipt of a copy of this letter.

Name _____

Date _____

Signature _____

The original signed copy of this letter must be filed in the employee’s personnel folder

Form ECP -1

Borough of Red Bank Employee Complaint Form

Date _____

Attach additional sheets if necessary to fully complete all questions

NAME: _____ DEPARTMENT: _____

TITLE: _____ SUPERVISOR: _____

Time period covered by this complaint: _____

Individuals who allegedly committed the acts being complained of:

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

Identify all persons with knowledge of the complained conduct:

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

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

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

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

What is your requested remedy for this complaint?

ACKNOWLEDGMENT

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

BY: _____ DATE: _____

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

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

BY: _____ DATE: _____

Borough of Red Bank

Date: _____

Employment Application:

Applicant Information:

Name (Last, First, Middle): _____

Address: _____

City/Town: _____

Phone (Work): () _____ (Home): () _____

Social Security Number: _____ - _____ - _____

Position applied for: _____

Have you ever applied to the Borough of Red Bank before: ____ Yes ____ No If yes, give date. _____

Date you can start: _____ Salary desired: _____

Are you available to work: ____ Full time ____ Part time ____ Shift work ____ Temporary

Are you currently employed: ____ Yes ____ No May we contact you at work: ____ Yes ____ No

May we contact your current employer: ____ Yes ____ No

Have you ever been fired: ____ Yes ____ No

If so, state the reason:

Are you currently on layoff status and subject to recall: ____ Yes ____ No

Do you possess a current driver's license: ____ Yes ____ No

Do you possess a current commercial driver's license: ____ Yes ____ No

Please list any endorsements: _____

If you are under eighteen years of age, can you provide proof of eligibility to work: ____ Yes ____ No

Are you legally eligible to work in the United States of America: ____ Yes ____ No

EA-1

Pursuant to Federal Law, proof of US Citizenship or immigration status will be required if you are hired.

Employment is conditional upon the results of the criminal background check. An answer of "Yes" may disqualify you from employment depending upon the circumstances involved. If "Yes", please explain below.

EA-2

The Borough of Red Bank is an Equal Opportunity Employer M/F

Employment History: This section must be completed even if you attach a resume. List your last four employers, major assignments within the same employer. Begin with the most recent. Include any military service. Explain any gaps in employment in the space on this form marked comments located on the bottom of this page.

Employer: Address:	Date started: Date left:	Work performed/ responsibilities:
	Starting Salary:	
Job Title:	Final Salary:	
Reason for leaving:		
Supervisor's name and phone number:		
May we contact for a reference: ☐ Yes ☐ No		
Employer: Address:	Date started: Date left:	Work performed/ responsibilities:
	Starting Salary:	
Job Title:	Final Salary:	
Reason for leaving:		
Supervisor's name and phone number:		
May we contact for a reference: ☐ Yes ☐ No		
Employer: Address:	Date started: Date left:	Work performed/ responsibilities:
	Starting Salary:	
Job Title:	Final Salary:	
Reason for leaving:		
Supervisor's name and phone number:		
May we contact for a reference: ☐ Yes ☐ No		
Employer: Address:	Date started: Date left:	Work performed/ responsibilities:
	Starting Salary:	
Job Title:	Final Salary:	
Reason for leaving:		
Supervisor's name and phone number:		
May we contact for a reference: ☐ Yes ☐ No		

Comments:

Education: Provide information on your formal schooling and education. Include elementary, secondary, and post-secondary education, if any. Include any formal vocational or professional education. For high school and post-secondary education, indicate any major or specialty, such as Academic, Business, or Trade.

School:	Years completed: (Circle)	Graduated: (Circle)	Major Field:
Elementary:	5 6 7 8	Yes No	N/A
High:	1 2 3 4	Yes No	
College:	1 2 3 4	Yes No	
Other:	1 2 3 4	Yes No	

Languages: List any foreign languages you know and indicate your level of proficiency.

Language:	Speak Some:	Speak Fluently:	Read:	Write:

Special Skills & Experience: State any special skills, experience, training, licenses, certifications or other factors that make you especially qualified for the position for which you are applying.

Comments & Additional Information: Is there any additional information about you we should consider?

References: Provide the names, addresses and phone numbers of three people whom we may contact as a reference. They should not be relatives or former supervisors.

Name & Address:	Phone Number:	Years Known:

Understandings and Agreements:

AS AN APPLICANT FOR A POSITION WITH THE BOROUGH OF RED BANK, I UNDERSTAND AND AGREE THAT I MUST PROVIDE TRUTHFUL AND ACCURATE INFORMATION IN THIS APPLICATION. I UNDERSTAND THAT MY APPLICATION MAY BE REJECTED IF ANY INFORMATION IS NOT COMPLETE, TRUE AND ACCURATE. IF HIRED, I UNDERSTAND THAT I MAY BE SEPARATED FROM EMPLOYMENT IF THE BOROUGH OF RED BANK LATER DISCOVERS THAT INFORMATION ON THIS FORM WAS INCOMPLETE, UNTRUE, OR INACCURATE. I GIVE THE BOROUGH OF RED BANK THE RIGHT TO INVESTIGATE THE INFORMATION I HAVE PROVIDED, TALK WITH FORMER EMPLOYERS (EXCEPT WHERE I HAVE INDICATED THEY MAY NOT BE CONTACTED). I GIVE THE BOROUGH OF RED BANK THE RIGHT TO SECURE ADDITIONAL JOB-RELATED INFORMATION ABOUT ME. I RELEASE THE BOROUGH OF RED BANK AND ITS REPRESENTATIVES FROM ALL LIABILITY FOR SEEKING SUCH INFORMATION. I UNDERSTAND THAT THE BOROUGH OF RED BANK IS AN EQUAL-OPPORTUNITY EMPLOYER AND DOES NOT DISCRIMINATE IN ITS HIRING PRACTICES. I UNDERSTAND THAT THE BOROUGH OF RED BANK WILL MAKE REASONABLE ACCOMMODATIONS AS REQUIRED BY THE AMERICANS WITH DISABILITIES ACT. I UNDERSTAND THAT IF I AM OFFERED EMPLOYMENT WITH THE BOROUGH OF RED BANK, SUCH AN OFFER DOES NOT CONSTITUTE AN EMPLOYMENT CONTRACT, AND IF EMPLOYED, SUCH EMPLOYMENT DOES NOT CREATE AN EMPLOYMENT CONTRACT. I MAY RESIGN AT ANY TIME AND THE BOROUGH OF RED BANK MAY TERMINATE ME AT ANY TIME IN ACCORDANCE WITH ITS ESTABLISHED POLICIES AND PROCEDURES. NO REPRESENTATIVES OF THE BOROUGH OF RED BANK MAY MAKE ANY ASSURANCES TO THE CONTRARY. I UNDERSTAND THAT ANY OFFER OF EMPLOYMENT MAY BE SUBJECT TO JOB-RELATED MEDICAL, PHYSICAL, DRUG, OR PSYCHOLOGICAL TESTS. I ALSO UNDERSTAND THAT SOME POSITIONS MAY INVOLVE COMPLETE BACKGROUND AND CRIMINAL CHECKS.

Applicant's Signature _____ Date _____

Conditions of Employment:

Please be advised that all offers of employment are conditional on the applicant passing a mandatory criminal background check and drug test. A pre-employment physical may also be required. Pursuant to our personnel policy, all job applicants are required to sign a consent form for drug testing and if the test results are positive and are not accounted for by the legal use of prescription or non-prescription drugs the applicant shall be ineligible for hire unless they can establish a legal basis for the use of the drug or controlled substance for which they test positive. *For your application to be considered, you must sign and date below.*

Applicant's Signature _____ Date _____

Voluntary Affirmative Action Information

You are not required to provide this information. Provide only if you wish.

If you provide information on this page, it will be filed separately from the job application. This information will be used only for purposes of the affirmative action program

Applicant Information:

Name: _____

Address: _____

City/town: _____

Phone: () _____

Position Applied For: _____

How did you learn about this position? ☐ Advertisement ☐ Employment Agency
☐ Friend ☐ Relative ☐ Walk-in ☐ Other (Explain) _____

Information Regarding Status:

Gender:

☐ Male

☐ Female

Equal Employment Opportunity identification groups:

☐ White

☐ African-American (non-Hispanic)

☐ Hispanic

☐ American Indian/Alaskan native

☐ Asian/Pacific Islander

☐ Other _____

For Borough of Red Bank use only

Hired: ☐ Yes ☐ No Position _____ Date _____

Which EEO job classification best describes the position for which the applicant applied?

1. Officials and Managers

4. Sales workers

7. Operators(semi-skilled)

2. Professionals

5. Office and clerical workers

8. Laborers (unskilled)

3. Technicians

6. Craft workers (skilled)

9. Service workers

Borough of Red Bank Official _____

Date _____

EA-7

This page for Borough of Red Bank use only!
Results of interview

Interviewer: _____

Date: _____ **Time:** _____

Conscientious Employee Protection Act "Whistleblower Act"

Employer retaliatory action; protected employee actions; employee responsibilities

1. New Jersey law prohibits an employer from taking any retaliatory action against an employee because the employee does any of the following:
 - a. Discloses, or threatens to disclose, to a supervisor or to a public body an activity, policy or practice of the employer or another employer, with whom there is a business relationship, that the employee reasonably believes is in violation of a law, or a rule or regulation issued under the law, or, in the case of an employee who is a licensed or certified health care professional, reasonably believes constitutes improper quality of patient care;
 - b. Provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any violation of law, or a rule or regulation issued under the law by the employer or another employer, with whom there is a business relationship, or, in the case of an employee who is a licensed or certified health care professional, provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into quality of patient care; or
 - c. Provides information involving deception of, or misrepresentation to, any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity.
 - d. Provides information regarding any perceived criminal or fraudulent activity, policy or practice of deception or misrepresentation which the employee reasonably believes may defraud any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity.
 - e. Objects to, or refuses to participate in, any activity, policy or practice which the employee reasonably believes:
 - (1) is in violation of a law, or a rule or regulation issued under the law or, if the employee is a licensed or certified health care professional, constitutes improper quality of patient care;
 - (2) is fraudulent or criminal; or
 - (3) is incompatible with a clear mandate of public policy concerning the public health, safety or welfare or protection of the environment. N.J.S.A. 34:19-3.
2. The protection against retaliation, when a disclosure is made to a public body, does not apply unless the employee has brought the activity, policy or practice to the attention of a supervisor of the employee by written notice and given the employer a reasonable opportunity to correct the activity, policy or practice. However, disclosure is not required where the employee reasonably believes that the activity, policy or practice is known to one or more supervisors of the employer or where the employee fears physical harm as a result of the disclosure, provided that the situation is emergency in nature.

CONTACT INFORMATION

Your employer has designated the following contact person to receive written notifications, pursuant to paragraph 2 above (N.J.S.A. 34:19-4):

Name: _____

Address: _____

Telephone Number: _____

This notice must be conspicuously displayed.

Once each year, employers with 10 or more employees must distribute notice of this law to their employees. If you need this document in a language other than English or Spanish, please call (609) 292-7832.



AD-276 (8/11)

La Ley de protección al empleado consciente

“Ley de protección del denunciante”

Acciones de represalia del empleador; protección de las acciones del empleado

1. La ley de New Jersey prohíbe que los empleadores tomen medidas de represalia contra todo empleado que haga lo siguiente:
 - a. Divulgue o amenace con divulgar, ya sea a un supervisor o a una agencia pública toda actividad, directriz o norma del empleador o de cualquier otro empleador con el que exista una relación de negocios y que el empleado tiene motivos fundados para pensar que violan alguna ley, o en el caso de un trabajador licenciado o certificado de la salud y que tiene motivos fundados para pensar que se trata de una manera inadecuada de atención al paciente;
 - b. Facilite información o preste testimonio ante cualquier agencia pública que conduzca una investigación, audiencia o indagación sobre la violación de alguna ley, regla o reglamento que el empleador o algún otro empleador con el que exista una relación de negocios; o en el caso de un trabajador licenciado o certificado de la salud que facilite información o preste testimonio ante cualquier agencia pública que conduzca una investigación, audiencia o indagación sobre la calidad de la atención al paciente; o
 - c. Ofrece información concerniente al engaño o la tergiversación con accionistas, inversionistas, usuarios, pacientes, clientes, empleados, ex empleados, retirados o pensionados del empleador o de cualquier agencia gubernamental.
 - d. Ofrece información con respecto a toda actividad que se pueda percibir como delictiva o fraudulenta, toda directiva o práctica engañosa o de tergiversación que el empleado tenga motivos fundados para pensar que pudieran estafar a accionistas, inversionistas, usuarios, pacientes, clientes, empleados, ex empleados, retirados o pensionados del empleador o de cualquier agencia gubernamental.
 - e. Se opone o se niega a participar en alguna actividad, directriz o práctica que el empleado tiene motivos fundados para pensar que:
 - (1) viola alguna ley, o regla o reglamento que dicta la ley o en el caso de un empleado licenciado o certificado en cuidado de la salud que tiene motivos fundados para pensar que constituya atención inadecuada al paciente;
 - (2) es fraudulenta o delictiva; o
 - (3) es incompatible con algún mandato establecido por las directrices públicas relacionadas con la salud pública, la seguridad o el bienestar o la protección del medio ambiente. Artículo 34:19-3 de las Leyes comentadas de New Jersey de protección del empleado consciente (N.J.S.A., por sus siglas en inglés)
2. No se puede acoger a la protección contra la represalia, cuando se hace una divulgación a un organismo público, a no ser que el empleado le informe al empleador de tal actividad, política o norma a través de un aviso por escrito y le haya dado al empleador una oportunidad razonable para corregir tal actividad, política o norma. Sin embargo, no es necesaria la divulgación en los casos en que el empleado tenga indicios razonables para creer que un supervisor o más de un supervisor del empleador tienen conocimiento de tal actividad, política o norma o en los casos en los que el empleado teme que tal divulgación pueda traer como consecuencia daños físicos a su persona siempre y cuando la naturaleza de la situación sea la de una situación de emergencia.

Información del Contacto

Su empleador ha designado a la siguiente persona para recibir notificaciones de acuerdo al párrafo 2, de la ley (N.J.S.A. 34:19-4):

Nombre: _____

Dirección: _____

Número de teléfono: _____

Este aviso se debe exponer a la vista de todos.

Anualmente, patronos con 10 o más empleados, deberán distribuir notificación de esta ley a todos sus empleados. Si necesita este documento en algún otro idioma que no sea inglés o español, sírvase llamar al (609) 292-7832.



**Borough of Red Bank
90 MONMOUTH STREET
RED BANK, NEW JERSEY 07701**

FAMILY MEDICAL LEAVE (FMLA/FLA) REQUEST FORM

USE THIS FORM WHEN REQUESTING LEAVE FOR SELF

Date: _____

To: Ziad Andrew Shehady / Business Administrator

Name: _____

Department: _____

Position: _____

I, _____, would like to request my use of FMLA for
(Print Employee Name)

the following reason:

A. Reason for requesting an extended leave of absence;

☐ Birth of a son or daughter and in order to care for such child

☐ Placement of a child with me for adoption or foster care

Date of birth or placement (if applicable): _____

☐ To care for my child, parent, parent-in-law or spouse, who has a serious health condition

☐ I am unable to perform the functions of my position due to a serious health condition

Date FMLA starts: _____ FMLA Ends: _____

B. If request is for intermittent or reduced leave:

Date(s) _____

Describe adjustment in schedule which would be required:

C. ☐ Physician Certification (Form WH-380-E)

***(THIS FORM MUST BE COMPLETED BY YOUR PHYSICIAN AND ATTACHED FOR
ANY CONTINUANCE OF LEAVE TO BE CONSIDERED)***

Date

Employee signature

**PLEASE BE SURE TO RETURN FORMS TO THE BOROUGH OF RED BANK
90 MONMOUTH ST., RED BANK, NJ 07701
ATTENTION: Z. SHEADY / OFFICE OF THE BUSINESS ADMINISTRATOR**

**Borough of Red Bank
90 MONMOUTH STREET
RED BANK, NEW JERSEY 07701**

FAMILY MEDICAL LEAVE (FMLA/FLA) REQUEST FORM
USE THIS REQUEST FORM WHEN REQUESTING LEAVE FOR FAMILY MEMBER

Date: _____

To: Ziad Andrew Shehady / Business Administrator

Name: _____

Department: _____

Position: _____

I, _____, would like to request my use of FMLA for
(Print Employee Name)

the following reason:

A. Reason for requesting an extended leave of absence;

☐ Birth of a son or daughter and in order to care for such child

☐ Placement of a child with me for adoption or foster care

Date of birth or placement (if applicable): _____

☐ To care for my child, parent, parent-in-law or spouse, who has a serious health condition

☐ I am unable to perform the functions of my position due to a serious health condition

Date FMLA starts: _____ FMLA Ends: _____

B. If request is for intermittent or reduced leave:

Date(s) _____

Describe adjustment in schedule which would be required:

C. ☐ Physician Certification (Form WH-380-F)

**(THIS FORM MUST BE COMPLETED BY YOUR FAMILY MEMBER'S PHYSICIAN AND
ATTACHED FOR ANY CONTINUANCE OF LEAVE TO BE CONSIDERED)**

Date

Employee signature

**PLEASE BE SURE TO RETURN FORMS TO THE BOROUGH OF RED BANK
90 MONMOUTH ST., RED BANK, NJ 07701
ATTENTION: Z. SHEADY / OFFICE OF THE BUSINESS ADMINISTRATOR**

Certification of Health Care Provider for
Employee's Serious Health Condition
Leave Act)

U.S. Department of Labor
Wage and Hour Division (Family and Medical



OMB Control Number: 1235-0003
Expires: 5/31/2018

SECTION I: For Completion by the EMPLOYER

INSTRUCTIONS to the EMPLOYER: The Family and Medical Leave Act (FMLA) provides that an employer may require an employee seeking FMLA protections because of a need for leave due to a serious health condition to submit a medical certification issued by the employee's health care provider. Please complete Section I before giving this form to your employee. Your response is voluntary. While you are not required to use this form, you may not ask the employee to provide more information than allowed under the FMLA regulations, 29 C.F.R. §§ 825.306-825.308. Employers must generally maintain records and documents relating to medical certifications, recertifications, or medical histories of employees created for FMLA purposes as confidential medical records in separate files/records from the usual personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies, and in accordance with 29 C.F.R. § 1635.9, if the Genetic Information Nondiscrimination Act applies.

Employer name and contact:

Employee's job title: _____ Regular work schedule: _____
Employee's essential job functions: _____

Check if job description is attached: _____

SECTION II: For Completion by the EMPLOYEE

INSTRUCTIONS to the EMPLOYEE: Please complete Section II before giving this form to your medical provider. The FMLA permits an employer to require that you submit a timely, complete, and sufficient medical certification to support a request for FMLA leave due to your own serious health condition. If requested by your employer, your response is required to obtain or retain the benefit of FMLA protections. 29 U.S.C. §§ 2613, 2614(c)(3). Failure to provide a complete and sufficient medical certification may result in a denial of your FMLA request. 29 C.F.R. § 825.313. Your employer must give you at least 15 calendar days to return this form. 29 C.F.R. § 825.305(b).

Your name:

First

Middle

Last

SECTION III: For Completion by the HEALTH CARE PROVIDER

INSTRUCTIONS to the HEALTH CARE PROVIDER:

Your patient has requested leave under the FMLA.

Answer, fully and completely, all applicable parts. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be your best estimate based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as "lifetime," "unknown," or "indeterminate" may not be sufficient to determine FMLA coverage. Limit your responses to the condition for which the employee is seeking leave. Do not provide information about genetic tests, as defined in 29 C.F.R. § 1635.3(f), genetic services, as defined in 29 C.F.R. § 1635.3(e), or the manifestation of disease or disorder in the employee's family members, 29 C.F.R. § 1635.3(b). Please be sure to sign the form on the last page.

Provider's name and business address:

_____ Type of practice /

Medical specialty: _____

Telephone: (_____) _____ Fax: (_____) _____

PART A: MEDICAL FACTS

1. Approximate date condition commenced: _____

Probable duration of condition:

Mark below as applicable:

Was the patient admitted for an overnight stay in a hospital, hospice, or residential medical care facility? ___ No ___ Yes. If so, dates of admission:

_____ Date(s) you treated the patient for condition:

_____ Will the patient need to have treatment visits at least twice per year due to the condition?
___ No ___ Yes.

Was medication, other than over-the-counter medication, prescribed? ___ No ___ Yes.

Was the patient referred to other health care provider(s) for evaluation or treatment (e.g., physical therapist)? ___ No ___ Yes. If so, state the nature of such treatments and expected duration of treatment:

2. Is the medical condition pregnancy? ___ No ___ Yes. If so, expected delivery date: _____

3. Use the information provided by the employer in Section I to answer this question. If the employer fails to provide a list of the employee's essential functions or a job description, answer these questions based upon the employee's own description of his/her job functions.

Is the employee unable to perform any of his/her job functions due to the condition:
___ No ___ Yes.

If so, identify the job functions the employee is unable to perform:

4. Describe other relevant medical facts, if any, related to the condition for which the employee seeks leave (such medical facts may include symptoms, diagnosis, or any regimen of continuing treatment such as the use of specialized equipment):

PART B: AMOUNT OF LEAVE NEEDED

5. Will the employee be incapacitated for a single continuous period of time due to his/her medical condition, including any time for treatment and recovery? ___ No ___ Yes.

If so, estimate the beginning and ending dates for the period of incapacity:

6. Will the employee need to attend follow-up treatment appointments or work part-time or on a reduced schedule because of the employee's medical condition? ___ No ___ Yes.

If so, are the treatments or the reduced number of hours of work medically necessary? ___ No ___ Yes.

Estimate treatment schedule, if any, including the dates of any scheduled appointments and the time required for each appointment, including any recovery period:

_____ Estimate the part-time or reduced work schedule the employee needs, if any:

_____ hour(s) per day; _____ days per week from _____ through _____

7. Will the condition cause episodic flare-ups periodically preventing the employee from performing his/her job functions? ___ No ___ Yes.

Based upon the patient's medical history and your knowledge of the medical condition, estimate the frequency of flare-ups and the duration of related incapacity that the patient may have over the next 6 months (e.g., 1 episode every 3 months lasting 1-2 days):

Frequency: _____ times per _____ week(s) _____ month(s)

Duration: _____ hours or _____ day(s) per episode

[illegible]

Date _____

If submitted, it is mandatory for employers to retain a copy of this disclosure in their records for three years. 29 U.S.C. § 2616; 29 C.F.R. § 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 20 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Ave., NW, Washington, DC 20210.

DO NOT SEND COMPLETED FORM TO THE DEPARTMENT OF LABOR; RETURN TO THE PATIENT.

Certification of Health Care Provider for U.S. Department of Labor
Family Member's Serious Health Condition Wage and Hour
Division (Family and Medical Leave Act)



DO NOT SEND COMPLETED FORM TO THE DEPARTMENT OF LABOR; RETURN TO THE PATIENT.

OMB Control Number: 1235-0003
Expires: 5/31/2018

SECTION I: For Completion by the EMPLOYER

INSTRUCTIONS to the EMPLOYER: The Family and Medical Leave Act (FMLA) provides that an employer may require an employee seeking FMLA protections because of a need for leave to care for a covered family member with a serious health condition to submit a medical certification issued by the health care provider of the covered family member. Please complete Section I before giving this form to your employee. Your response is voluntary. While you are not required to use this form, you may not ask the employee to provide more information than allowed under the FMLA regulations, 29 C.F.R. §§ 825.306-825.308. Employers must generally maintain records and documents relating to medical certifications, recertification's, or medical histories of employees' family members, created for FMLA purposes as confidential medical records in separate files/records from the usual personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies, and in accordance with 29 C.F.R. § 1635.9, if the Genetic Information Nondiscrimination Act applies.
Employer name and contact:

SECTION II: For Completion by the EMPLOYEE

INSTRUCTIONS to the EMPLOYEE: Please complete Section II before giving this form to your family member or his/her medical provider. The FMLA permits an employer to require that you submit a timely, complete, and sufficient medical certification to support a request for FMLA leave to care for a covered family member with a serious health condition. If requested by your employer, your response is required to obtain or retain the benefit of FMLA protections. 29 U.S.C. §§ 2613, 2614(c)(3). Failure to provide a complete and sufficient medical certification may result in a denial of your FMLA request. 29 C.F.R. § 825.313. Your employer must give you at least 15 calendar days to return this form to your employer. 29 C.F.R. § 825.305.

Your name: _____
First Middle Last

Name of family member for whom you will provide care:

First Middle Last
Relationship of family member to you:

If family member is your son or daughter, date of birth: _____

Describe care you will provide to your family member and estimate leave needed to provide care:

 Employee Signature

 Date

SECTION III: For Completion by the HEALTH CARE PROVIDER

INSTRUCTIONS to the HEALTH CARE PROVIDER: The employee listed above has requested leave under the FMLA to care for your patient. Answer, fully and completely, all applicable parts below. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be your best estimate based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as “lifetime,” “unknown,” or “indeterminate” may not be sufficient to determine FMLA coverage. Limit your responses to the condition for which the patient needs leave. Do not provide information about genetic tests, as defined in 29 C.F.R. § 1635.3(f), or genetic services, as defined in 29 C.F.R. § 1635.3(e). Page 3 provides space for additional information, should you need it. Please be sure to sign the form on the last page.

Provider's name and business
address: _____

Type of practice / Medical specialty: _____

Telephone: (_____) _____ Fax: (_____) _____

PART A: MEDICAL FACTS

1. Approximate date condition commenced:

Probable duration of condition:

Was the patient admitted for an overnight stay in a hospital, hospice, or residential medical care facility?

___ No ___ Yes. If so, dates of admission:

Date(s) you treated the patient for condition:

Was medication, other than over-the-counter medication, prescribed? ___ No ___ Yes.

Will the patient need to have treatment visits at least twice per year due to the condition?

___ No ___ Yes

Was the patient referred to other health care provider(s) for evaluation or treatment (e.g., physical therapist)? ____ No ____ Yes. If so, state the nature of such treatments and expected duration of treatment:

2. Is the medical condition pregnancy? ____ No ____ Yes. If so, expected delivery date:

3. Describe other relevant medical facts, if any, related to the condition for which the patient needs care (such medical facts may include symptoms, diagnosis, or any regimen of continuing treatment such as the use of specialized equipment):

PART B: AMOUNT OF CARE NEEDED: When answering these questions, keep in mind that your patient's need for care by the employee seeking leave may include assistance with basic medical, hygienic, nutritional, safety or transportation needs, or the provision of physical or psychological care:

4. Will the patient be incapacitated for a single continuous period of time, including any time for treatment and recovery? ____ No ____ Yes.

Estimate the beginning and ending dates for the period of incapacity:

_____ During this time, will the patient need care? ____

No ____ Yes.

Explain the care needed by the patient and why such care is medically necessary:

5. Will the patient require follow-up treatments, including any time for recovery? ____ No ____ Yes.

Estimate treatment schedule, if any, including the dates of any scheduled appointments and the time required for each appointment, including any recovery period:

Explain the care needed by the patient, and why such care is medically necessary:

6. Will the patient require care on an intermittent or reduced schedule basis, including any time for recovery?

___ No ___ Yes.

Estimate the hours the patient needs care on an intermittent basis, if any:

_____ hour(s) per day; ___ days per week from _____ through _____

Explain the care needed by the patient, and why such care is medically

necessary:

7. Will the condition cause episodic flare-ups periodically preventing the patient from participating in normal daily activities? ___ No ___ Yes.

Based upon the patient's medical history and your knowledge of the medical condition, estimate the frequency of flare-ups and the duration of related incapacity that the patient may have over the next 6 months (e.g., 1 episode every 3 months lasting 1-2 days):

Frequency: _____ times per _____ week(s) _____ month(s)

Duration: _____ hours or ___ day(s) per episode

Does the patient need care during these flare-ups? ___ No ___ Yes.

Explain the care needed by the patient, and why such care is medically necessary:

CONTINUED ON NEXT PAGE

ADDITIONAL INFORMATION: IDENTIFY QUESTION NUMBER WITH YOUR ADDITIONAL ANSWER.

Signature of Health Care Provider

Date

PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT

If submitted, it is mandatory for employers to retain a copy of this disclosure in their records for three years. 29 U.S.C. § 2616; 29 C.F.R. § 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 20 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Ave., NW, Washington, DC 20210.

DO NOT SEND COMPLETED FORM TO THE DEPARTMENT OF LABOR; RETURN TO THE PATIENT.

**BOROUGH OF RED BANK
BRING YOUR OWN DEVICE AGREEMENT**

THIS WILL CERTIFY THAT I, _____, (THE “EMPLOYEE”) HAVE BEEN GIVEN A COPY OF THE BOROUGH OF RED BANK’S BRING YOUR OWN DEVICE POLICY (“BYOD POLICY”) AND THAT I FULLY UNDERSTAND SAID POLICY AND AGREE TO COMPLY WITH ALL TERMS AND REQUIREMENTS SET FORTH THEREIN AND HEREIN. THIS INCLUDES, BUT IS NOT LIMITED TO, MY ACKNOWLEDGEMENT AND CONSENT THAT:

- The Borough has the discretion to determine which employees will be eligible for this privilege and reserves the right to revoke the privilege granted herein if the Employee does not abide by the terms set forth in the Borough’s BYOD Policy and this Agreement.
- The Borough reserves the right, without prior notice to the Employee, to disable or disconnect some or all services related to connection of a personal smart device to the Borough network.
- The Borough maintains the right to exercise and enforce a range of security, privacy, and management controls on Employee’s smart device including, but not limited to the mandatory use of device passwords; timeouts; device and media encryption; geo-location tracking; and, remote or non-remote deletion of Borough applications and data.
- Employees are required to cooperate with the Borough to satisfy legitimate internal or external investigations, or legitimate discovery requests arising out of administrative, civil or criminal proceedings, which could result in the surrendering of the personal smart device assigned to the Employee.
- The Borough maintains the right to monitor or inspect Borough applications and data. In doing so, the Borough could inadvertently access personal information on the personal mobile device. As such, Employee should not have any expectation of privacy related to the use of a smart device connected to the Borough network.
- The Employee has the responsibility to report the loss, theft, or destruction of the Employee’s enrolled personal mobile device to the Borough and to report an upgrade, repair, or trade-ins 48 hours in advance.
- Compliance by the Employee with the BYOD Policy, the Borough “Communication Media Policy”, and this Agreement is a prerequisite to and continuing condition of the Employee’s privilege to connect a personal smart device to the Borough network servers.
- The Employee acknowledges that violation of the BYOD Policy and/or this Agreement may be cause for disciplinary action, up to and including termination.
- The Borough expressly disclaims, and the Employee releases the Borough from all liability for any loss, cost or expense of any nature whatsoever sustained by the Employee in connection with the privilege afforded the Employee under the terms of this Agreement and the Borough expressly reserves the right to delete data or applications from the smart device as set forth in the BYOD Policy or herein.

EMPLOYEE: _____ DATE: _____

WITNESS: _____ DATE: _____

**Borough of Red Bank
Receipt of Social Media Policy**

I, Deborah A. Marks, acknowledge that:

A. I received a copy of the Borough of Red Bank's Social Media Policy on 4/24/19;
Date

B. I have been given an opportunity to ask questions about said Policy and I have been provided with satisfactory information in response to my questions;

C. I understand the language used in this Policy;

D. I acknowledge that the Borough reserves the right to add, amend or discontinue any of the provisions of this policy for any reason or none at all, in whole or in part, at any time, with or without notice;

E. I acknowledge that I understand this Policy and I agree that I will comply with all of its provisions. If there is any policy or provision in the Handbook that I do not understand, I will seek clarification from my supervisor, Department Head or Business Administrator.

F. No supervisor or other representative of the Borough of Red Bank has the authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the above. I understand that nothing contained in the Handbook may be construed as creating a promise of future benefits or binding contract with Borough of Red Bank for benefits or for any other purpose. I also understand that these policies are continually evaluated and may be amended, modified or terminated at any time.

G. For employees who are members of the various bargaining units, this does not supersede your respective contracts. It is being distributed to advise you of Borough policies that are not addressed in those agreements.

Date

Signature

4/25/19

Deborah A. Marks

RBAWC
Chair

**Borough of Red Bank
Receipt of Social Media Policy**

I, REMEDIOSA A. QUIROZ, acknowledge that:

A. I received a copy of the Borough of Red Bank's Social Media Policy on
APRIL 24, 2019;

Date

B. I have been given an opportunity to ask questions about said Policy and I have been provided with satisfactory information in response to my questions;

C. I understand the language used in this Policy;

D. I acknowledge that the Borough reserves the right to add, amend or discontinue any of the provisions of this policy for any reason or none at all, in whole or in part, at any time, with or without notice;

E. I acknowledge that I understand this Policy and I agree that I will comply with all of its provisions. If there is any policy or provision in the Handbook that I do not understand, I will seek clarification from my supervisor, Department Head or Business Administrator.

F. No supervisor or other representative of the Borough of Red Bank has the authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the above. I understand that nothing contained in the Handbook may be construed as creating a promise of future benefits or binding contract with Borough of Red Bank for benefits or for any other purpose. I also understand that these policies are continually evaluated and may be amended, modified or terminated at any time.

G. For employees who are members of the various bargaining units, this does not supersede your respective contracts. It is being distributed to advise you of Borough policies that are not addressed in those agreements.

5/1/19
Date

Remedios A. Quiroz
Signature

**Borough of Red Bank
Receipt of Social Media Policy**

I, DAVID J PASCALÉ, acknowledge that:

A. I received a copy of the Borough of Red Bank's Social Media Policy on
4/25/19;
Date

B. I have been given an opportunity to ask questions about said Policy and I have been provided with satisfactory information in response to my questions;

C. I understand the language used in this Policy;

D. I acknowledge that the Borough reserves the right to add, amend or discontinue any of the provisions of this policy for any reason or none at all, in whole or in part, at any time, with or without notice;

E. I acknowledge that I understand this Policy and I agree that I will comply with all of its provisions. If there is any policy or provision in the Handbook that I do not understand, I will seek clarification from my supervisor, Department Head or Business Administrator.

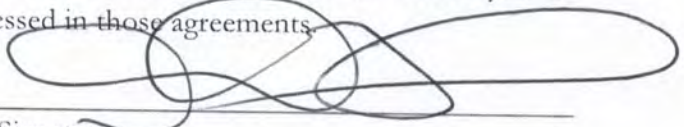
F. No supervisor or other representative of the Borough of Red Bank has the authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the above. I understand that nothing contained in the Handbook may be construed as creating a promise of future benefits or binding contract with Borough of Red Bank for benefits or for any other purpose. I also understand that these policies are continually evaluated and may be amended, modified or terminated at any time.

G. For employees who are members of the various bargaining units, this does not supersede your respective contracts. It is being distributed to advise you of Borough policies that are not addressed in those agreements.

Date

4/25/19

Signature



DAVID PASCALÉ
CHAIR HRAC