

CITY OF RAHWAY EMPLOYEE HANDBOOK



**One City Hall Plaza
Rahway, NJ 07065
WWW.CITYOFRAHWAY.COM**

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Disclaimer

The purpose of this Handbook is to acquaint employees with City of Rahway ("City") employment. The policies and practices contained in this Handbook are only guidelines and may be canceled or changed by the City at any time with or without notice. This Handbook is not intended to nor does it create an employment contract between the City and any of its employees. Nothing contained in this Handbook constitutes a contractual right, express or implied.

This handbook is not a contract of employment.

This handbook contains many, but not necessarily all of the rules, regulations, and conditions of employment for City personnel. All employees are encouraged to talk to their respective Department Heads to learn and understand any specific departmental rules and regulations. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the City. No provision contained in this Handbook or any other policy or procedure may be changed by any oral statement but must be in writing signed by an authorized representative of the City. The City reserves the right to rescind or revise any or all policies that are not set by any valid collective negotiations agreement, the New Jersey State Statutes or the New Jersey Administrative Code.

The rules, procedures, and policies set forth in this Handbook supersede all others which may previously been issued by the City except those covered by an existing collective negotiations agreement between the City and a representative unit. It is each employee's individual responsibility to remain current with all such rules, policies, and procedures as they may be issued from time to time.

Except as otherwise provided under the applicable rules and regulations of the New Jersey Civil Service Commission, by a collective negotiations agreement, and/or applicable law, all employees are employees at-will. This means that any employee may voluntarily terminate his or her employment at any time, for any reason. It also means that the City may terminate any employee's employment at any time with or without good cause.

The City retains all rights to discharge or discipline employees. As a City employee, you agree to conform to all applicable policies, procedures, rules, regulations, statutes and collective negotiations agreements.

This Handbook is not meant to affect, or to be a comprehensive description of City, State or Federal statutes, rules or regulations, Civil Service, disciplinary procedures, employment benefits, workers' compensation, leaves from employment, employee compensation, the policies, practices and procedures of the City or collective negotiations agreements. Employees' rights and responsibilities are always governed by existing law and any applicable collective negotiations agreement or established past practice. Nothing in this Handbook provides legal rights in addition to those, if any, provided to employees under City, State or Federal statutes, rules, regulations, collective negotiations agreements or established past practice. If any part of this Handbook conflicts with City, State or Federal statutes, rules, regulations, a collective negotiations agreement or established past practice, the part of the Handbook which conflicts with a City, State or Federal statute, rule, regulation, collective negotiations agreement or established past practice will be null and void as it applies to the affected group of employees. Likewise, if at any time, any City, State or Federal statutes, rules, regulations or collective negotiations agreement should be amended, this Handbook will be deemed to have been likewise amended, even though actual changes to the Handbook have not been made.

If any rule, policy, or procedure set forth in this Handbook or its application to any individual employee is deemed to be invalid or unenforceable or be in violation of any laws or regulations that apply to the City, the remaining provisions of that policy shall continue to be valid and enforceable provided the clear meaning and intent of the remaining provisions are not changed.

The City recognizes that many of its employees' terms and conditions of employment are governed by collective negotiations agreements and established past practices. This Handbook does not supersede or affect any term or condition of employment that may exist in any collective negotiations agreement or that may have been established through past practice. If any part of this Handbook conflicts with any term or condition of employment expressly set forth in a collective negotiations agreement or established through past practice, that part of the Handbook will be null and void as it applies to the affected group of employees.

The issuance of this manual shall not diminish the right of a collective negotiations representative to request negotiations over mandatorily negotiable terms and conditions of employment.

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

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FORWARD

As stewards of the public trust, City of Rahway employees must perform their duties ethically and treat co-workers, supervisors and the public with courtesy and respect at all times. City of Rahway employees are part of a government that values and respects diversity and builds on the strengths of its individual employees, the organization and the community. We are motivated, progressive and visionary. We challenge ourselves to improve the effectiveness and efficiency of our services by being innovative, collaborative and creative. We are well-trained and valued. We provide government services to the public with responsiveness and accountability. We work with a positive attitude, and are proud of our record of outstanding public service to the citizens of the City of Rahway.

GENERAL PERSONNEL POLICY

It is the policy of the City of Rahway to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations. The personnel policies and procedures of the City of Rahway shall apply to all employees, volunteers, elected or appointed officials and independent contractors.

Violations of the policies and procedures of the City of Rahway may result in disciplinary action, up to and including termination.

TYPES OF EMPLOYEES

Unclassified Employees

N.J.S.A. 11A:3-5 provides that incumbents in an unclassified title serve for a fixed term or at the pleasure of the Appointing Authority. The laws and regulations which apply to Career Service employees (also known as Civil Service employees) do not apply to unclassified employees. The portions of this Handbook which refer to the rules promulgated by the New Jersey State Civil Service Commission (N.J.A.C. 4A:1-1 *et seq.*) do not apply to unclassified employees. However, all other City, State or Federal statutes, rules and regulations referred to in this Handbook do apply to unclassified employees.

Employees in Collective Negotiations Units

Many City employees have job titles where the terms and conditions of employment are governed by a collective negotiations agreement between the City and the recognized union(s). If an employee's job title is part of a recognized collective negotiations agreement, the employee should always consult his or her collective negotiations agreement and the Civil Service laws and regulations, if applicable.

Recognized Collective Negotiations Units

The City recognizes the following organizations as the negotiations agents for the establishment of salaries, wages, hours, and other conditions of employment for employees represented by these unions:

1. Teamsters Local #469
2. Office and Professional Employees International Rahway (OPEIU) Local #32

3. Rahway Fire Officers Association Local #233
4. Rahway Firemen's Mutual Benevolent Association Local #33
5. Police Benevolent Association Local #31
6. Rahway School Traffic Guards Association

This recognition, however, shall not be interpreted as having the effect of or in any way voiding the rights of employees established under Chapter 303, Laws of 1968, N.J.S.A. 34:12A-1 et seq. (Employer-Employee Relations Act).

Non-contractual Employees

An employee whose job title is not the subject of a collective negotiations agreement should consult the City's Administrative Code and any applicable Federal, State or local statutes, rules and regulations.

Interns and Volunteers

Volunteers and interns are uncompensated individuals who perform services directly related to the business of the City. In performing these tasks, they support the mission of the City and gain experience in specific City-related endeavors.

Volunteers and interns are expected to abide by the City's policies and procedures and external regulations that govern their actions including, but not limited to, those relating to ethical behavior, safety, confidentiality, protected health information, computer use, financial responsibility and drug use. Volunteers and interns are expected to conduct themselves in a businesslike and courteous manner, consistent with the high quality service goals of the City. Willful disregard for or deliberate violation of City policies and expectations will result in termination.

Appointments, assignments of duty, and dismissals of volunteers or interns are the responsibility of the Department Head and/or Supervisor with the consent of the Business Administrator. Volunteers or interns must agree to a specific work program and schedule with their Supervisors. They are responsible for notifying their Supervisors when they are unable to report for work. If the work is being done to complete a course or degree requirement (i.e., a practicum), the practicum Supervisor shall agree on an assignment for the intern/practicum student. Volunteers and interns are not covered by the Fair Labor Standards Act and are not considered employees for any purpose. Therefore, they are not eligible for compensation or benefits as a result of their association with the City.

There is no promise to pay or hire a volunteer/intern for services rendered. All persons serving in a volunteer capacity are not covered by worker's compensation insurance and must sign a Volunteer Release Form before they start their volunteer work.

Volunteer/intern services are limited to tasks assigned and supervised by the Department Head. Volunteers and interns are also prohibited from performing the following activities:

1. Operating heavy equipment
2. Operating City vehicles
3. Activity considered inappropriate for any employee
4. Entering into any contract on behalf of the City

A volunteer's/intern/practicum student's term of service may be terminated at any time and without prior notice.

OTHER SOURCES OF INFORMATION

This Handbook provides a general description of employment in the City. Individual departments may adopt more specific descriptions and applications of these policies as they affect an employee's particular duties. There are established documents that contain more detailed information regarding their respective subject matter. An employee may visit the State of New Jersey website to obtain a copy of the following:

1. State of New Jersey Public Employees' Retirement System Plan Handbook
2. State of New Jersey Police and Fireman's' Retirement System Plan Handbook

SECTION ONE: EMPLOYEE RIGHTS AND OBLIGATIONS

ANTI-DISCRIMINATION

The City is committed to the principle of equal employment opportunity and anti-discrimination pursuant to Title VII of the 1964 Civil Rights Act as amended by the Equal Opportunity Act of 1972 and the New Jersey Law Against Discrimination (LAD). Under no circumstances will the City discriminate on the basis of sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, 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 law. Decisions regarding the hiring, promotion, transfer, demotion or termination are based solely on the qualifications and performance of the employee or prospective employee. If any employee or prospective employee feels they have been treated unfairly, they have the right to address their concern with their Supervisor, or if they prefer their Department Head, or the Business Administrator. The City Business Administrator is assigned overall responsibility of the Affirmative Action Program. Any employee or applicant with a question or grievance should contact the Affirmative Action Officer at:

One City Hall Plaza
2nd Floor Administration
Rahway, NJ 07065
732-827-2001

AMERICANS WITH DISABILITIES ACT

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

It is the policy of the City to comply with all relevant and applicable provisions of the Americans with Disabilities Act and the New Jersey Law Against Discrimination. The City will not discriminate against any qualified employee or job applicant with respect to any terms, conditions, or privileges of employment on the basis of a known disability. The City will also make reasonable accommodations to known physical or mental limitations of all employees and applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided that the accommodation does not impose undue hardship on the City.

The Business Administrator or his/her designee shall engage in an interactive dialogue with disabled employees and prospective employees to identify reasonable accommodations. All decisions with regard to reasonable accommodation shall be made by the Business Administrator. Employees who are assigned to a new position as a reasonable accommodation will receive the salary for their new position. The Americans with Disabilities Act does not require the City to

offer permanent “light duty”, relocate essential job functions, create a new position, or provide personal use items such as eyeglasses, hearing aids, wheelchairs, etc. Any employee or applicant with a question or grievance should contact the ADA Coordinator at:

One City Hall Plaza
2nd Floor Administration
Rahway, NJ 07065
732-827-2001

CONTAGIOUS OR LIFE THREATENING ILLNESSES

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

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

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

Supervisors and other employees have a responsibility to maintain the confidentiality of employee medical information.

SAFETY

The City will provide a safe and healthy work environment and shall comply with the Public Employees Occupational Safety and Health Act (PEOSHA). The City is equally concerned about the safety of the public. Therefore, each employee must assume responsibility for safety consciousness by maintaining safe operating conditions and by performing duties in accordance with safe work practices. Safety is a twenty-four (24) hour per day responsibility and requires total commitment from every employee.

Consistent with this policy, employees may 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. Any occupational or public unsafe condition, practice, procedure or act must be immediately reported to the Supervisor or

Department Head. Any event involving the actions of an employee resulting in personal injury or damage to property must be reported immediately to a Supervisor or Department Head.

A City Safety Committee meets on a regular basis to discuss and recommend solutions to safety problems. Employees are encouraged to raise safety concerns with their Supervisor or Department Head.

FITNESS FOR DUTY

The City has the right to request a fitness for duty examination for reasonable cause. This may be a physical and/or psychological examination based on the City's concern regarding an employee's physical and/or mental ability to perform the duties of his or her job with or without reasonable accommodation(s). Examinations can be required either prior to an employee's return from an authorized sick leave of absence or during the course of employment.

DRUGS AND ALCOHOL

In order to preserve/continue operational efficiency and effectiveness, as well as to foster a healthy and safe work environment, the use of illegal drugs, prescription drugs and alcohol by City employees is highly regulated. **The City's Drug and Alcohol Policy is attached to this Handbook as Attachment A.** All employees are expected to read and familiarize themselves with this Policy to ensure compliance. Violation of the policy shall lead to disciplinary action up to and including termination. All employees shall be required to sign an acknowledgment that they have received and read the Drug and Alcohol Policy, which will be kept in the employee's personnel file.

WORKPLACE VIOLENCE

The City strives to maintain an atmosphere, which to the greatest degree possible will discourage workplace violence. Violence or threats of violence toward City employees by any person will not be tolerated under any circumstances and will result in disciplinary action up to and including immediate dismissal and full prosecution under the law. This includes any violence or threats made on City property, at City events or under other circumstances that may negatively affect the City's ability to conduct business.

Prohibited conduct includes but is not limited to:

1. Causing physical injury to another person;
2. Making threatening remarks;
3. Aggressive, hostile or bullying behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
4. Intentionally damaging employer property or property of another employee;
5. Possession of a weapon while on City property or while on City business except with the authority of law enforcement; and
6. Committing acts motivated by, or related to, sexual harassment or domestic violence.

With the exception of those firearms that may be assigned to law enforcement or security personnel, no firearms or other dangerous weapons, which are deemed illegal pursuant to the New Jersey Criminal Statutes, are permitted in municipal buildings or on municipal property.

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

RELATIONSHIPS IN THE WORKPLACE

Definitions

“Family” for the purpose of this policy, is defined as all relatives, such as, but not limited to the following: spouses (including ex), relatives by marriage, domestic partners, children (including step and foster children), parents (including step), grandparents (including step), grandchildren (including step), in-laws, siblings (including step brothers and sisters), cousins, nieces, nephews, aunts and uncles. This definition is not to be construed to exclude the possibility of questions of favoritism arising with regard to other family members, or other close personal or external business relationships.

“Domestic Partners” for the purpose of this policy, refers to two (2) individuals who meet the criteria as defined in N.J.S.A. 26:8A-1 et seq, the Domestic Partnership Act.

“Significant Others” for the purpose of this policy, includes individuals who are involved in a romantic or sexual relationship, dating or engaged to be married but may or may not reside together.

“Favoritism” for the purpose of this policy is defined as the basing of decisions regarding hiring, selection, promotion, wages, hours, or other conditions of employment on relationship rather than on objective standards and the needs of the City.

Conflicting Employment Relationships

The City permits the employment of qualified family members, domestic partners, significant others and/or similar personal relationship of employees. The City also recognizes that romantic or sexual relationships may occur between individuals employed by the City. The City will, in its discretion, exercise sound judgment with respect to the placement of employees in these situations in order to avoid: the creation of a conflict or the appearance of a conflict of interest; favoritism or the appearance of favoritism; and the potential for sexual harassment in the workplace in accordance with the following guidelines:

1. Employees must disclose to the Department Head any relationship by family, marriage, domestic partnership and/or similar personal relationship in which they are engaged with another employee, regardless of whether or not a supervisory relationship currently exists.
2. Employees must disclose to the Department Head any romantic or sexual relationship in which they are engaged with another member of the same Department, regardless of whether or not a supervisory relationship currently exists.
3. Employees must disclose to the Department Head any romantic or sexual relationship with another employee or agent of the City which may present a conflict of interest.

4. No person shall be employed by, transferred to or promoted into a Department or area where a supervisory relationship would exist between family members, domestic partners, significant others and/or similar personal relationship. Such relationships exist when either family members, domestic partners, significant others and/or similar personal relationships could have supervisory authority over the other's performance evaluation, salary, work hours, or other conditions of employment unless governed by Civil Service testing. In instances where this occurs, the City reserves the right on a case-by-case basis to modify work assignments.
5. Employees should neither initiate nor participate in employment actions (initial employment or appointment, retention, promotions, salary, work assignments, leave of absence, etc.) directly or indirectly, involving family members, domestic partners, significant others and/or similar personal relationships.
6. If two (2) employees become family members, domestic partners, significant others and/or a similar personal relationship during the course of their employment with the City, both may retain their positions provided one is not under the direct or indirect supervision of the other. In instances where this occurs, the City reserves the right on a case-by-case basis to modify work assignments.
7. In the case of any relationship within the workplace, the City reserves the right to require that a management plan, acceptable to the Business Administrator, be formulated and implemented to ensure the objective evaluation and supervision of employees and avoidance of conflicts of interest. Such a management plan may include, for example, changing the Supervisor or having a different Supervisor evaluate job related work and may require cessation of the personal relationship.

Reporting of Inappropriate Relationships

All allegations and information concerning an unreported inappropriate relationship where one party has evaluative or supervisory responsibilities over the other party must be reported to the Department Head or Business Administrator. Disciplinary action will be taken against those individuals with knowledge of the relationship who fail to report same to the Department Head or Business Administrator. The City reserves the right to discipline members of the workforce who fail to disclose a relationship that they are engaged in, or who make false allegations of unreported consensual relationships. If staff, whether or not involved in the relationship, believe they have been, or are being, adversely affected, they are encouraged to contact the Department Head or Business Administrator. When relationships develop into situations that may be viewed as or result in harassment or discrimination, staff members should refer to the City Anti-Discrimination and Anti-Harassment Policies.

ANTI-HARASSMENT

The City has a strong commitment to provide a work environment free from unlawful harassment based on sex (including pregnancy), affectional or sexual orientation, gender identity or expression, race, color, religion, national origin, age, disability, ancestry, mental or physical disability (actual or perceived), AIDS or HIV status, atypical hereditary cellular or blood trait (AHCBT), liability for service in the Armed Forces of the United States, creed, handicap, marital status, domestic partnership or civil union status, familial status, genetic information, refusal to submit to genetic testing, refusal to provide genetic information, or nationality of that person or

that person's spouse, partners, members, officers, managers, superintendents, agents, employees, business associates, suppliers or customers (collectively the "protected classifications"). While it is not easy to define precisely what harassment is, it includes slurs, epithets, threats, derogatory comments, unwelcomed jokes, teasing, and other similar verbal or physical conduct.

The City will not tolerate unlawful harassment. Acts or incidents of unlawful harassment should be promptly reported in accordance with the procedures outlined herein. The City will promptly investigate all reports of unlawful harassment. Note that employees who violate this policy also risk personal legal liability.

Improper Conduct

Instances that may violate the City's policy against harassment and which may result in disciplinary action include, but are not limited to the following:

1. Unwelcome remarks and actions based on the protected classifications. This may include, but is not limited to, inappropriate jokes, comments or posted materials.
2. Threats or suggestions that an employee's employment work status will be adversely affected based upon the protected classifications.
3. Affecting or denying employment opportunities or benefits to an employee based upon the protected classifications.
4. Engaging in a negative tangible employment action based upon the protected classifications.
5. Retaliation against an employee who has reported an alleged violation of this Policy or participated in an investigation related to this Policy.

Sexual Harassment

An important note must be made with respect to sexual harassment. It is the City's policy to prohibit sexual harassment of an employee by another employee, management representative, supplier, volunteer, or business invitee. The City prohibits sexual harassment from occurring in the workplace or at any other location at which City sponsored activities takes place. The purpose of this Policy is not to regulate morality or to encroach upon one's personal life, but to demonstrate a strong commitment to maintaining a workplace free of sexual harassment.

Sexual harassment is defined as any unwelcome advance or request for sexual favors or any conduct of sexual nature where:

1. Submission is made explicitly or implicitly a term or condition of employment; or
2. Submission to or rejection of the harassing conduct is threatened to be used, as the basis of employment decisions; or
3. Such conduct has the purpose or effect of substantially interfering with an individual's work or creates an intimidating, hostile, or offensive working environment.

Sexual harassment is different from sexual attraction or flirtation. Sexual harassment is *unwelcome* sexual attention, which is demeaning and causes the recipient distress. Sexual harassment may include unwanted sexual advances, offering employment benefits in exchange for sexual favors; visual conduct (leering, making sexual gestures; displaying of sexually aggressive objects or pictures, cartoons or posters); verbal sexual advances, propositions or requests of a sexual nature; 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, assault, impeding or blocking movements).

Sexual harassment does not refer to occasional inoffensive compliments. However, comments or behavior which may be intended to be complimentary may be viewed by the recipient as unwelcome and a form of sexual harassment.

In the event of a charge of sexual harassment, employees may not use in a sexual harassment proceeding a defense based upon consent when the facts establish that a Supervisor-employee power differential existed within the relationship.

Supervisory Personnel

Every Supervisor is responsible for preventing and reporting unlawful harassment. Failure to take action to stop unlawful harassment may be grounds for disciplinary action. Special care must be exercised by Supervisors whose actions or remarks may be mistakenly perceived as unlawful harassment. The subordinate may feel inhibited and may not disclose the unwelcome actions or remarks by the Supervisor or person of higher rank. Unlawful harassment is not limited, however, to employees of different rank.

Complaint Procedure

Any employee who feels that he or she has been subject to harassment or has knowledge of a violation of this Policy should report the incident in written form directly to the Supervisor. If circumstances prevent reporting the incident directly to the Supervisor, the employee should report the incident to their Department Head or Business Administrator. One of the designated individuals must be promptly advised of such complaint. If the complaint involves a direct Supervisor, the employee is not required to complain to that direct Supervisor. The complaint should then be made to any of the other above mentioned individuals. A complaint of harassment shall be investigated in a timely manner.

The complaint filed must include the following information:

1. The name and department of the complainant;
2. The name and department of the charged party;
3. The nature and circumstances, in detail, of the alleged harassment, including but not limited to the injuries or consequences suffered by the complainant, the names of any witnesses to such actions and the duration of the actions questioned;
4. Whether such harassment has been previously reported to a Supervisor or other person, and if so, when and to whom; and
5. Any other information or documents he/she believes are essential to the fair adjudication of their case.

If an individual is uncomfortable making a written complaint, the City may proceed with its investigation without a formal written complaint. If the complaint is made orally, same shall be reduced to a written document, which shall, if it is deemed accurate, be signed by the complainant.

In accordance with the New Jersey Supreme Court's holding in *Aguas v. State*, 220 N.J. 494 (2015), an employee's failure to file a complaint in accordance with the City's Anti-Harassment

Policy *may* result in the dismissal of any future claim that may be brought against the City based on a claim of hostile environment. An employee's failure to timely file a complaint of harassment deprives the City of an opportunity to properly investigate the allegation and take appropriate remedial action, if needed.

Investigation Procedure

Once a complaint has been registered or a harassment situation has become known to the City, a prompt, fair and thorough investigation will be conducted to determine the meritorious character of the complaint.

If the City determines that unlawful harassment has occurred in violation of this Policy, the individual who engaged in such harassing conduct shall face immediate and appropriate disciplinary action based upon the severity of the complaint and any prior history of past charges made against the individual and disciplinary action involving the individual. Disciplinary action may include a written warning, suspension without pay, demotion or termination of employment.

Privacy

The City encourages victims of harassment to bring their complaints to management by ensuring that no reprisals or retaliation will result against such complaining individual as a result of the good faith reporting of harassment. In addition, anyone who assists in the filing of a complaint or in the investigation of a claim of harassment will be protected from reprisals and retaliation. Reprisal or retaliation may be the basis of a separate complaint, even if the complaint of harassment may be found to be without merit.

To the fullest extent possible, and so long as it does not inhibit the conducting of an investigation, all persons involved with a harassment complaint will be given the utmost protection of privacy.

City Liability

Because the City prohibits harassment of its employees in any form, any individual charged with harassment in a civil action or by way of an administrative complaint shall be solely responsible for paying all costs of defense and/or any damages resulting there from which are awarded by any proper court of law or after an administrative hearing.

False Accusations

Since a charge of harassment is a grave and serious one, false accusations of harassment are, and will be treated as, a disciplinary offense and will result in a level of punishment appropriate for a person engaging in such behavior.

Any employee with questions regarding the City's Anti-Harassment Policy may contact the Business Administrator.

CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA)/WHISTLE BLOWER

An employee has the right under the "Conscientious Employee Protection Act" (CEPA) to complain about any activity, policy or practice that the employee reasonably believes is in violation of a law, rule, or regulation promulgated pursuant to law. 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 this letter will be included in the employee's official personnel file. The annual notice shall be in English and Spanish and must contain the name of the person who is designated to receive written notification of policies or practices that might violate CEPA. All complaints will be taken seriously and promptly investigated.

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

1. Disclosing or threatening to disclose to a Supervisor, Department Head, the Business Administrator, other official or to a public body, as defined in the Conscientious Employee Protection Act (N.J.S.A. 34:19-1 et seq.) an activity, policy or practice that the employee reasonably believes is in violation of a law, a rule or regulation promulgated pursuant to law;
2. 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
3. Objecting to, or refusing to participate in any activity, policy, or practice that the employee reasonably believes is a violation of a law, rule or regulation promulgated pursuant to law; is fraudulent or criminal; or is incompatible with a clear public policy mandate concerning the public health, safety, or welfare.

In accordance with the statute, the employee must bring the violation to the attention of the City. 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 emergent in nature.

When filing a complaint, employees are encouraged to do so in written form. Under the law, the employee must give the City a reasonable opportunity to correct the activity, policy or practice.

DISPUTE RESOLUTION

Employees who have complaints or disagreements with the interpretations, application or violation of established policies, agreements or administrative decisions are encouraged to attempt to resolve these problems by discussing them with their Supervisor or Department Head.

Employees may request permission from their Supervisor or Department Head to discuss the problem at the next higher level in the chain of command if they are not satisfied with the initial response.

If employees are unable or reluctant to resolve the problem through these informal procedures, they may pursue the matter through the grievance procedure in the appropriate negotiated agreement.

GRIEVANCES

A grievance is any formal dispute concerning the interpretation, application and enforcement of any personnel policy or procedure of the City. Grievances will be handled pursuant to the terms of the applicable collective negotiations agreement.

ACCESS TO PERSONNEL FILES AND CONFIDENTIAL EMPLOYEE INFORMATION

The official personnel file for each employee shall be maintained by the Office of Administration. Personnel files are confidential records that shall be secured in a locked cabinet or room and will only be available to authorized personnel on a need-to-know basis. Records relating to any medical condition will be maintained in a separate, secure file. Electronic personnel and medical records must be protected from unauthorized access.

Any employee may review their file in the presence of the Business Administrator or designee upon reasonable notice. Comments concerning the contents of an employee's file may be made in writing to the Business Administrator. No insertions or withdrawals will be made but written comments may be added to an individual's file.

The Office of Administration will respond to a request for personnel information by recognized lending institution for credit information purposes. Only the fact of employment will be verified by telephone. Requests for additional information must be in writing and sent to the Office of Administration. All requests must be accompanied by a release signed by the employee authorizing and holding the City harmless for release of personnel information.

ETHICAL CONDUCT

All employees including City Officials must conduct business according to the highest ethical standards of public service.

The City recognizes the right of employees to engage in outside activities that are private in nature and unrelated to City business. However, business dealings that appear to create a conflict between the employee and the City's interests are unlawful under the New Jersey Local Government Ethics Act. Under the Act, certain employees and officials are required to annually file with the City Clerk a State mandated disclosure form. The City Clerk will notify employees and City officials subject to the filing requirements of the Act.

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

Employees may not accept unwarranted privileges or advantages, donations, gratuities, contributions or gifts that could be interpreted to affect their City duties. Under no circumstances may employees accept donations, gratuities, contributions or gifts from a Vendor doing business with, or seeking to do business, with the City or any person or firm seeking to influence City decisions. Employees are required to report to the Business Administrator any offer of a donation, gratuity, contribution or gift that is in violation of this policy.

No employee will use, or allow to be used, his or her public employment, or any information, not generally available to members of the public, which he or she receives or acquires in the course of and by reason of his or her employment, for the purpose of securing financial gain for himself or herself, any member of his or her immediate family or any business organization with which he/she is associated.

No employee or member of his or her immediate family will have an interest in a business organization or engage in any business, transaction or professional activity, which is in substantial conflict with the proper discharge of his or her duties in the public interest.

No employee should act in his or her official capacity in any matter wherein he or she, a member of his or her immediate family, or business organization in which he or she has an interest, has a direct or indirect personal or financial interest that might reasonably be expected to impair his or her objectivity or independence of judgment.

No employee should undertake any employment or service whether compensated or not, which might reasonably be expected to prejudice his or her independence of judgment in the exercise of his or her official duties.

No employee or business organization in which he or she has an interest will represent any person or party other than the City in connection with any proceeding, application or other matter pending before any agency in the local government in which he or she serves. An employee or members of his or her immediate family may represent himself or herself in proceedings concerning the employee's own interest.

OUTSIDE EMPLOYMENT

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

POLITICAL ACTIVITY

Employees have exactly the same right as any other citizen to join political organizations and participate in political activities, as long as they maintain a clear separation between their official

responsibilities and their political affiliations. Employees are prohibited from engaging in political activities while performing their public duties and from using City time, supplies or equipment in any political activity. Any violation of this policy must be reported to the Supervisor, Department Head or the Business Administrator.

EMPLOYEE PROTECTION AGAINST REPRISALS OR POLITICAL COERCION

The City shall not take or threaten to take any reprisal action against an employee in the career or unclassified service in retaliation for an employee's lawful disclosure of information on the violation of any law or rule, governmental mismanagement or abuse of authority.

The City shall not take or threaten to take any action against an employee in the career service based on the employee's permissible political activities or affiliations (N.J.A.C. 4A:2-5.1).

An employee may appeal a reprisal or political coercion action to the Merit System Board within twenty (20) days of the action or the date on which the employee should reasonably have known of its occurrence (N.J.A.C. 4A:2-5.2).

LEGAL REPRESENTATION

An employee requiring the services of outside counsel in matters pertaining to litigation arising out of the scope of his or her employment, but not initiated by the employee, should notify the Office of the Director of Law immediately and request a conference. This notification and request must be made prior to retaining such services so that the City may determine whether the employee is entitled to legal representation as a City employee.

EMPLOYEE DISCIPLINE

An employee may be subject to disciplinary action, up to, and including termination for any of the following reasons:

1. Falsification of public records, including attendance and other personnel records
2. Unauthorized, chronic or excessive absence
3. Harassment
4. Theft or attempted theft of City or any property
5. Fighting
6. Being under the influence of alcohol or drugs on the premises
7. Possession, sale, transfer, or use of alcohol or drugs on the premises
8. Insubordination
9. Entering the building without permission during non-scheduled work hours
10. Soliciting on premises
11. Careless waste of materials or abuse of tools, equipment or supplies
12. Deliberate destruction or damage to property
13. Unauthorized sleeping on the job
14. Possession of a weapon on premises (unless it is a part of the employee's job duties)
15. Violation of established safety and fire regulations
16. Tardiness

17. Failure to perform duties, inefficiency, or substandard performance
18. Unauthorized disclosure of confidential information
19. Gambling on the premises
20. Conviction of certain crimes
21. Conduct unbecoming a public employee
22. Violations of City policies and procedures
23. Other sufficient cause

This list is merely illustrative and does not constitute a complete list of all actions that may result in disciplinary action.

The Department Head will first discuss the problem and the intended action with the Business Administrator. Discipline is considered to be minor or major. Minor discipline is a formal written reprimand or a suspension or fine of five (5) or less days (see 4A:2-3.1). Major discipline shall include:

1. Removal
2. Disciplinary demotion
3. Suspension or fine exceeding five (5) working days (see 4A:2-2.2 for more details)

Employees who object to the terms or conditions of the discipline are entitled to a hearing under the applicable grievance procedure and/or Civil Service procedure.

Discipline shall be progressive in nature as follows:

1. Informal, private discussion with the Supervisor or Department Head
2. Written memorandum by the Supervisor or Department Head
3. Suspension without pay, transfer and/or demotion
4. Termination of employment

In instances where such action seems warranted, employees may be referred for professional counseling. The City reserves the right to initiate discipline at any level on a case-by-case basis and may deviate from progressive discipline when the seriousness of the offense warrants.

All discharges will be in accordance with Federal and State laws, including the New Jersey Civil Service Act, as well as applicable collective negotiations agreements. For the procedures concerning Preliminary Notice of Disciplinary Action, Hearings and Final Notice of Disciplinary Action, see N.J.A.C. 4A:2-2.1 et. seq.

IMMEDIATE SUSPENSION

An immediate suspension may be imposed prior to a hearing when:

1. The employee is unfit for duty or presents a hazard to any person if permitted to remain on the job or the suspension is necessary to maintain safety, health, order or effective direction of public services. However, a Preliminary Notice of Disciplinary Action with opportunity for a hearing must be served in person or by certified mail within five (5) days following the immediate suspension; or

2. The employee is suspected/charged with an act of misdemeanor, felony or any form of malicious mischief which leads to arrest and/or incarceration. In said cases, the employee must immediately notify his or her Supervisor. Failure to do so, may result in Disciplinary Action up to and including termination; or
3. The employee has been formally charged with a crime of the First, Second or Third Degree or a crime of the Fourth Degree directly related to the employee's job.

Where a suspension is immediate, and is without pay, the employee must first be apprised either orally or in writing regarding the charges, the reason why an immediate suspension is sought, and a general description of the evidence in support of the charges. The employee will be provided an opportunity to respond to the charges before a representative of the City. The response may be oral or in writing.

RESIGNATION

An employee who intends to resign must notify the Department Head in writing at least two (2) weeks in advance. After giving notice of resignation, employees are expected to assist their Supervisor and co-employees by providing information concerning their current projects and help in the training of a replacement. A confidential exit interview may be scheduled to discuss benefits including COBRA options, appropriate retirement issues and pay due. If applicable, a COBRA notification letter will be sent to the employee's home address. The exit interview may also include an open discussion with the employee. On the last day of work and prior to receiving a final paycheck, the employee must return the Employee Identification Card, this Handbook, all keys, parking permits and equipment.

RE-EMPLOYMENT

Permanent employees who resign in good standing, retire or are voluntarily demoted may, within three (3) years, request the City consider them for re-employment (See N.J.A.C. 4A:4-7.10).

The City may consider with favor any application for re-employment by a former employee who has resigned in good standing and who has a satisfactory work record during employment with the City.

WORK FORCE REDUCTION

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

TRANSFERS

A permanent employee may be permanently transferred from one Department to another within the City. All transfers must be made in conjunction with the State of New Jersey Civil Service Commission procedures. Such transfers upon approval from the State of New Jersey Civil Service

Commission require the consent of the sending department and the receiving department. Any of the parties may withdraw consent prior to the effective date of the transfer.

Employees may be temporarily transferred for a maximum of six (6) months for economic reasons, to provide a needed service for short periods of time or for other reasons documented to be in the City's best interest. These transfers may be voluntary or involuntary and require the approval of the State of New Jersey Civil Service Commission. Employees who are involuntarily transferred must be given thirty (30) days written notice unless the State of New Jersey Civil Service Commission finds emergent conditions which require a more immediate transfer.

PROMOTIONS

The City shall advance employees in job titles according to individual merit based on performance evaluations and in accordance with the State of New Jersey Civil Service Commission examinations and procedures.

Department Heads will submit written recommendations to the Business Administrator to promote an employee to an existing vacancy or a reclassification of the present position. Requests for position reclassification must be accompanied by documentation that identifies the changes in job duties and/or an increase in number or complexity of duties to justify the request.

SECTION TWO: WORPLACE POLICIES

To assure orderly operations and provide the best possible work environment the City expects employees to follow rules of conduct that will protect the interests and safety of all employees and the public. It is not possible to list all the forms of behavior that are considered unacceptable in the workplace however the following provides a general overview of expected behavior.

JOB DESCRIPTIONS

A job description including qualifications shall be maintained for each position pursuant to the State of New Jersey Civil Service Commission guidelines if the position is subject to Civil Service. All job descriptions must be approved by the Business Administrator. Copies are available upon request in the Administration Office.

INTERACTION WITH THE PUBLIC AND COWORKERS

Local government services are critical to preserving the quality of life in our City. It is our duty, as public servants, to conduct business according to the highest standards and to deliver first class services to the residents, businesses and visitors of Rahway at all times.

There is an expectation that all employees always treat all visitors with courtesy and respect. Visitors should be greeted with a smile and assisted to the best of the employee's ability in a friendly and professional manner. If an employee is unable to assist someone with their needs, it is expected that he or she politely direct them to an appropriate party. After assisting someone, each employee should ask if there is anything else that he or she can do to help the resident at this time.

Furthermore, it is expected that colleagues and coworkers are treated with an equal amount of respect and courtesy. It is the City's intent to have a comfortable work environment for all. Rude behavior and verbal abuse toward one another will not be tolerated.

If, at any time an employee feels that he or she is not being treated properly by a coworker or if a coworker not treating a member of the public with courtesy, please immediately contact a Supervisor, the Department Head or the Business Administrator.

Improper interaction with the public and coworkers will result in progressive disciplinary action, up to and including termination.

ATTENDANCE/HOURS OF WORK

The working hours are established by Departmental procedures and collective negotiations agreements. Unless otherwise provided under an applicable collective negotiations agreement, all employees shall receive a one (1) hour unpaid lunch period each day.

All employees are expected to be at work and ready to assume their duties at the beginning of the scheduled workday and upon return from authorized breaks unless an alternate start and finish time

has been approved. Lateness and absence will be tolerated only in emergencies or when the Supervisor gives prior approval. All absences must be reported to the Supervisor at least fifteen (15) minutes prior to the start of the normal workday. Management at its option may, on five (5) days' notice, change the work schedule of an employee. The City will not tolerate unnecessary absenteeism or lateness. Excessive absenteeism and tardiness place a burden on other employees and on the City.

Unauthorized or excessive absenteeism, lateness, extending lunch breaks or leaving work early is disruptive and may be subject to disciplinary action up to and including termination of employment.

TARDINESS

A lapse in punctuality presents hardship to the remainder of City personnel and will be considered when an employee is evaluated. Excessive abuse of the work schedule may result in disciplinary action, up to and including employment dismissal.

Employees are expected to report to the work place in uniform and prepared to work at the scheduled time. Regardless of the reason, tardiness is subject to disciplinary action. Tardiness is defined as arriving late, not being prepared for work, returning late from breaks/meals or early departure from work.

The following disciplinary steps will be taken regarding tardiness:

Step One:

Three (3) late arrivals with a call prior to start time OR one (1) late without a call prior to start time results in a written warning to be placed in the employee's file.

Step Two:

After a written warning has been issued the following Minor Disciplinary Actions will be issued:

1. The first instance of tardiness after a written warning has been issued will receive a one (1) day suspension
2. The second instance of tardiness after a written warning has been issued will receive an additional two (2) day suspension
3. The third instance of tardiness after a written warning has been issued will receive an additional three (3) day suspension

Step Three:

The fourth instance of tardiness after a written warning has been issued will result in a Major Disciplinary Action including suspension of more than five (5) days, demotion and/or termination.

Any employee that does not have a tardiness infraction for one (1) full year since their last infraction will go back to Step One of this policy.

LUNCHES & BREAKS

Lunch and breaks will be handled pursuant to the terms of the applicable collective negotiations agreement. Supervisory personnel must arrange lunch and breaks so that offices continue to function.

WORK FROM HOME

An eligible City employee may be able to work from home upon written approval by a Department Head and Business Administrator. The ability to work from home is at the sole discretion of the Department Head and Business Administrator. The employee must meet certain eligibility requirements prior to being allowed to participate in working from home; twenty-four (24) hour offices are not eligible to participate. The initial duration period for working at home will last anywhere from one (1) week to six (6) months; however, the employee will have the opportunity to extend the initial duration period. The employee's ability to work from home must be a benefit conferred upon the City and the specific job function must be suitable for working at home.

COMPRESSED WORK WEEK

An eligible employee may be able to work any schedule that enables a full-time employee to work the equivalent of a full week in less than five (5) days. The City employee must obtain written consent from a Department Head and Business Administrator prior to initiating a Compressed Work Week. The ability of a compressed work week is at the sole discretion of the Department Head and Business Administrator. The employee's ability to work a Compressed Work Week must be a benefit conferred upon the City and the specific job function must be suitable for a Compressed Work Week. Twenty-four (24) hour offices and part-time employees are not eligible to participate in a Compressed Work Week.

FLEX-TIME

An eligible City employee may be granted flexibility in setting his or her work hours to fit his or her personal needs. The employee must obtain written consent from a Department Head and Business Administrator prior to initiating a Flex-Time work week. The ability to use Flex-Time is at the sole discretion of the Department Head and Business Administrator. The employee's ability to work a Flex-Time week must be a benefit conferred upon the City and the specific job function must be suitable for a Flex-Time work week. Twenty-four (24) hour offices are not eligible to participate in a Flex-Time work week.

CLOSING AND DELAYED OPENINGS

The City will only close or delay openings in the most extreme cases. The City uses the UC First Alert Network to immediately contact employees during a major crisis or emergency. The UC First Alert Network delivers important emergency alerts, notifications and updates to employees on their devices including: email, cell phone via SMS, pager and Smartphone/PDA. When an incident, emergency or closing occurs, authorized senders will instantly notify employees. The UC

First Alert Network is an employee's personal connection to real-time updates, instructions on where to go, what to do, or what not to do, who to contact and other important information.

To register, employees must log on to www.ucfirstalert.org and follow the steps to set up a new user account. **Once the process is complete, it is imperative that the employee email Administration at firstalert@cityofrahway.com with his or her name and work location (physical building such as City Hall).** This will enable the City to add the employee to the proper group. **If the employee is not added to the group internal communications will not be sent.**

The UC First Alert system will be the primary emergency notification system for City employees. When possible the City will make every effort to post emergency information elsewhere (Ch. 34, via voice message in the office of the City Clerk, etc.) however, if you are unwilling or unable to register with UC First Alert make arrangements with a colleague who is registered with the UC First Alert system to notify you.

If offices are closed early, employees who have reported to work shall not be charged any paid leave time for the balance of the day. Employees who are not at work shall be charged a full day of paid leave time.

This does not apply to twenty-four (24) hour operations. The City's Police, Fire and Public Works Departments will continue to work in emergent conditions.

PARKING

Upon employment, each employee is required to fill out a vehicle registration form which can be obtained in the office of the City Clerk. At that time a parking tag will be issued and the location of parking areas and parking regulations will be explained.

EMPLOYEE IDENTIFICATION CARDS

Employees will be issued a photo identification card ("ID card") for purposes of conducting City business only. ID cards must be available for presentation by an employee upon request, and must be prominently displayed when approaching members of the public.

ID cards are to be returned to the City upon termination of employment.

EMPLOYEE VITAL INFORMATION

Each employee is responsible for notifying the Appointing Authority designee of any changes in the following list of vital information:

1. Name
2. Address
3. Telephone Number
4. Dependent Children
5. W-4 Form Deductions
6. Changes in Health Care Program Status

7. Changes in Beneficiaries in Life Insurance or Pension Program
8. Family/Marital Status

Additionally, all mail sent to an employee's current address by the City, whether sent by regular or certified mail, must be promptly accepted. An employee's failure or refusal to accept mail sent to him or her by the City or to provide the Department of Administration with a telephone number at which he or she can be reached if absent during his or her scheduled work time or in case of emergencies or who refuse or fail to accept calls from the City at such number without good cause may be subject to disciplinary action up to and including termination.

DRESS CODE

Some Departments have adopted certain dress standards or require uniforms. In general, an employee must present himself or herself professionally at all times. An employee is expected to dress in good taste reflective of his or her particular work environment, to come to work looking neat and clean, and to wear clothing that does not create a safety hazard. Employees who do not follow the standards related to the City's dress code may be subject to progressive discipline up to and including termination of employment.

Professional Business Attire – The intent of professional business attire is to ensure that City personnel are dressed appropriately to meet with the public at a moment's notice. This means dress pants and/or a dress shirt for men; or a dress, skirt, dress slacks with a dressy blouse and/or sweater, cardigans or other types of tops for women. Also, slacks that are similar to Dockers, and/or cotton, synthetic material, wool pants, corduroys, dressy capris are acceptable.

Casual Business Attire - The key point to sustaining an appropriate casual business attire program on Fridays is the use of common sense and good judgment. If you question the appropriateness of the attire, it probably isn't appropriate.

Inappropriate/Unacceptable Attire - Clothing that is inappropriate, distracting, and provocative or too revealing should not be worn at the workplace. Examples may include, but are not limited to; denim jeans that are well-worn or torn; sweatpants; exercise pants; Bermuda shorts; short-shorts/dresses/skirts; bib overalls; leggings; and any spandex or other form-fitting pants that are usually worn when biking; tank tops; midriff tops; shirts with potentially offensive words, terms, logos, pictures, cartoons or slogans; halter tops; tops with bare shoulders; and sweatshirts and t-shirts, unless worn under another appropriate blouse, shirt, jacket or dress. Flashy athletic shoes, tong sandals, slippers, or well-worn or torn shoes are not acceptable attire for City workers.

Employees who work with Machinery - Employees who work with machinery must be careful that clothing does not get caught in the machinery; must always wear proper safety clothing, City required equipment and remove all jewelry and keep hair neatly tied or pulled back from face and eyes by wearing a hair net or securing it with an elastic band.

HOUSEKEEPING

Since most employees spend approximately one third of their lives on the job, the City encourages and expects each employee to observe the same general rules of good housekeeping at work and at home.

NO SMOKING

The New Jersey Legislature has declared that in all governmental buildings the rights of non-smokers to breathe clean air supersedes the rights of smokers. In accordance with State law, the City has adopted a smoke-free policy for all City premises unless in designated areas. City facilities shall be smoke-free and no employee or visitor will be permitted to smoke anywhere in City buildings. Smoking inside vehicles owned by the City and near equipment that may be sensitive to smoke is also prohibited.

USE OF VEHICLES AND PROPERTY

Employees have no expectation of privacy in connection with their use of any City property and equipment.

Vehicles

City-owned vehicles shall be used only for official business and shall only be used to transport passengers for official business purposes. A Department Head may grant temporary approval for an employee to take a vehicle home to facilitate responses to after-hours emergency calls, provided that it is to be used only for official City business. Only employees who have received approval may operate any City owned vehicle.

Any employee whose work requires the operation of a vehicle, whether City or privately-owned will be required to:

1. Submit to a Department of Motor Vehicles (DMV) driving records check as a condition of employment.
2. Maintain a valid New Jersey State Driver's License.
3. Submit to periodic visual and formal DMV driving record checks.
4. Participate in defensive driving training as required by the City.
5. Ensure that proper vehicle documentation including registration and insurance card are in the vehicle prior to operating.
6. Abide by all State and Federal laws, local ordinances and policies concerning the safe operation of a vehicle.
7. Notify the City in the event a license has been revoked.

If a DMV driving record check reveals multiple violations, employees may lose driving privileges.

Operators of City-owned vehicles are personally responsible for the safe and proper operation of the vehicles assigned to or operated by them. If damages result through careless or negligent operation, misuse or abuse, the operator may be subject to disciplinary action, loss of future privileges and restitution of damages.

New Jersey State law prohibits the use of hand held devices (e.g. cell phones) while driving. Employees may not use cellular devices or similar devices to receive or place calls, text messages, surf the internet, check voice messages or receive or respond to email while driving a City vehicle without an approved hands-free device. Employees are required to stop the vehicle in a safe location so that the employee can safely use his or her cell phone or similar device. Employees who violate this policy and/or are issued a summons for this type of violation will be subject to disciplinary action up to and including termination.

Smoking is prohibited in all City-operated vehicles.

When the vehicle is in motion the use of seat belts is required, vehicles must be locked when parked and windows must be closed.

Vehicles should not be operated if conditions are unsafe.

Fines for traffic violations and toll violations, including overtime parking and EZPass shall be paid in a timely manner by the operator of the vehicle responsible for the violation. Fines are not reimbursable. Unpaid fines may result in disciplinary action up to and including termination of the employee.

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

Equipment

City equipment including but not limited to machinery, power tools, hand tools, electrical equipment, electronics, generators, furniture, computers, facsimile machines, copiers, phones and pagers, etc. will be used for City business purposes only. When using City property employees shall exercise care, perform required maintenance and follow all operating instructions, safety standards, guidelines and laws. Improper, careless, negligent, destructive or unsafe use or operation of equipment may result in reimbursement of damage costs. Misuse of any and all City equipment by any City employee is subject to discipline up to and including termination of employment.

Use of Personal Vehicles for City Business

There are no restrictions to prevent employees from using their personal cars for City business however:

1. If the employee has an accident, he or she would need to use their personal insurance to fix his or her vehicle.
2. Worker's Comp would be in effect for injuries to the employee – workers compensation would work with the employee's primary insurance provider to coordinate benefits.
3. Employees will be reimbursed at the rate established by the OMB (unless otherwise specified), only if previously approved in writing.

CHILDREN, VISITORS & GUESTS

Extended visitors in the workplace by individuals not having official business at the City distract employees and fellow workers from their official responsibilities. Visits by friends and relatives at the employee's work site are to be kept to casual visits of short duration. In labor intensive areas, where machinery exists, no personal visitors will be allowed to visit.

The City does not permit the presence of children in the workplace in lieu of childcare arrangements. Parents are responsible for childcare arrangements and planning alternatives for childcare.

In the rare instance when there are no other alternatives, and an employee must bring a child to the workplace, advanced approval must be obtained from the Supervisor and the duration of the child's visit to the workplace should be kept to a minimum. Examples of a rare instance include:

1. Parent has forgotten an item and needs to come to work to pick it up.
2. Parent needs to take care of an essential task of short (15-30 min) duration and the child cannot be left at home.
3. Co-workers would like to meet a new baby. If this takes place it should be for a brief visit and should occur in a public space (lobby or atrium) to minimize work disruptions.
4. An emergency has occurred and a Supervisor has asked the parent to come assist.
5. There is a special event or program to which children are specifically invited.
6. It is part of a documented school project or program (such as Take Your Child to Work Day).

It is essential that parents provide close constant supervision of their children while they are in the workplace. Children can never enter a High Risk Area nor have access to any confidential information. These prohibitions cannot be waived by the Department Head or Supervisor.

Any employee that brings his/her child into the workplace without approval of his/her Supervisor will be requested to leave and use available vacation, personal leave or leave without pay. Individuals that fail to cooperate shall be subject to appropriate disciplinary action.

Because of child labor laws, under no circumstances should a child under the age of sixteen (16) be allowed to perform work for the City. Family members who serve as volunteers must be at least sixteen (16) years old and comply with all Volunteer Policies.

Each employee should be considerate of his/her co-workers and ensure proper childcare arrangements are made, to include alternate arrangements in case the primary arrangements are cancelled at the last minute.

TELEPHONE USAGE

Department Heads and Supervisors will instruct employees in telephone usage procedures and proper telephone answering techniques. This instruction includes, but is not limited to, the following:

1. Answer telephones promptly and courteously.
2. Identify the department and give your name.
3. Telephones shall be answered using the following script:
“Good morning/afternoon, (department), (name) speaking, how may I help you?”
When signing off: “Is there anything else I can do for you today?”
4. When taking messages, record the caller’s name, address, telephone number including area code along with a brief message. Also indicate the date and time of the call and your initials.

Employees are not authorized to accept collect or make 900 number telephone calls.

PERSONAL CALLS AND USE OF HANDHELD DEVICES

Personal calls include all telephone communications, emails, text messages and ‘tweets’ which are not necessitated by an employee’s assigned work. City business shall take priority over use of personal handheld devices including cellular telephones for personal use.

City employees are responsible for the following:

1. Confining personal calls to lunch and break periods unless an emergency arises.
2. Spending as little time as possible on any personal call made during business hours.
3. Bearing the cost of any personal call made on a City land line or handheld device.
4. Maintaining City and personal handheld devices in a way that minimizes disruption in the work environment.

In order to ensure compliance with the Open Public Records Act and New Jersey Records Retention Act, employees must refrain from conducting City business through “text messaging” on their own personal cellphones or handheld devices.

Each Supervisor is responsible for minimizing the misuse of City and personal handheld devices through methods which he or she deems practical and appropriate for the situation as it exists.

EMAIL, VOICE MAIL, COMPUTER AND INTERNET USAGE

City email, voice mail and the internet are for official business, and use for non-business purposes is prohibited. All email, voice mail and internet messages are public records subject to possible disclosure to the public pursuant to the provisions of the Open Public Records Act. Under no circumstances should personal email be used for City business.

The City reserves the right to monitor, obtain, review and disclose all email messages, computer files, voice mail and internet messages on the computer and communications systems of the City as deemed necessary and appropriate. By using City email, computer systems, voice mail and the internet, each user agrees that the City has unrestricted access and the right to disclose all information communicated or stored on the email, 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. Email shall not be used to harass, torment or disparage another party. Offensive and harassing communications are unacceptable and prohibited. Installation of any unauthorized software is prohibited and may result in discipline up to and including termination of employment.

PHOTOGRAPHS AND OTHER MEDIA

Except in emergency situations or as part of their officially assigned or regular or permitted duties, employees are prohibited from taking any photographs, pictures, digital images, or audio recordings of any crime scenes, traffic crashes, arrestees, detainees, people, or job related incident or occurrence with any personal analog or digital device, camera, imaging device, audio recorder or cellular telephone. This section also applies in off duty scenarios regarding any law enforcement related activities. Any photographs, images, or recordings taken with any personal device pursuant to or in violation of this section are considered evidence and are subject to applicable laws, code, guideline or directive concerning storage, release, and disposal. Employees who have recorded any photographs, images or recordings with any personal device shall notify their Supervisor as soon as practical. For the purposes of this section, an “emergency situation” involves a sudden and unforeseen combination of circumstances or the resulting state that calls for immediate action, assistance or relief, and may include accidents, crimes and flight from accidents or crimes. Employees are prohibited from releasing or disclosing any photographs, digital images of any crime scenes, traffic crashes, arrestees, detainees, people, or job related incident or occurrence taken with a personal or agency analog or digital device, camera or cellular phone to any person, entity, business, or media or Internet outlet whether on or off duty without the express written permission of the Business Administrator.

SOCIAL MEDIA

For purposes of this policy, a social network is defined as a site that uses internet services to allow individuals to construct a profile within that system, define a list of other users with whom they share some connection, and view and access their list of connections and those made by others within that system. The type of network and its design vary from site to site. Examples of the types of internet based social networking activities include: blogging, networking, photo sharing, video sharing, microblogging, podcasting, as well as posting comments on the sites. The absence of, or lack of explicit reference to, a specific site or activity does not limit the extent of the application of this policy.

The use of the internet and social networking sites (MySpace, Facebook, Twitter, etc.) in particular is a popular activity; however, employees must be mindful of the negative impact of inappropriate or unauthorized postings upon the City and its relationship with the community. This policy identifies prohibited activities by employees on the internet where posted information is accessible to members of the general public, including, but not limited to, public postings on social networking sites. The City reserves the right to investigate postings, private or public, that violate work-place rules, such as the prohibition of sexual harassment and other discriminatory conduct, where such postings lawfully are made available to the City by other employees or third parties.

Employees should use common sense in all communications, particularly on a website or social networking site accessible to anyone. If you would not be comfortable with your Supervisor, coworkers, or the management team reading your words, you should not write them. Recognize that you are legally liable for anything you write or present online. Employees can be disciplined for commentary, content, or images that are defamatory, pornographic, proprietary, harassing, libelous, or that can create a hostile work environment. You can also be sued by City employees or any individual who views your commentary, content, or images as defamatory, pornographic, proprietary, harassing, libelous or creating a hostile work environment. What you say or post on your site or what is said or posted on your site by others could potentially be grounds for disciplinary action up to and including termination.

Employees that maintain personal web pages and web sites shall not post information on such sites that would constitute a violation of the personnel policies of City if expressed or published using any other medium or in any other manner. The posting of words, phrases, photographs, images or any kind of information on a personal web site may be grounds for the imposition of disciplinary action against the employee if the words, phrases, photographs, images or information adversely reflects on the employee's fitness for duty or constitutes a violation of the personnel policies of the City.

IDENTITY THEFT PREVENTION

The City adopts this sensitive information policy to help protect its officials, employees, residents, customers, contractors and the City from damages related to the loss or misuse of sensitive information.

This policy and protection program applies to officials, employees, contractors, temporary workers volunteers and all personnel affiliated with third parties.

Sensitive information includes the following items whether stored in electronic or printed format:

1. Credit card information
2. Tax identification numbers
3. Payroll information
4. Cafeteria plan check requests and associated paperwork
5. Medical information for any official, employee, resident or customer
6. Other personal information belonging to any official, employee, resident, customer or contractor

City personnel are encouraged to use common sense judgment in securing confidential information to the proper extent. If an employee is uncertain of the sensitivity of a particular piece of information, or whether a record is subject to release pursuant to the Open Public Records Act, the employee should contact their Supervisor.

Hard Copy Distribution

1. File cabinets, desk drawers, overhead cabinets, and any other storage space containing documents with sensitive information will be locked when not in use.

2. Storage rooms containing documents with sensitive information and record retention areas will be locked at the end of each workday or when unsupervised.
3. Desks, workstations, work areas, printers and fax machines, and common shared work areas will be cleared of all documents containing sensitive information when not in use.
4. Whiteboards, dry-erase boards, writing tablets, etc. in common shared work areas will be erased, removed, or shredded when not in use.
5. When documents containing sensitive information are discarded they will be placed inside a locked shred bin or immediately shredded. Locked shred bins are labeled "Confidential paper shredding and recycling." City records, however, may only be destroyed in accordance with the City's records retention policy.

Electronic Distribution

1. Internally, sensitive information may be transmitted using approved email.
2. Any sensitive information sent externally must be encrypted and password protected and only to approved recipients.

If potentially fraudulent activity is detected, an employee or contractor must gather all related documentation and write a description of the situation. This description must be presented to the designated authority (Chief Financial Officer) for a determination as to whether fraudulent activity has occurred.

The complete policy is included as ATTACHMENT B.

PURCHASING PROCEDURES

The complete policy is included as ATTACHMENT C.

The purpose of the City's Purchasing Procedures Handbook is to assist employees in the proper purchasing practices to be in full compliance with New Jersey Local Public Contracts Law (Title 40A:11-1 et seq.), the New Jersey Administrative Code as it related to purchasing and City Policy.

These procedures have been developed in order to achieve three (3) goals:

1. Comply with the State laws and City policy regarding purchasing procedures.
2. Promote efficiency in purchasing practice operations.
3. Achieve financial savings through proper purchasing practices.

It is imperative that everyone adheres to all purchasing laws and guidelines.

BULLETIN BOARD

The bulletin boards located in the City 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.

LITERATURE AND SOLICITATION

Solicitations, ticket sales, requests for contributions, distributions of literature and similar activities are not normally allowed. Exceptions may occasionally be granted to collect money for presents, flowers, parties, charitable donations or relief of hardship. In these exceptional cases, permission must be obtained from the Business Administrator.

In considering requests for exceptions, the Business Administrator shall consider these factors:

1. Whether the activity would interfere with work performance, official communications or other necessary agency activities.
2. Whether the activity is required, governed or prohibited by law.
3. The importance of the activity to the work force as a whole. As examples, a recreation program for employees would normally justify an exception; an announcement by an outside organization would not.
4. Whether the activity would affect the image of the City as seen by clients or visitors.

The Business Administrator may impose any conditions and restrictions necessary to meet these standards. Employees may not solicit or pass out non-official literature to any residents, visitors, outside contractors or Vendors.

PERSONAL PROPERTY

The City assumes no responsibility for employees' personal property.

REIMBURSEMENT FOR EXPENSES

Employees who receive advance approval from their Department Head and the Business Administrator will be reimbursed for legitimate expenses, including the use of a personal vehicle. A Purchase Order must be issued in advance in order for such expenses to be reimbursed.

All requests for such reimbursement must be itemized and accompanied by receipts.

REPORTING INCIDENTS INVOLVING CITY EMPLOYEES AND/OR PROPERTY

Any event involving the actions of an employee resulting in personal injury or damage to property must be reported immediately to his or her Supervisor.

If improper or unauthorized use of City property results in an accident, employee may be required to make restitution for the damages.

CONDUCT

Employees are expected to conduct themselves in a manner that exhibits a respect for the rights and property of the City, fellow employees and residents. While many of these behaviors are addressed under specific policies, the following list, while not all inclusive, further identifies examples of inappropriate behavior:

1. Failure to maintain workplace and area cleanliness and orderliness.
2. Failure to treat all residents, visitors, and fellow employees in a courteous manner.
3. Behavior or conduct that is offensive, undesirable or is subject to disciplinary action.
4. Insubordination or the refusal by an employee to follow management's instructions concerning job-related matters.
5. Gambling on City property.
6. Falsifying or altering City records or reports, such as applications for employment, medical reports, production reports, time records, expense accounts, absentee reports or shipping and receiving records.
7. Unauthorized sleeping on the job.
8. Violation of City policies on solicitation or distribution.
9. Soliciting or accepting gratuities.
10. Excessive, unnecessary or unauthorized use of City supplies, particularly for personal purposes.
11. Fighting or using obscene, abusive, or threatening language or gestures.
12. Failure to maintain the confidentiality of City information.
13. Disregarding safety or security regulation.

SECTION THREE: PAID AND UNPAID TIME OFF

PAID HOLIDAYS

Paid holidays are in accordance with collective negotiations agreements and the City's Administrative Code. Management employees are entitled to the following paid holidays and are the official holidays for the City:

1. New Year's Day
2. Martin Luther King's Birthday
3. President's Day
4. Good Friday
5. Memorial Day
6. Independence Day
7. Labor Day
8. Columbus Day
9. General Election Day
10. Veterans Day
11. Thanksgiving Day
12. Day after Thanksgiving Day
13. Christmas Day
14. Floating Holiday (*hired before Feb. 12 of year hired*)
15. Christmas Eve and New Year's Eve (*if they occur Monday through Thursday*)

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.

Permanent part-time employees averaging twenty (20) or more hours per week per week are entitled to official paid holidays only if the holiday falls on the employee's regularly scheduled workday.

To be paid holiday pay for an unworked holiday, an employee must be on active pay status and have been paid for his/her last scheduled workday before the first scheduled workday after the holiday. If a paid holiday occurs while an employee is on approved vacation or sick leave, the employee shall not have that holiday charged as sick or vacation time.

When it is necessary for an employee to work on a paid holiday to maintain operations, the employee will be compensated in accordance with the provisions in the appropriate collective negotiations agreement, City Ordinance or State/Federal Law.

Requests for time off for observance of religious holidays other than those listed as official paid holidays will be granted and charged as personal or vacation days.

VACATION & PERSONAL LEAVE

Vacation and Personal leave will be in accordance with collective negotiations agreements and the City's Administrative Code.

Vacation time is credited at the beginning of the calendar year in anticipation of continued employment.

Vacation time for all employees must be taken in full or half (1/2) day increments rather than on an hourly basis.

Requests for vacation shall be submitted to the Department Head at least five (5) days in advance. Requests submitted will be honored if possible; however, proper staffing of department units must take precedence over all other considerations in scheduling vacations. Should conflicts arise because more than one (1) employee desires the same time off, date of request and length of service according to date of hire will prevail.

Department Heads shall not permit more than 50% of their department to be scheduled on leave at any one time unless approved by the Business Administrator.

Employees who separate from service while in good standing shall be paid for unused earned vacation leave. However, accumulated vacation leave shall not be utilized in order to extend the effective termination of service date, nor shall it be used to attain additional insurance coverage, holidays or accrued time. If employment terminates prior to the end of the calendar year, an adjustment will be made in the employee's final paycheck for any vacation leave that has been used, but not yet earned. The pay out of accumulated time owed to an employee will occur in the year of separation to the extent there is an available budget appropriation. In the event sufficient budget appropriations are not available in the year of separation, the payout will take place in the subsequent budget year.

Employees who do not use all of their vacation allowance may add up to one (1) year of their annual allocation to their allowance for the following year with prior approval of the Business Administrator. However, if these days are not used in the second year, they will be forfeited.

If an employee is sick or injured for two (2) or more days while on vacation leave, he/she may submit a written request to his/her Department Head to change vacation leave to sick leave. Proper medical verification must be attached to the request. Approval is subject to the Business Administrator's discretion. Such requests must be made no later than the end of the first day the employee returns to work.

An employee on a leave of absence without pay, except for military leave, furlough extension leave, or voluntary furlough, does not accrue vacation benefits.

Vacation Purchase Program

This Program provides an opportunity for City employees to request the purchase of additional vacation time according to the following schedule:

1. The value of three (3) days pay for five (5) days vacation
2. Six (6) days pay for ten (10) days vacation
3. Nine (9) days pay for fifteen (15) days vacation

To be eligible, for the Vacation Purchase Program, employees must have at least one (1) full year in a permanent status. Approval to participate in the Vacation Purchase Program is at the discretion of each Department Head. Time purchased will be credited to the employee when payments are complete. One (1) full year of earned vacation time must be utilized in that year prior to the use of any purchased vacation time. The Department of Administration will notify employees when an opportunity to purchase vacation is available, it can only be purchased during designated time periods and is at the discretion of the Business Administrator.

SICK LEAVE

Sick leave will be in accordance with collective negotiations agreements and the City's Administrative Code.

Sick leave may be used for personal illness or injury, exposure to contagious disease, care for a seriously ill member of an employee's immediate family or death in an employee's immediate family. If the requested sick leave qualifies under the "Family Leave Act" (NJFLA) and/or the "Family and Medical Leave Act" (FMLA) you will receive written notification that your sick leave request has been designated as NJFLA and/or FMLA. The use of accrued sick time will run concurrent with family leave time and shall not extend the leave period. Paid sick time will be used when on NJFLA or FMLA. Refer to Family & Medical Leave Act Section of this Handbook.

An employee may be required to submit official proof of use of sick leave in the form of a doctor's verification of illness or injury when:

1. Employees absent on sick leave for three (3) or more consecutive working days;
2. If an employee is attending to an immediate family member, a doctor's verification of that individual may be required.
3. After the tenth (10th) day of absence on sick leave in one (1) calendar year;
4. There is a pattern of utilizing sick time to extend weekends, absences due to holidays or use of personal or vacation time.
5. The Business Administrator determines such requirement appears reasonable.

Prior to the return to work, the City may require an employee to be examined by a physician designated by the City to verify fitness to return to normal duties. An employee will not be permitted to return to work until the verification is received.

Sick time for all employees must be taken in full or half (1/2) day increments rather than on an hourly basis.

All employees are responsible for notifying their Supervisor or Department Head if they will be absent due to use of sick leave at least fifteen (15) minutes prior to the employee's start time. If an employee is unable to reach their Supervisor or Department Head a voicemail message must be left and an email must be sent if possible. Failure to follow the procedure for notification of absence due to sick leave could result in denial of sick leave for that absence and/or disciplinary action.

Short-term absences will be reported to the Business Administrator on the employee time sheets. For long-term absences, Department Heads will send a memo to the Business Administrator stating

the anticipated length of the employee's absence. The City may require a medical certificate/release from the attending physician stating that the employee is able to return to perform regular duties and in doing so would not jeopardize the health of the employee or other employees. The employee's Supervisor will forward the certificate to the Business Administrator for the employee's personnel file. If an illness is of a chronic or recurring nature, the employee may be required to provide one (1) proof of illness every six (6) months. Such proof must specify the nature of the illness and that it is likely to cause periodic absences.

Paid sick days shall not accrue during a leave of absence without pay or suspension.

DONATED LEAVE PROGRAM

The intent of this program is to permit City employees to donate earned sick time and vacation time on a voluntary basis to another City employee who is suffering from a catastrophic health condition or injury, or to care for a member of the employee's immediate family suffering from a catastrophic health condition or injury which compels his or her prolonged absence from work. Approvals regarding eligibility will be made on a case-by-case basis subject to the discretion of the Business Administrator.

A City employee shall be eligible to receive donated sick or vacation leave if the employee:

1. Has completed at least one (1) year of continuous City service (or less at the discretion of the Business Administrator);
2. Has exhausted all accrued sick, vacation and administrative leave, all sick leave injury benefits, if any, and all compensatory time off;
3. Has not, in the two (2) year period immediately preceding the employee's need for donated leave, been disciplined for chronic or excessive absenteeism, chronic or excessive lateness or abuse of leave; and
4. Either:
 - a. Suffers from a catastrophic health condition or injury;
 - b. Is needed to provide care to a member of the employee's immediate family who is suffering from a catastrophic health condition or injury; or
 - c. Requires absence from work due to the donation of an organ (which shall include, for example, the donation of bone marrow).

For purposes of this section, a "catastrophic health condition or injury" shall be defined as follows:

A "catastrophic health condition or injury" is either:

1. A life-threatening condition or combination of conditions; or
2. A period of disability required by his or her mental or physical health or the health of the employee's fetus which requires the care of a physician who provides a medical verification of the need for the employee's absence from work for sixty (60) or more work days.

A City employee may request that the Business Administrator approve his or her participation in the program, as a leave recipient or leave donor. The employee's Supervisor may make such a request on behalf of the employee for his or her participation in the program as a leave recipient.

The employee or Supervisor requesting the employee's acceptance as a leave recipient shall submit to the Business Administrator medical verification from a physician or other licensed health care provider concerning the nature and anticipated duration of the disability resulting from either the catastrophic health condition or injury, or the donation of an organ, as the case may be.

When the Business Administrator has approved an employee as a leave recipient, the Business Administrator shall, with the employee's consent, post or circulate the employee's name along with those of other eligible employees in a conspicuous manner to encourage the donation of leave time, and shall provide notice to all negotiations representatives in the City.

If the employee is unable to consent to this posting or circulation, the employee's family may consent on his or her behalf.

In City service, a leave recipient must receive at least five (5) sick days or vacation days or a combination thereof from one (1) or more leave donors to participate in the donated leave program. A leave donor shall donate only whole sick days or whole vacation days and may not donate more than thirty (30) such days to any one (1) recipient.

A leave recipient shall receive no more than 260 sick days or vacation days, and shall not receive any such days on a retroactive basis. A leave donor shall have remaining at least fifteen (15) days of accrued sick leave if donating sick leave and at least five (5) days of accrued vacation leave if donating vacation leave. A leave donor may not revoke the leave donation.

If a leave donor is not in the same Department as the leave recipient, appropriate arrangements shall be made between the affected Departments to verify donor eligibility and adjust leave records. However, the posting requirement set forth above is limited to the recipient's Department.

While using donated leave time in City service, the leave recipient shall accrue sick leave and vacation leave and be entitled to retain such leave upon his or her return to work.

Any unused, donated leave shall be returned to the leave donors on a prorated basis upon the leave recipient's return to work, except that if the proration of leave days results in less than one (1) day per donor to be returned, that leave time shall not be returned.

Upon retirement, the leave recipient shall not be granted supplemental compensation on retirement for any unused sick days which he or she had received through the leave donation program.

A City employee shall be prohibited from threatening or coercing or attempting to threaten or coerce another employee for the purpose of interfering with rights involving donating, receiving or using donated leave time. Such prohibited acts shall include, but not be limited to, promising to confer or conferring a benefit such as an appointment or promotion or making a threat to engage in, or engaging in, an act of retaliation against an employee.

BEREAVEMENT LEAVE

Bereavement leave will be in accordance with collective negotiations agreements and the City's Administrative Code.

For the purposes of this policy, "immediate relative" includes spouse, domestic or civil union partner, child, parent, step-child, step-parent, sibling, daughter-in-law, son-in-law, grandchildren, step-grandchildren, mother/father-in-law, step-mother/father-in-law, step-grandparent or grandparent unless otherwise specified in a collective negotiations agreement. For anyone outside the "immediate family", a request may be made and will be considered on a case-by-case basis.

Full-time management employees are entitled to four (4) consecutive workday's leave of absence for each death of an employee's immediate relative, which leave shall terminate the day following the funeral. Permanent part-time employees averaging twenty (20) or more hours per week per year shall be entitled to proportionate amounts of paid bereavement leave.

Management employees, with the approval of the Department Head or Business Administrator shall be granted one (1) workday leave of absence for the purpose of attending other funeral services.

Employees are paid for all working days during the Bereavement Leave.

JURY DUTY

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, subject to the following conditions:

1. The employee must notify their Supervisor immediately upon receipt of a summons for jury service.
2. The employee has not voluntarily sought jury service.
3. The employee submits adequate proof of the time served on the jury and the amount received for such service.
4. Any compensation received by the employee as a juror, except for meal and travel expenses, shall be returned to the City.
5. An employee who reports for jury duty and is excused from serving before noon must report to work for the afternoon, according to the work schedule of his or her department. However, the combination of jury duty and City work shall not amount to more than a normal workday.

LEAVE OF ABSENCE

Employees may be granted a personal leave of absence for up to twelve (12) months at the discretion of the Mayor or Business Administrator if the leave does not cause undue operational disruption.

The leave must include the use of any accrued vacation and sick leave time regardless of the length of leave requested. The portion of the leave that runs beyond the exhaustion of vacation and sick leave will be without pay or longevity credit.

A personal leave is granted with the understanding that the employee intends to return to work for the City. Personal leaves are not granted for the purpose of seeking or accepting employment with another employer or for extended vacation time. Accumulated sick leave shall not be utilized in order to extend the effective termination of service date, nor shall it be used to attain additional insurance coverage, holidays or accrued time. Employees on personal leave of absence for more than two (2) weeks in any month will not receive holiday pay, and will not accrue personal leave, sick leave or vacation time for that month. Health benefits may also be impacted. 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.

Requests for leaves of absences must be submitted in writing to the employee's Department Head. The Department Head will then forward the request to the Mayor and Business Administrator along with a recommendation to approve or deny the request.

The City will report all leaves of absences to the New Jersey Civil Service Commission.

In exceptional circumstances, the Mayor may extend the leave beyond one (1) year, if such extension is considered in the best interests of the City. A request for an extension of a leave of absence must be approved by the New Jersey Civil Service Commission.

FAMILY AND MEDICAL LEAVE ACT

In accordance with the New Jersey Family Leave Act (NJFLA) and the Federal Family and Medical Leave Act of 1993 (FMLA) an eligible employee may receive up to twelve (12) weeks of leave per year (FMLA) or twelve (12) weeks every twenty-four (24) months (FLA) (the twelve (12) month period is based on a twelve (12) month rolling calendar) for the following reasons:

1. To care for the newborn child within one (1) year of birth or the placement of a child with you for adoption within one year of placement;
2. The placement of a child with you for foster care within one (1) year of placement (FMLA only);
3. A serious health condition that makes you unable to perform the essential functions for your job (FMLA only);
4. A serious health condition affecting your spouse/civil union partner, child, or parent, for which you are needed to provide care;
5. Any qualifying exigency arising out of the fact that your spouse, son, daughter, or parent is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation (FMLA only) or in accordance with the Family and Medical Leave Act, 29 U.S.C. 2611 et seq., an eligible employee may take up to twenty-six (26) work weeks of leave during a single twelve (12) month period to care for a covered service member with a serious injury or illness who is your spouse, son, daughter, parent, or next of kin to the employee.

All leave for conditions qualifying for leave under both the FMLA and NJ FLA shall run concurrently.

Definitions

Family Member – A child (including biological, step-child, adopted child or foster child), parent (including foster parent, step-parent, parent-in-law [FLA only] and legal guardian) or spouse of the employee.

Care – Actual physical or psychological care, emotional support, visitation, assistance in treatment, transportation, assistance with essential daily living matters and personal attendance services.

Serious Health Condition – An illness, injury, impairment or physical or mental condition that requires:

1. In-patient care in hospital, hospice, or residential medical care facility.
2. Continuing supervision by a health care provider.
3. A period of incapacity (i.e. inability to work or perform other regular daily activities due to the serious health condition, treatment therefore or recovery) of more than three (3) consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also involves treatment two (2) or more times by a health care provider, or treatment by health care provider on at least one (1) occasion which results in a regimen of continuing treatment under the supervision of the health care provider.
4. Any period of incapacity due to pregnancy or for prenatal care.
5. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which requires periodic visits for treatment by a health care provider, continues over an extended period of time and may cause episodic rather than continuing periods of incapacity (such as asthma, epilepsy, etc.). Treatment by a health care provider is not intended to include routine physical examinations, eye examinations or dental examinations. Furthermore, continuing treatment by a health care provider is not intended to include treatment which can be initiated without visit to a health care provider such as the taking of over-the-counter medications, bed rest, drinking fluids, exercise, etc.

Eligibility

Employees are eligible for leave under the New Jersey Family Leave Act (NJFLA) if the individual has worked for at least twelve (12) months with a minimum of 1,000 hours during the immediately preceding twelve (12) months. Employees are eligible for leave under the Federal Family Leave Act (FMLA) if the individual has worked for at least twelve (12) months with a minimum of 1,250 hours during the immediately preceding twelve (12) months.

If an employee may be considered a “key employee” under the Family and Medical Leave Act, or a “highly compensated employee” under the New Jersey Family Leave Act, that employee’s entitlement to leave and reinstatement may be affected.

If the employee and his/her spouse both work for the City, they are both eligible for leave. However, in accordance with the FMLA, spouses may be limited to a combined twelve (12) weeks of leave during a twelve (12) month period where leave is take for the following reasons:

1. Birth of a child or care for a newborn child;
2. Placement of a child with the employees for adoption or foster care, or to care for the child after placement; or
3. Care for the employee's parent with a serious health condition.

Request for Leave

When requesting leave, the employee must provide at least thirty (30) days of advance notice, whenever possible. Medical certification will be required if the leave request is for the employee's own serious health condition or to care for a family member's serious health condition. Failure to provide the requested medical certification in a timely manner may result in denial of the leave until it is provided.

It may be medically necessary for some employees to use intermittent FMLA leave. The City will work with employees to accommodate reduced work schedules for most qualifying FMLA events; however, a reduced work schedule under FMLA is not permitted for the birth, adoption or placement for foster care of a child. The City may transfer an employee on recurring intermittent FMLA leave to another temporary position which better accommodates the leave schedule. Leave because of the birth or adoption of a child must be completed within the twelve (12) month period beginning on the date of birth or placement of the child. It may not be taken intermittently without special permission from the Business Administrator. Employees on approved intermittent FMLA leave are required to comply with City notice and call out procedures.

Certification by Health Care Provider

The City, at its expense, may require an examination by a second health care provider designated by the City if the organization has a reasonable question regarding the medical certification provided by the employee.

Because the City wishes to ensure the wellbeing of all employees, any employees returning from FMLA for his/her own serious health condition will need to provide a Fitness for Duty statement signed by his/her treating physician. An employee failing to provide a Fitness for Duty statement may not be permitted to resume work until it is provided.

Employee Benefits

Health benefits will be maintained during FMLA and NJFLA leave under the same conditions as if the employee continued work. Employee contributions must continue. If the employee does not return to work following FMLA or NJFLA leave for a reason other than: (1) the continuation, recurrence, or onset of a serious health condition which would entitle them to leave; or (2) other circumstances beyond their control, the employee may be required to reimburse the City for their share of health insurance premiums paid on the employee's behalf during their leave.

All other benefits will continue under the same conditions in accordance with applicable law and/or collective negotiations agreements.

Use of Leave Time

Eligible employees who take leave under this policy must use all accrued available sick days during the leave. The use of accrued sick time will run concurrent with family leave time and shall not extend the leave period. The employee may choose to also use vacation, compensatory and personal time to continue to be paid while on leave. After exhausting accrued time, the employee will no longer be paid for the remainder of the leave.

Outside Employment

Employees are prohibited from engaging in any outside employment during an approved leave of absence taken in accordance with the FMLA or NJFLA.

Return from Leave

Upon return from leave, the employee will be restored to his/her original or an equivalent position. If an employee fails to return at the end of FMLA leave, the employee will be considered to have voluntarily resigned his/her position with the City.

If an employee requests an extension of leave beyond the twelve (12) week period the employee must submit medical certification of a continued serious health condition in advance of the request. The Business Administrator will review such requests on a case-by-case basis in order to determine whether the City can reasonably accommodate such a request. Reinstatement is not guaranteed when an extended leave is granted and will depend upon the business needs of the City.

FAMILY LEAVE INSURANCE

New Jersey Family Leave Insurance (FLI), signed into law May 2, 2008 provides FLI benefits for up to six (6) weeks in every twelve (12) month period to employees for the care of family member suffering from a serious health condition, for bonding with newborn and newly adopted children. FLI provides a monetary benefit, not a leave entitlement.

The City requires the employee to use up to two (2) weeks of accrued time such as sick leave, vacation leave, personal leave or other paid time off. This may reduce the maximum Family Leave Insurance allowance by up to fourteen (14) days.

For applications, complete benefit information under FLI or for additional information, please contact:

1. Online: www.nj.gov/labor
2. By mail: Division of Temporary Disability Insurance
PO Box 387
Trenton, NJ 08625-0387
3. By phone: (609) 292-7060
(609) 292-8319 Hearing impaired

All questions regarding Family Leave Insurance should be directed to the State of New Jersey.

EMERGENCY SERVICE VOLUNTEERS

Employees who are volunteer members of the Police Auxiliary and/or First-Aid Squad may be released from work to respond to emergency calls during working hours if they register their intent to serve in such a capacity in advance with their Department Head. For informational purposes, employees who respond to these emergency calls should, upon return to work, notify their Supervisor of the type of emergency and the length of their absence.

SECTION FOUR: COMPENSATION & EMPLOYEE BENEFITS

PAYROLL

Salaries and salary ranges are established by City Ordinance, Administrative Regulation or collective negotiations agreements. Payroll periods are as follows for each calendar month: the 1st through the 15th of the month being paid on the 13th of the month; and the 16th of the month through month end being paid on the 27th of the month with overtime being held back for one (1) pay period. If the payday falls on a weekend or holiday, the payroll is distributed on the preceding business day.

Salaried employees are paid through the end of the current pay period. Time sheets for hourly employees and overtime requests for salaried employees must be submitted to the Finance Office by the 5th of the month for pay on the 13th, or by the 20th of the month for pay on the 27th. All time sheets and overtime requests must be signed by the Department Head and the Business Administrator in order to be processed for payroll.

The City will not accept responsibility for any employee's personal finances. The City will acknowledge judgments against an employee's pay, but will not act as a mediator between the employee and creditors. The payroll department will not act as a financial planner, tax advisor or retirement planner.

Mandatory Direct Deposit

All full time employees and permanent part time employees must participate in the direct deposit program. For enrollment information, please contact the Payroll Unit at 732-827-2015.

OVERTIME & COMPENSATORY TIME

Under the Federal Fair Labor Standards Act, certain employees in managerial, supervisory, administrative, computer or professional positions are exempt from the provisions of the Act. There are also employees who may be exempt because their compensation exceeds \$100,000 per year depending upon their job duties. Exempt employees are not eligible to receive overtime compensation and are required to work the normal work week and any additional hours needed to fulfill their responsibilities. Time off consideration for large amounts of additional hours may be provided at the sole discretion of the Business Administrator, Department and Division Heads are not entitled to compensatory and/or overtime.

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

In accordance with the requirements of the Federal Fair Labor Standards Act, non-exempt employees will receive overtime compensation for work in excess of their standard work week. Employees may choose overtime compensation in the form of overtime pay at their regular hourly

salary or compensatory time off in accordance with applicable collective negotiations agreements, or City resolutions or ordinances. Once the applicable 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. Employees shall have the option of accumulating up to forty (40) hours compensatory time off as opposed to overtime pay. In order to utilize the compensatory time, the employee must give prior notice to and receive prior approval from the Department Head. A maximum of ten (10) hours of compensatory time earned in a previous calendar year may be carried over and utilized in the next calendar year. Compensatory leave shall not be utilized in order to extend the effective termination of service date, nor shall it be used to attain additional insurance coverage, holidays or accrued time. The pay out of accumulated time will occur in the year of separation to the extent there is an available budget appropriation. In the event sufficient budget appropriations are not available in the year of separation, the payout will take place in the subsequent budget year.

Non-exempt employees will receive one and one half (1½) hours of overtime compensation for each hour worked in excess of forty (40) hours in a weekly period. Vacation, holiday, compensatory, sick and personal time are not considered time worked for purposes of determining overtime compensation.

If a non-exempt employee works on Sunday is not part of the employee's normal work week, or a paid holiday, the employee will receive compensation of one and one half (1½) hours for each hour worked less the number of hours of overtime compensation received under any other provision of the policy.

Employees must make a request to their Supervisor at least two (2) 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.

HEALTH INSURANCE (MEDICAL, DENTAL, VISION AND PRESCRIPTION)

Consistent with the provisions of Patient Protection & Affordable Care Act (PPACA) effective March 23, 2010, Chapter 2, Public Law 2010 effective May 21, 2010 and Chapter 78, Public Law 2011 effective June 28, 2011, full-time employees and permanent part-time employees who work thirty (30) hours or more per week, and their immediate family members, are eligible for health insurance coverage administered by the City. Health insurance coverage consists of medical, which is substantially equal to the State Health Benefit Plan (SHBP), along with prescription and dental, all subject to collective negotiations agreements. For copies of the complete benefit and summary plan descriptions contact the Administration Office. Health insurance coverage takes effect sixty (60) days from the starting date of hire once the employee has submitted completed enrollment forms with back-up if applicable.

The current employee health insurance contributions are those established under Chapter 78, Public Law 2011 or by their collective negotiations agreement.

Pursuant to N.J.S.A. 40A:10-17.1, the City may provide payments to employees in lieu of taking health care benefits, limited to "25 percent or \$5,000, whichever is less, of the amount saved

because of the employee's waiver of coverage" who do not have dual coverage with SHBP or SEHBP. Those employees who waive coverage shall be eligible to re-enroll upon submission of proof that coverage has been lost within sixty (60) days of the loss of coverage. If notice is provided within the sixty (60) days, coverage will be retroactive to the date of loss. If the sixty (60) day time limit has passed, the employee must wait until the next open enrollment period to reenroll. All employees requesting re-enrollment shall be required to return a prorated portion of the opt-out payment to the City prior to re-enrollment.

Anytime an employee experiences one (1) of the following life changes they must report the change within sixty (60) days of the event so their benefits can be accurately updated:

1. Marriage
2. Name change
3. Birth of new child
4. Adoption/court ordered coverage
5. Address/phone number change
6. Divorce/death
7. Dependent qualifies for other coverage

Anyone who does not report the removal of a dependent or spouse in the appropriate time frame will be held responsible for expenses incurred by/to the City.

Vision will be provided according to an employee's collective negotiations agreement, if applicable. Currently it applies to employees in the PBA Local #31, OPEIU Local #32 and all management employees. The benefit is for reimbursement for an eye exam plus up to \$150 for eyeglasses or contacts one (1) time every two (2) years. Separate original itemized receipts with employee's name and date should be submitted for exam and eyeglasses/contacts to Department of Administration for processing.

THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT

The City sponsors a group health plan (the plan) for its employees. Members of the Administration Office may have access to the individually identifiable health information of plan participants on behalf of the City for administrative functions of the plan.

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) and its implementing regulations restrict the City's ability to use and disclose protected health information (PHI).

Protected Health Information - Protected health information means information that is created or received by the Plan and relates to the past, present, or future physical or mental health or condition of a participant; the provision of health care to a participant; or the past, present, or future payment for the provision of health care to a participant; and that identifies the participant or for which there is a reasonable basis to believe the information can be used to identify the participant. Protected health information includes information of persons living or deceased.

The Business Administrator will be the Privacy Official for the Plan. The Privacy Official will be responsible for the development and implementation of policies and procedures relating to privacy,

including but not limited to this Privacy Policy and the City's use and disclosure procedures. The Privacy Official will also serve as the contact person for participants who have questions, concerns or complaints about the privacy of their PHI.

GROUP LIFE INSURANCE

Employees who are members of the Public Employees Retirement System or Police and Firemen's Retirement System of New Jersey are automatically enrolled in Group Life Insurance.

STATE RETIREMENT PROGRAMS

The City will enroll employees in the Public Employees' Retirement System (PERS), Police and Firemen's Retirement System (PFRS) or Defined Contribution Retirement Program (DCRP) in accordance with the rules of the State of New Jersey, Department of the Treasury, Division of Pensions and Benefits. Contributions to the applicable State retirement program will be deducted from the employee's paycheck.

RETIREMENT

An employee who has completed the required number of years and who has reached the required age per State Law/Guidelines under the Plan may retire by notifying the Department Head in writing. The State retirement plan requests six (6) months advance notice to process the application. After giving notice of retirement, employees are expected to assist their Supervisor and co-employees by providing information concerning their current projects and help in the training of a replacement. A COBRA notification letter will be sent to the employee's home address once retired, if applicable. An exit interview may take place and include an open discussion with the employee. On the last day of work, and prior to receiving the final paycheck, the employee must return the Employee Identification Card, all keys and equipment. At this time, the employee will sign the termination memo designating all money owed and this memo will be retained in the official personnel file. Note that employees may not utilize accumulated sick, vacation, personal, compensatory or holiday time in order to extend the effective termination of service date, nor shall accumulated time be used to attain additional insurance coverage, holidays or accrued time unless approved by the Business Administrator. The payout of accumulated time will occur in the year of separation to the extent there is an available budget appropriation. In the event sufficient budget appropriations are not available in the year of separation, the payout will take place in the subsequent budget year/s.

RETIREMENT HEALTH BENEFITS

Active employee coverage is extended one (1) month beyond the employee's termination date and follows the SHBP/SEHBP rules and regulations. Retirees receive medical and prescription coverage only and must enroll in retiree coverage. Dental can either be purchased through the State or another dental plan. COBRA information will also be sent for dental plan coverage as a former employee. Once a retiree or dependent become Medicare eligible, they must enroll in Parts A and B and submit proof or they will lose coverage. Medicare then becomes the primary coverage and the City's medical plan secondary. Dependent coverage will remain effective as long as they meet

the requirements and the retiree is alive, once the retiree passes the spouse/dependents may continue coverage at the rate the City pays with an administrative billing fee at their own expense (Surviving Spouse/Partner Coverage).

Anytime a retiree experiences one (1) of the following life changes he/she must report the change within sixty (60) days of the event so his/her benefits can be accurately updated:

1. Marriage
2. Name change
3. Birth of new child
4. Adoption/court ordered coverage
5. Address/phone number change
6. Divorce/death
7. Dependent qualifies for other coverage

Anyone who does not report the removal of a dependent or spouse in the appropriate time frame will be held responsible for expenses incurred by/to the City.

In the event that the State regulations or laws differ from this document, State law trumps.

WORKERS COMPENSATION

Employees who suffer job related injuries or illness may be entitled to medical expenses, lost income and other compensation under the New Jersey Worker's Compensation Act. The City covers worker's compensation benefits through its insurance program. Any occupational injury or illness must be immediately reported to the Supervisor or Department Head. All required medical treatment must be performed by a Worker's Compensation Physician designated by the City's insurance program and payment for unauthorized medical treatment will not be covered pursuant to the Act. When an employee or volunteer gets injured on the job he/she must comply with the following:

1. The employee needs written authorization from his/her Supervisor to receive treatment at an approved worker's compensation facility.
2. The employee and the employee's Supervisor must complete the Incident Investigation Report and First Report of Injury Report and submit it to the Administration Department for the City within forty-eight (48) hours. All paperwork and questions should be directed through the Administration Department.
3. In case of an emergency or if an approved workers' compensation facility is not open, the employee should go to the nearest hospital.
4. A nurse case manager will be assigned to coordinate and schedule appointments with specialists and/or physical therapy, if necessary.
5. After every follow-up visit to the doctor, all paperwork should be turned in to the employee's Supervisor. It is imperative that an employee keep all scheduled appointments. It is especially important to immediately advise when the status of an injured employee changes (e.g., light duty to full duty).
6. Modified or light duty may be available to some employees. Any time off taken while on modified or light duty will be charged accordingly (i.e. vacation, sick, personal). If an employee requests a sick day due to the work-related injury while on modified or light

duty, the employee must contact their Supervisor immediately. The employee should be re-examined by the medical facility at that time to determine if there is any additional problems.

7. Employees are prohibited from engaging in any outside employment for which they are expected to perform functions that interfere with their restrictions, whether or not the employee is on light or modified duty, or determined to be incapacitated by the medical provider. An employee is required to disclose to his or her Department Head any secondary employment. The employee will be informed as to whether or not the employee can continue such employment while on Worker's Compensation. An employee's failure to follow this procedure may jeopardize the employee's worker's compensation claim.

Failure to report job related injuries in a timely manner may result in disciplinary action, up to, and including termination.

EMPLOYEE ASSISTANCE PROGRAM (EAP)

The City has established an Employee Assistance Program (EAP). This confidential counseling service is provided to help employees and their families who are experiencing problems due to stress, emotional difficulties, substance abuse or any other type of personal problems.

All contacts with the EAP, whether initiated by the City through referrals or by the employee through direct contact will be handled with the strictest confidentiality.

Employees are entitled to six (6) visits with the EAP at no cost to the employee. If it is determined that the employee requires further treatment, the EAP will refer them to the appropriate treatment resource through the employee's own health insurance.

Since EAP is a contracted service, no records are maintained by the City, and the City will not have access to any employee records maintained by the EAP or its service providers.

For more information please contact the Office of Administration for a brochure.

EDUCATIONAL ASSISTANCE AND TRAINING

Subject to sufficient funds in the budget and upon approval of the Department Head and Business Administrator, employees may apply for reimbursement of tuition expenses in advance of registering for training or college courses directly related to the employee's work. The Business Administrator will be the sole judge of whether a particular course or program is "directly related" to the employee's work. Employees seeking reimbursement must obtain this written determination prior to enrolling in a course or program. If approved, reimbursement will only be provided to those individuals who receive a "C" or better in courses with a letter-grade; complete a certification satisfactorily if it is a certificate program; or receive a pass if the course is pass/fail. If the course is evaluated on some other basis, the Business Administrator reserves the right on a case-by-case basis to evaluate the method of evaluation and determine whether reimbursement is appropriate.

CONFERENCES AND SEMINARS

Requests to attend a conference or seminar must be approved by the Department Head and Business Administrator. Requests must be submitted to the Department Head at least thirty (30) days before the event. Requests must be in writing and include the conference schedule, registration information, estimated costs and a memo outlining how attending relates to the employees work. 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.

GYM MEMBERSHIP REIMBURSEMENT

The City promotes healthy habits and healthy living among its employees. Employees who attend a fitness center may be eligible for reimbursements.

Employees, who are health benefit eligible, going to a fitness center at least fifty (50) times from January 1–June 30 are eligible for a \$100 reimbursement. Employees going to a fitness center at least fifty (50) times from July 1–December 31 are eligible for a \$100 reimbursement. Only 1 visit per day will be counted.

A detailed computerized printout of the visits must be submitted (name of fitness center, name of employee with check-in dates and times) to the Office of Administration no later than July 31 for the first half of the year and no later than January 31 for the second half of the year. Late submissions will not be accepted.

In order for a fitness center to be considered eligible, it must provide at least two (2) different means of achieving cardiovascular wellness from the following list:

1. Bicycle
2. Treadmill
3. Cross Country Ski Machine
4. Group Exercise
5. Squash/Tennis/Racquetball Courts
6. Stepper
7. Rowing machine
8. Walking/Running Group
9. Pool

The Recreation Center, sports and country clubs, weight loss clinics, spas or other similar facilities are NOT eligible for reimbursements. City employees who wish to use the Recreation Center will be charged the same fees as Senior Citizens wishing to use the facility.

If the City is covered by a health plan that has this program, the City's program will terminate and if an employee receives physical fitness payment from a collective negotiations agreement they are not eligible. The City can discontinue program at any time.

VOLUNTARY BENEFITS

Voluntary benefits may include long term care insurance, vision, pre-paid legal services, pet insurance, critical illness insurance, accident insurance, additional dental insurance, universal life insurance, home-auto insurance. These programs may have open enrollment periods that limit when you can enroll for coverage. For information contact the Office of Administration. Availability may change, employees will be notified.

Here are some quick tips about enrolling in these plans:

1. Dental and Group Legal can be elected or dropped only during open enrollment or with a life event change; they follow the same rules that govern cafeteria benefits.
2. Some programs are tailored to you and the rates are based on your individual circumstance.

ATTACHMENT A: CITY OF RAHWAY DRUG AND ALCOHOL POLICY

Effective Date: March 15, 2016

The City of Rahway (“City”) is committed to providing a procedure to ensure a safe and drug-free workplace and uniform standards for post-offer/pre-employment, post-accident, random and reasonable suspicion testing among City employees including safety sensitive employees; and resources/referrals to counseling to assist employees in need.

The purpose of this Policy is to ensure confidentiality, reliability, and fairness in drug and alcohol testing. This Policy will assist the City in meeting the requirements of the Omnibus Transportation Employee Testing Act 1991, (hereafter referred to as “The Act”), and in maintaining a Drug Free Workplace (Drug Free Workplace Act of 1988). In order to ensure compliance with the Department of Transportation/Federal Highway Administration Controlled Substances and Alcohol Use and Testing Rules, these guidelines prohibit the use of illegal drugs and the abuse of other controlled substances or alcohol in order to create a safer working environment for employees, residents and the general public.

The City also recognizes its obligation to meet the requirements of the Federal Highway Administration (FHWA) in instituting a program of mandatory drug and alcohol testing. Accordingly, all City employees shall be subject to policies and procedures developed from and by the Drug Free Workplace Act, FHWA, and the United States Department of Transportation rules.

It is the policy of the City to promote a healthy and productive workplace and safe working conditions that is free from the effects of drug and alcohol, and to provide high quality services rendered to the public. These circumstances are vital to the function of the City, the safety of its municipal employees and residents, and the well-being of the general public.

The City finds that the abuse of drugs and alcohol creates a variety of workplace problems and a decline in the quality of services rendered to the general public. In balancing the interests of the City and its employees with the interest and welfare of the general public, the City hereby adopts all of the Final Rules promulgated by the Federal Department of Transportation on Control Substances and Alcohol Testing, including 49 CR, Parts 382, *et. al.* and Part 40.

This Policy applies to all City employees while on the job and/or on City premises, and all applicants who have been offered employment with the City. Whenever employees are working, are operating any a City vehicle, or are conducting City-related work onsite or offsite, they are prohibited from: (1) Using, possessing, buying, selling, manufacturing or dispensing an illegal drug (to include possession of drug paraphernalia); (2) Being under the influence of alcohol or an illegal drug as defined in this policy; and (3) Possessing or consuming alcohol. Further, employees are prohibited from using, possessing, buying, selling, manufacturing or dispensing an illegal drug (to include possession of drug paraphernalia) while off-duty and are prohibited from using prescription drugs and alcohol off-duty when that use will adversely affect job performance or job safety.

Employees who think they may have an alcohol or drug usage problem are urged to voluntarily seek confidential assistance from the City. Employees who demonstrate a substance abuse problem may be given the option to seek assistance and thereby put off consideration of termination or other disciplinary action pending the results of such assistance. Employees who undergo voluntary counseling or treatment and who continue to work must meet all established standards of conduct and job performance.

The City recognizes that, pursuant to the New Jersey Law Against Discrimination, dependency on alcohol or other substances is deemed to be a disability, and not subject to discipline. The City, however, will not tolerate the use of alcohol or illegal use of drugs by employees while on the job, nor an employee who reports to work in an impaired condition. An employee's failure to comply with this Policy or a violation of the regulations may result in severe disciplinary action including suspension, loss of pay, loss of commercial driver's licenses, and/or other privileges, or dismissal pursuant to City policy, State law and collective negotiations agreements. This policy in no way protects an employee from disciplinary action or legal consequences as a result of conduct on the job.

DEFINITIONS

“Accident” means an occurrence associated (1) with the performance of work responsibilities and/or during working hours; or (2) the operation of a vehicle during work hours in which: a fatality occurs; a bodily injury occurs which results in medical treatment; a bodily injury occurs which is reportable, or should have been reported to the City for workmen's compensation or otherwise; a bodily injury occurs as a result of using City equipment and/or machinery; damage is caused to City equipment or machinery; or with respect to any occurrence in which the vehicle involved is a bus, electric bus, van, or automobile, or any non-revenue City vehicle and one or more vehicle(s) incurs significant or major damage as the result of the occurrence.

“Adulterated specimen” means a specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.

“Alcohol” means the intoxicating agent in beverage, alcohol, ethyl alcohol, hydrated oxide of ethyl, neutral spirits, or other molecular weight alcohols including methyl or isopropyl.

“Alcohol Beverage” means any fluid or solid capable of being converted into a fluid, suitable for human consumption, and having an alcohol content of more than one half of one per centum ($\frac{1}{2}$ of 1%) by volume.

“Alcohol Concentration (or content)” means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test under this part.

“Alcohol Use” means the consumption of any beverage, mixture or preparation, including any medication, containing alcohol.

“Attorney General” means the New Jersey Attorney General’s Law Enforcement Drug Testing Policy (6/01).

“Breath Alcohol Technician (BAT)” means a trained and certified individual who instructs and assists individuals in the alcohol testing process and operates as an EBT.

“Business Administrator” means the municipal administrator for the City.

“CDL Position” means a position held by a covered employee who requires a commercial driver’s license (“CDL”) in order to perform the job, as defined in *N.J.S.A. 39:5B-3* and *N.J.A.C. 13:60*.

“Chain of Custody” means procedures to account for the integrity of each urine, blood or breathe specimen by tracking its handling and storage from point of specimen collection to final disposition (providing for detection of any attempts in tampering). With respect to drug testing, these procedures shall require that an appropriate alcohol and/or drug testing chain of custody form be used from time of collection to receipt by the laboratory and that upon receipt by the laboratory an appropriate chain of custody form(s) accounts for the sample aliquots within the laboratory.

“Change in Employee’s Job Assignment” means to alter or modify an employee’s current assignment and/or position.

“City” means the City of Rahway.

“Collection container” means a container into which the employee urinates to provide the specimen for a drug test.

“Collection Site” means a place designated by the employer where individuals present themselves for the purpose of providing a specimen of their urine and/or breathe to be analyzed for the presence of drugs and/or alcohol.

“Collection Site Person” means a specially trained medical technician who collects and processes urine specimens provided by individuals to be screened in accordance with approved collection and chain of custody procedures.

“Confirmation Alcohol Test” means a second test, using the same methodology, following a screening test with a result of 0.02 or greater, which provides quantitative confirmation of alcohol concentration.

“Confirmation Drug Test” means a second analytical procedure to identify the presence of a specific drug or metabolite that is independent of the preliminary screening test. Confirmation uses a different technique and chemical principle from that of the screening test to ensure reliability and accuracy. (Gas chromatography/mass spectrometry [GC/MS] is the only authorized confirmation method for cocaine, marijuana, opiates, amphetamines and phencyclidine.)

“Controlled Substance (Drug)” means a substance included in Schedules I to V, as defined by Section 802 (6) of Title 21 of the United States Code, the possession of which is unlawful under Chapter 13 of the Title.

“Covered Employee” means a person including a volunteer, job applicant or transferee or employee of the City, who works for the City on a full or part-time basis. This includes employees who need a CDL in the performance of his/her job, those employed as Police Officers or Fire Fighters and any and all other positions held. Unless otherwise stated, where used herein, the term employee shall mean covered employee.

“Dilute specimen” means a specimen with creatinine and specific gravity values that are lower than expected for human urine.

“Distribution” means the process or marketing.

“DOT” means the Department of Transportation.

“Drug” means any substance other than alcohol capable of altering the mood, perception, pain level, or judgment of the individual after consumption within the Attorney General’s guidelines.

“Drug test” means the laboratory analysis of a urine sample collected in accordance with 4 CFR Part 40 and analyzed in a Department of Health and Human Services (“DHHS”) approved laboratory for the presence of illegally used drugs or their metabolites.

“Emergency” means a condition of urgent need as determined by the City, State, County or Federal agencies which requires action or assistance by City personnel.

“Evidential Breath Testing Device (EBT)” means an EBT approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on the NHTSA’s “Conforming Products List of Evidential Breath Measurement Devices” (CPL).

“Employee Assistance Program (EAP)” means a program provided directly by the City or through a contracted service provider, to assist employees in dealing with drug or alcohol dependency and other personal problems. Rehabilitation and possible reentry to the workplace are usually arranged through the EAP.

“FHA” means Federal Highway Administration.

“Follow-up Test” means an employee requiring assistance for alcohol or drug related problems is subject to unannounced testing per the directions of a Medical Review Officer in consultation with a substance abuse professional. Once allowed to return to duty, an employee shall be subject to unannounced follow-up testing for at least twelve (12) but not more than sixty (60) months.

“HHS” means Department of Health and Human Services.

“Illegal Drugs” means any substance for which the possession, sale, distribution, manufacture or use by unlicensed persons is prohibited by law, but not when used pursuant to a valid prescription or when used as otherwise authorized by law.

“Initial Test (or Screening Test)” means an approved laboratory screening test to eliminate “negative” urine specimens from further confirmatory testing.

“Job Applicant” means a person who has made application for employment with the City.

“Manifested Alcohol” means any product that is being transported on the CMV as part of the shipment of freight.

“Manufacture” means to create, produce or turnout.

“Medical Review Officer (“MRO”)” means the certified physician responsible for receiving laboratory result.

“Municipality” means the City of Rahway.

“Non-Prescription Drugs” means substances that are not legally controlled and are available without a medical prescription, but which, when improperly or inappropriately used, may hamper the ability to perform assigned duties or impair judgment, alertness, and any other physical, emotional, and mental capacities.

“Off-duty” means when the employee is not functioning, working or performing services during the employee’s work hours, including but not limited to an event paid for, sponsored by or on behalf of the City.

“Off-premises” means any property not owned or leased by the City.

“On-call” means to be available when summoned for service or use by the City.

“On-duty” means function, work or services during the employee’s work hours including but not limited to an event paid for, sponsored by or on behalf of the City.

“Pass an Alcohol Test” means an individual who passes an alcohol test when a Medical Review Officer determines, in accordance with procedures in 49 CFR Part 40, that the results of the test:

1. Showed no evidence or insufficient evidence of alcohol use;
2. Showed evidence of alcohol for which there was a legitimate medical explanation; or
3. Were suspect because of the irregularities in the administration of the test, or observation, or custody and control procedures.

“Pass a Drug Test” means an individual who passes a drug test when a Medical Review Officer determines, in accordance with procedures in 49 CFR Part 40, that the results of the test:

1. Showed no evidence or insufficient evidence of a prohibited drug or drug metabolite;

2. Showed evidence of a prohibited drug or drug metabolite for which there was a legitimate medical explanation; or
3. Were suspect because of the irregularities in the administration of the test, or observation, or custody and control procedures.

“Possession” means the actual holding with or without rightful ownership.

“Premises” means any property owned or leased by the City of Rahway.

“Pre-Employment Drug Test” means a drug test given to an applicant or employee who has been given a conditional offer of employment with the City. The applicant or employee must be informed of the purpose of the urine collection prior to actual collection and must sign an informed consent form.

“Prescription Drugs” means controlled and non-controlled substances for which possession and use are legal when prescribed by licensed medical personnel.

“Prescription/Non-Prescription Misuse” means the overuse and inappropriate use of any prescription or non-prescription medication, to include the ingestion of substances prescribed specifically for the employee and/or another individual.

“Post-Accident Drug Test” means a drug test administered to an employee when an accident as previously defined has occurred.

“Random Testing” will be done only pursuant to this Policy and means a drug test that:

1. Is administered to a predetermined percentage of employees who are performing a safety sensitive function;
2. Who are selected periodically on a scientifically defensible random and unannounced basis; and
3. Who are chosen through a computer software program known as a random number generator.

“Reasonable Suspicion” means a drug test administered to a current employee who is reasonably suspected of using a prohibited drug or being under the influence of alcohol on the basis of specific contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee by two (2) or more trained Department Heads.

“Refusal to submit to an Alcohol Test” means an employee who fails to provide a sufficient quantity of breath for testing without a valid medical explanation after he/she has received notice of the requirement to be tested in accordance with the provisions of this Policy, or engages in conduct that clearly obstructs the testing process.

“Refusal to Submit to a Controlled Substance Test” means an employee who refuses to submit or fails to provide a sufficient quantity of urine for testing without a valid medical explanation after he/she had received notice of the requirements to be tested in accordance with the provisions of this Policy, or engages in conduct that clearly obstructs the testing process.

“Return to Duty” means an initial drug or alcohol test conducted prior to return to duty on an employee who previously tested positive to an alcohol or drug test or refused to submit to required drug or alcohol testing and is returning to his/her position.

“Safety-Sensitive Function/Position” means a job for which the operation or ability to operate any vehicle for which a CDL is required by law; or those individuals who perform or can be assigned to perform any repairs on a commercial motor vehicle; or those who operate or can be assigned to operate certain machinery; Officers of the Police or Fire Departments, including Dispatchers and Volunteers; and shall include all Department Heads, who oversee safety sensitive personnel.

“Sale” means the exchange of goods for money.

“SAMHSA” means the Substance Abuse and Mental Health Services Administration associated with the United States Department of Health and Human Services.

“Shipping container” means a container that is used for transporting and protecting urine specimen bottles and associated documents from the collection site to the laboratory.

“Snow Emergency” means a weather condition of urgent need for action or assistance by City personnel.

“Specimen bottle” means the bottle that, after being sealed and labeled according to the procedures in this part, is used to hold the urine specimen during transportation to the laboratory.

“Split Specimen” means the process of pouring off a portion of the original specimen into a separate container to be available for possible testing in the event the original specimen tests positive, if requested by the donor.

“Substance Abuse Professional (SAP)” means a licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, psycho therapist, social worker, employee assistance professional, or addiction counselor (Certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission), with knowledge and/or clinical experience in the diagnosis and treatment of drug and alcohol related disorders.

“Supervisor/Command Officer” means the individual, Officer, or Acting Officer who is the employee’s or member’s immediate superior in the chain of command.

“Temporary Worker” means any person hired for six (6) months or less.

“Training” means written education in accordance with 49 CFR 391.121 and 382.603 (1) about the effects and consequences of drug/alcohol use on personal health, safety, and the work environment; and (2) about objective conduct that indicates probable drug/alcohol use and abuse.

“Under the Influence” means having the presence of a drug or alcohol at or above the level of a positive test result.

“Union” means the recognized employee organization which has a collective negotiations agreement with the City.

“Use” means to avail oneself of, put on one’s own purpose to consume or expend by using.

“Vehicle” means a bus, electric bus, van, automobile, railcar, trolley car, trolley bus, or vessel.

“Verified Negative (Drug Test Result)” means a drug test result reviewed by a Medical Review Officer and determined to have no evidence or insufficient evidence as specified in Part 40 of the non-legitimate use of prohibited drugs.

“Verified Positive (Drug Test Result)” means a positive drug test result reviewed by a Medical Review Officer and determined to have evidence as specified in Part 40, of the use of prohibited drugs and no legitimate medical basis, as specified in Part 40, for the presence of prohibited drugs.

“Verified Positive (Alcohol Test Result)” means a positive alcohol test where an individual’s blood alcohol content is over .04.

“Volunteer” means any person who donates services as authorized by the City without pay or other compensation except expenses actually and reasonably incurred.

EMPLOYEES SUBJECT TO TESTING

The following persons employed by the City and/or who volunteer their time are subject to testing:

1. All employees who are required to hold a CDL in order to perform their job are subject to post-offer/pre-employment, random, post-accident/workmen’s compensation and reasonable suspicion testing.
2. All Fire Fighters, Police Officers and Auxiliary Police Officers, either paid or voluntary, are subject to post-offer/pre-employment, random, post-accident/workmen’s compensation and reasonable suspicion testing.
3. All other safety sensitive employees are subject to post-offer/pre-employment, random, post-accident/workmen’s compensation and reasonable suspicion testing.
4. All other employees are subject to post-offer/pre-employment, post-accident/workmen’s compensation and reasonable suspicion testing.
5. All employees placed on-call are subject to post-accident/workmen’s compensation and reasonable suspicion testing.
6. All employees who are subject to be called in during snow emergencies are subject to post-accident/workmen’s compensation and reasonable suspicion testing.

An employee’s participation in the City’s drug and alcohol testing programs as described herein is a requirement of each position as outlined above, and is therefore, a condition of employment.

GENERAL EMPLOYEE PROVISIONS

Prohibited and Required Conduct

Whenever employees are working, are operating any a City vehicle, or are conducting City-related work onsite or offsite, they are prohibited from: (1) Using, possessing, buying, selling, manufacturing or dispensing an illegal drug (to include possession of drug paraphernalia); and (2) Being under the influence of and/or consuming alcohol, unpermitted prescription drugs as defined under this policy, or an illegal drug as defined in this policy

Refusal to submit to a Department Head's or his/her designee's request for a drug and/or alcohol test pursuant to this Policy is prohibited. A refusal to provide a specimen will constitute a presumption of guilt and the employee will be subject to disciplinary action in accordance with the schedule set forth herein.

Adulterating a test sample in such a manner as to preclude an accurate test result is prohibited.

Employees, must, as a condition of employment, abide by the terms of this Policy and report any conviction under a criminal drug or alcohol statute for violations occurring on City premises, in City vehicles or while conducting City business off-premises.

Any employee who is prescribed a drug where the prescribing physician or pharmacist indicates that the use may impair the employee's ability to operate equipment or function in a safety sensitive role will be required to report such use to his/her Department Head or designee.

The Business Administrator or his/her designee will be notified upon the use and/or misuse of alcohol/drugs by a City employee by a Medical Review Officer (MRO) or Substance Abuse Professional (SAP).

Alcoholic Beverages

The City prohibits the following conduct regarding alcoholic beverages:

1. On-duty use of alcohol.
2. Pre-duty consumption of alcohol when doing so prohibits the employee from effectively performing his or her job duties and/or when doing so would case the employee's alcohol concentration to be 0.04 or greater.
3. Use of alcohol within eight (8) hours following an accident involving City property or until he or she has undergone the proper testing, whichever comes first.
4. During working hours, use, possession, manufacture, distribution, dispensation of alcohol on City's premises, or while performing City business or at any worksite or facility maintained by the City, in City supplied vehicles unless approved by the Business Administrator or his/her designee.
5. Conviction under any criminal drug statute for a violation.
6. Failure to notify the City of any arrest or conviction under any criminal drug statute, including statutes prohibiting driving under the influence of alcohol within five (5) days of the arrest or conviction.

Prescription Drugs

The City regulates the following conduct regarding prescription drugs:

1. Use of a prescription drug by any person other than the person for whom the drug is prescribed by a licensed medical practitioner is strictly prohibited. An employee must provide written notice to their Department Head or designee when they are using a controlled substances as part of ongoing medical treatment and said treatment could potentially prevent the employee from effectively performing his or her job duties and/or if the prescription drug or its metabolite may show up in the 10 panel test or includes any of the drugs listed in this policy. Prescription drugs shall be used only in the manner, combination, and quantity prescribed while on City's premises, or while performing City business or at any worksite or facility maintained by the City, in City supplied vehicles or during working hours.

Illegal Drugs

The City prohibits the following conduct regarding illegal drugs:

1. Any use of illegal drugs. (See Attorney General's Policy for Application to Police Officers.)
2. Use, possession, manufacture, distribution, dispensation of or sale of illegal drugs on City's premises, or while performing City business or at any worksite or facility maintained by the City, in City supplied vehicles or during working hours.
3. Possession, use, manufacture, distribution, dispensation or sale of illegal drugs off City property that adversely affects the employee's work performance, his/her safety at work, or the City's regard or reputation in the community.
4. Conviction under any criminal drug statute for a violation occurring at the workplace or on City property.
5. Arrest or conviction under any criminal drug statute under circumstances which adversely affects the City's regard or reputation in the community.

VOLUNTARY TREATMENT AND COUNSELING

Employees who seek counseling and/or rehabilitation assistance on their own may not, on that account alone, be subject to disciplinary action. However, should this assistance be sought after an investigation of work performance problems related to alcohol and drug abuse has begun, such action will not stop the investigation nor preclude disciplinary action from proceeding. Any counseling and/or rehabilitation assistance received through the City is confidential, and shall be maintained separately from the employees regular personal file in a secure location, accessible only to the Department Head, the Business Administrator or his/her designee and, upon request, the employee costs associated with any rehabilitation program may be covered by the employee's medical insurance plan; however, any costs not covered by the employee's medical insurance plan and which are not otherwise required to be paid by any applicable plan are entirely the employee's sole responsibility.

The City will comply with any applicable medical leave law, disability discrimination law or applicable leave policy. Further, the City is committed to providing reasonable accommodation to those employees whose drug or alcohol problem classifies them as handicapped where and to the extent required under Federal or State law.

NOTICE

All employees shall be provided with a copy of this Policy. Newly hired employees will also be provided with a copy of this Policy upon hire. Department Heads or designees shall be familiar with the provisions of this Policy and shall be able to respond to questions. The City may periodically disseminate educational materials regarding drug and alcohol use and abuse to all management as well as represented and non-represented employees.

REPORT OF CRIMINAL CONVICTIONS

In compliance with the Drug-Free Workplace Act of 1988, the City requires that all City employees report (to their Department Head or designee) within five (5) days, any criminal conviction related to drug activity committed within or outside of the workplace. Failure to comply will subject an employee to disciplinary action.

UNION REPRESENTATION

An employee suspected of being impaired has the right to have union representation at a meeting with his/her Department Head or designee prior to a decision to have a medical evaluation of the employee. The union representative may also accompany the employee while he/she is being medically evaluated or during any alcohol and/or drug testing procedure. A union representative shall also witness the selection process for random drug testing if the selection process is not computer generated. If the selection process is computer generated, the union shall be entitled to the name of the selection software and the appropriate company certifications.

BASIS FOR TESTING

The testing for alcohol misuse and/or controlled substance use shall be conducted by the City and/or its designee/vendor pursuant to State and Federal regulations.

As applied to Police Officers, the basis for testing must comply with the guidelines set forth in the State of New Jersey Attorney General's Law Enforcement Drug Testing Policy.

ALCOHOL POSSESSION/USE

No employee shall report for, or remain on duty while having an alcohol concentration of 0.04 or greater. Any Department Head or his/her designee having actual knowledge that an employee has an alcohol concentration of 0.04 or greater shall not permit the person to perform or continue to perform his/her duties.

No employee shall use alcohol beverages while on duty. Any Department Head or his/her designee having actual knowledge that an employee is or has used alcohol, shall not permit the person to perform or continue to perform his/her duties or work-related functions.

Any employee who will be required to take a post-accident test shall not use alcohol for eight (8) hours following the accident or until he/she undergoes the post-accident test, whichever occurs first.

No employee shall refuse to submit to any alcohol test required by this Policy, State or Federal mandate.

CONTROLLED SUBSTANCE POSSESSION/USE

Testing under this Policy shall consist of the employee providing a urine sample which will be split into two (2) separate units and analyzed by an outside laboratory.

If an employee tests positive for controlled substance use, he/she shall be removed from his/her position without pay and have an opportunity for the second sample to be tested by a second laboratory which shall also be provided by the City.

If the second sample verifies the positive result of the initial screening, the employee shall be required to undergo evaluation; treatment, if required by a Substance Abuse Professional; and a return to duty test indicating a negative test result. The cost for all subsequent testing shall be paid for by the employee.

Use of a controlled substance which potentially may impair an employee's ability to effectively perform his or her duties while an employee is undergoing prescribed medical treatment without notice to the Business Administrator, Department Head or his/her designee is strictly prohibited. Such notice may include, but is not limited to, providing the Department Head with a list of medications. The City may require a statement from the employee's physician indicating the need for the use of the drug, the approximate time period it is to be used and the potential effect it may have on the employee's ability to perform his/her job duties in a safe and effective manner.

No employee shall report for or remain on duty, while using or having used a controlled substance which is part of prescribed medical treatment without having notified the Business Administrator or his/her designee. Upon receipt of such notification, a determination shall be made as to whether the employee is able to safely and properly perform all the duties of his/her job or if unable to do so, able to perform the duties of a temporary assignment, if such work and vacancy exists.

A controlled substance's use as part of a prescribed medical treatment is not grounds for disciplinary action. The City, however, must be provided with notice of the use of the controlled substance. The employee may be instructed to provide a report from the physician describing the potential effects of the drug on the employee's job performance. The prescription must designate the employee as the person for whom the drug or medication is prescribed, not another individual. In the case of any non-prescription legal drug or medication, the employee may be required to produce identification of the drug along with indicated side effects identified by the manufacturer. Based upon the information provided and the potential side effects of the medication, the Department Head and/or Business Administrator may require the employee to take a leave under the City's leave policies if it is determined that the use of the drug in question may affect fitness for duty. Failure by the employee to notify his/her Department Head may cause the employee to

be subject to disciplinary action, up to and including termination of employment. Medications prescribed for another individual, not the employee, shall be considered to be illegally used and subject the employee to discipline up to and including termination.

As a result of the employee undergoing prescribed medical treatment with a controlled substance, it may be necessary to change an employee's job assignment may change, such as temporary placement in another position for which the employee is qualified, only if a vacancy exists. If the employee is placed in another position, such modified duty will be granted consistent with the City's Modified or Light Duty Policy. Placement in such a position shall be on a temporary basis only and shall be at the salary for that position. If no vacancies exist, the employee may be required to take a leave-of-absence under the City's leave policies.

No employee shall refuse to submit to any drug test required by this Policy, State or Federal mandate.

TYPES OF TESTING

Pre-Employment Screening

The City requires all applicants who have been given a condition offer of employment with the City to undergo a drug and alcohol screening as a condition of the employment application process. Prior to conducting the test, the applicant or employee will be informed in writing of the testing requirements and will be required to sign an informed consent form which includes the consequences of a positive test.

As a condition of employment, the employee shall provide the City with a written authorization for all previous employers within the past two (2) years to release such drug and alcohol testing records as are required under Federal regulation.

If a pre-employment drug test is canceled, the City shall require the employee or applicant to submit to and pass another test.

The FHWA regulations prohibit the City from assigning an individual who has violated either the drug or alcohol regulation to a City position.

The City may use a refusal to take the test(s) or to sign a requisite consent form as a basis for automatic disqualification from employment with the City.

Reasonable Suspicion Testing

The City shall require an employee to submit to reasonable suspicion drug and alcohol testing when a Department Head or his/her designee has a reasonable suspicion that the employee has used a prohibited drug or has misused alcohol as defined in this Policy. The Department Head's or his/her designee's request to submit to a reasonable suspicion test must be based upon specific contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee. For example, except for possession, any combination of any of the following may constitute reasonable suspicion:

1. Slurred speech;
2. Alcohol odor on breath;
3. Unsteady walking and movement;
4. An accident involving the employee, City property and/or equipment, where the cause may be symptomatic of suspected use of alcohol or drugs;
5. Physical altercation;
6. Verbal altercation;
7. Deviation from employee's normal behavior;
8. Possession of alcohol or drugs unrelated to job responsibilities;
9. Information obtained from a reliable person with personal knowledge;
10. Performance of work with reduced efficiency and/or effectiveness;

This is not meant to be an exhaustive list but rather give examples of types of behavior that may constitute reasonable suspicion.

A Department Head or his/her designee who has a reasonable suspicion that an employee is impaired by alcohol or other substance shall arrange for a substance screening. Employees who refuse to submit to a substance screening when reasonable suspicion of substance abuse exists shall be subject to disciplinary action, up to and including termination.

As applied to Police Officers, the basis for testing and documentation will be in accordance with the State of New Jersey Attorney General's Law Enforcement Drug Testing Policy.

Random Drug Testing

When permitted by law, the City or the State of New Jersey may require periodic random drug testing of employees in certain positions as set forth in applicable law. Employees subject to random drug testing will be notified of the same upon the commencement of their employment with the City.

At least fifty (50%) percent of all employees, subject to random testing, shall be drug and alcohol tested every twelve (12) months. Employees will be randomly selected for drug and alcohol testing by a certified laboratory or hospital from a list of employees from the designated groups, which is provided by the City. The list provided to the certified laboratory or hospital will be updated monthly or as needed to include new hires and delete employees who have retired, resigned or otherwise have been terminated from City employment. Employees will be chosen through a computer software program known as a random number generator. This software will meet industry standards. Random drug and alcohol testing will be coordinated through the office of the Business Administrator. Selection for testing will not remove an individual from the "pool" for the balance of the year. Thereafter, the office of the Business Administrator will coordinate the scheduling of employees with the Department Head. All testing will occur during the employee's regularly scheduled workday and work hours. For this purpose, a "regularly scheduled work day" shall include a day which the employee does not regularly work but volunteered or was assigned to work prior to the test being scheduled, or any day when the employee is working overtime. If an employee is on vacation leave, sick leave, or any other type of leave during a specific test, he/she will be excused from that test, but will remain in the eligibility group.

Employees who possess a CDL will be selected from a separate pool according to the same percentages as set forth above.

Any representative of the negotiations unit who discloses the identity of an officer or other City employee selected for random testing, or the fact that random testing is scheduled to take place prior to the collection of urine specimens shall be subject to discipline.

As applied to Police Officers, the basis for testing and documentation will be in accordance with the State of New Jersey Attorney General's Law Enforcement Drug Testing Policy.

Post-Accident Drug Testing

The City shall require all employees to submit to post-accident drug and alcohol testing within two (2) hours after an accident occurs during employment hours and which involves damage to City property, where the employee's performance contributed to the accident, and where the use of drugs or alcohol cannot be reasonably discounted as a contributing factor to the accident. The City shall have the sole discretion to require testing based upon the information available immediately after the accident.

In the case of an accident involving a fatality or the issuance of a citation to a City employee, the employee shall be automatically tested for drugs or alcohol.

If a drug/alcohol test is not administered within two (2) hours following the accident, the City may still administer the test. The City must prepare and maintain on file a record stating the reason(s) the test was not promptly administered. If a drug/alcohol test is still not administered within eight (8) hours following the accident, the City shall cease attempts to administer a drug/alcohol test and shall maintain the same record. In the event an employee is seriously injured and cannot provide a urine or breathe specimen at the time of the accident, the employee must provide necessary authorization for the City to obtain hospital records or other documents that would indicate whether there were controlled substances or alcohol in the employee's system at the time of the accident. The information obtainable by the City pursuant to said authorization shall be narrowly construed and limited to those records that would indicate the presence of alcohol or a controlled substance in the employee's blood stream at the time of the accident.

Return to Work Testing

Prior to returning to work, an employee who has a verified positive drug test result (excluding Police Officers), an alcohol result of 0.04 or greater, a refusal to submit to a test, or any other activity that violates this policy must first be evaluated by the Business Administrator or his/her designee to determine whether the employee has followed the recommendations for action by the Substance Abuse Professional, including participation in any rehabilitation program. An employee shall, at his/her option, have a union representative present at any meeting called for the purpose of such an evaluation.

Subsequent to the evaluation by the Medical Review Officer or Substance Abuse Professional, the employee must pass a return to duty drug and alcohol test. This test must indicate a verified negative result for controlled substance and alcohol use.

As applied to Police Officers, any Police Officer who has a verified positive drug test result will be subject to the penalties outlined in the State of New Jersey Attorney General's Law Enforcement Drug Testing Policy.

The Business Administrator or his/her designee will be notified upon any of the above instances by the MRO or SAP. A determination will then be made if further treatment or action in accordance with this Policy must be taken by the employee in order to return to work.

Post Rehabilitation and/or Treatment (follow-up) Testing

An employee who has tested positive and has successfully completed a program of rehabilitation and/or treatment will be permitted to return to work. The employee, however, will be subject to random, unannounced drug and/or alcohol testing for a period to be determined by the employer, not to exceed twelve (12) months after the return to duty.

REFUSAL TO SUBMIT TO A TEST

An employee's refusal to submit to a test required under this Policy will be considered the same as failing the test.

Determination of a Refusal

The following will be considered a refusal:

If the employee:

1. Fails to provide sufficient quantities of breath for alcohol testing as required by Part 40 of the Federal Motor Carrier Safety Regulations without a valid medical explanation after receiving notice of the legal requirement of such testing;
2. Fails to provide an adequate urine sample for controlled substances testing without genuine inability to provide a specimen as determined by a medical evaluation, after receiving notice of the legal requirements of such testing;
3. Tampers with or attempts to adulterate the specimen or collection procedure;
4. Does not report to the collection site in the time allotted without reasonable excuse; or
5. Leaves the scene of an accident without a valid reason before the test has been conducted or instructions to leave received from a Department Head.

Police Officers

Consistent with the Attorney General's Law Enforcement Drug Testing Policy, Police Officers who refuse to submit to a drug test when randomly selected are subject to the same penalties as those officers who test positive for the illegal use of drugs.

An officer who resigns or retires after receiving a lawful order to submit a urine specimen for drug testing and who fails to provide a specimen shall be deemed to have refused to submit to the drug test.

Consequences of a Refusal

Applicant - The City may use a refusal to take the test(s) or to sign a requisite consent form as a basis for automatic disqualification from employment with the City.

Police Officers - Police Officers shall be subject to the same penalties as those officers who test positive for the illegal use of drugs.

All Other City Personnel - A refusal to undergo drug and/or alcohol testing shall be considered a positive and will result in the same disciplinary consequences as a positive test.

TESTING PROCEDURE

The City will strictly adhere to all standards of confidentiality and assure all employees that testing records and results will be released only to those authorized by the FHWA rules to receive such information. City employees will be tested as set forth in this Policy.

Drugs - Under the FHWA drug testing regulation for CDL employees, the Drug Free Workplace Act for employees, the Attorney General's Policy and those included in safety sensitive positions, the City is required to conduct laboratory testing of urine specimens for ten (10) types of drugs. The presence of either a drug or its metabolite in the urine at levels which signify a positive test result under Part 40 indicates use of the drug in the recent past. A metabolite is a modified form of a drug that has been chemically altered by the body's metabolic system.

The Federal regulations and the Attorney General's Policy require testing for the following drugs (or their metabolites):

1. Amphetamine/methamphetamine
2. Barbiturates
3. Benzodiazepine
4. Cannabinoids
5. Cocaine
6. Methadone
7. Phencyclidine
8. Opiates
9. Propoxyphene
10. Quaaludes

As applied to Police Officers, notice will be given at such time as Federal regulations and/or the Attorney's General's Policy has been updated.

Drug Specimen Collection Site

Urine specimens will be collected, stored and transported in a manner consistent with HHS guidelines and/or approved by the State Toxicology Laboratory to ensure compliance with the Attorney General's Policy. The collection of breath samples will be conducted in a manner consistent with HHS guidelines and/or approved by the State Toxicology Laboratory to ensure compliance with the Attorney General's Policy.

All urine specimens and breathalyzers must be collected in a manner that is consistent with Health and Human Services (HHS) guidelines at an appropriate collection site. The designated collection site will be such sites that may be designated by the Business Administrator.

Chain of Custody Forms

Chain of custody standardized forms shall be properly executed by authorized collection site personnel to ensure that each specimen is monitored throughout the collection, transportation and analysis process.

Specimen Collections

The identity of individual employees shall remain confidential. Individual specimens shall be identified through the process by the use of social security numbers. Prior to the submission of a specimen, all Police Officers shall execute a form consenting to the collection and analysis of their urine for illegal drugs. See Attorney General's Law Enforcement Drug Testing Policy, Appendix A1.

Police Officers shall have a monitor as designated by the Union present throughout the specimen collection process as proscribed by the Attorney General's Policy.

The procedures utilized for the collection of urine specimens shall allow for individual privacy unless there is a reason to believe that a particular individual may alter or substitute the specimen to be provided. Law enforcement personnel must document the facts underlying the belief that an individual Police Officer may adulterate a specimen or compromise the integrity of the test process.

A collection person of the same gender as the donor must observe the second collection immediately after the first collection in the following circumstances:

1. The urine sample falls outside the normal temperature range, and
2. The employee declines to provide a measurement of oral body temperature, or
3. Oral body temperature varies by more than 1 c/1.8 F from the temperature of the specimen, or
4. The employee's conduct clearly and unequivocally attempts to substitute the urine specimen, or
5. The most recent urine specimen provided by the employee was determined by the laboratory to have a specific gravity of less than 1.003 and a creatinine concentration below 0.2g/l, or
6. The employee has previously been determined to have used a controlled substance without medical authorization and the particular testing is being conducted under the FHWA regulation as a return to duty or follow-up test.

Individuals that initially are unable to produce a specimen may remain under the supervision of the test monitor until the monitor is satisfied that the individual cannot produce a specimen. While the individual is under supervision, the monitor may allow the individual to drink fluids in an attempt to induce the production of a specimen. If the individual remains unable to provide a specimen after a reasonable period of time, the monitor may have the individual examined by a doctor to determine whether the inability to produce a specimen was the result of a medical or physical infirmity or constituted a refusal to cooperate with the drug testing process.

Police Officers shall have the option to provide the monitor with a second urine specimen at the same time the first specimen is collected and shall follow the guidelines established in the Attorney

General's Law Enforcement Drug Testing Policy. All costs associated with a split specimen shall be borne by the employee.

Laboratory Testing

Laboratory Accreditation - All laboratories used to perform urine testing must be licensed as a clinical laboratory under the Substance Abuse and Mental Health Services Administration (SAMHSA) and/or the New Jersey Department of Health. Upon request, all unions representing City employees will be provided a list of Laboratories used by the City for testing under this Policy, as well as written documentation that each such laboratory is accredited.

All testing will be performed using the drug testing drug cut-off levels (positive or negative decision points) established by the U.S. Department of Health and Human Services, Mandatory Guidelines for Federal Workplace Drug Testing Programs (53 CFR 11970) and all appendices, supplements and amendments thereto.

All drug testing under the FHWA regulations must be completed in a laboratory certified by the Department of Health and Human Services (DHHS) or Substance Abuse and Mental Health Services Administration (SAMHSA).

The New Jersey State Toxicology Laboratory within the Division of Criminal Justice shall constitute the sole facility for the analysis of law enforcement drug tests. All submissions of specimens for analysis shall comply with the protocol as set forth in the Attorney General's Policy.

Confirmation Test

All positive drug test results are to be confirmed by GAS Chromatography/Mass Spectrometry (GC/MS).

Prior to reporting a positive test result to the Business Administrator, the MRO shall review and verify the confirmed laboratory positive. The MRO shall also tell the employee that he/she has the option of having the results confirmed at another NIDA certified laboratory. The employee is responsible for the cost of the retest.

CONSEQUENCES OF A CONFIRMED POSITIVE TEST

Upon receipt of a verified or confirmed positive drug or alcohol test result, which indicates a violation of the City's written policy, the City may use that test result as the basis for the following actions:

First Offense

1. The employee will be sent to a Substance Abuse Professional (SAP) for evaluation and consultation with the MRO and will require counseling.
2. The employee will be permitted to use sick and vacation time until such time as the employee has passed the Return to Work Test.
3. Automatic ten (10) day suspension without pay.

Second Offense

1. The employee will be sent to a Substance Abuse Professional (SAP) for evaluation and consultation with the MRO.
2. The employee will NOT be permitted to use sick and vacation time until such time as the employee has passed the Return to Work Test.
3. Automatic six (6) month suspension without pay.

Third Offense

1. Automatic dismissal from employment.

The disciplinary procedures will be implemented in accordance with State law and the collective negotiations agreement. The employee and the Union will be notified of the proposed action in writing and informed of his/her rights to representation and grievance.

Police Officers will be subject to the penalties as proscribed by the Attorney General Guidelines and the Law Enforcement Drug Testing Policy.

GRIEVANCE

Any dispute arising from the interpretation or application of this Policy shall be resolved through the grievance procedure of the collective negotiations agreement.

ALCOHOL

An employee with an alcohol concentration of 0.04 or greater will be removed from duty and be subject to the penalty under this Policy.

TRAINING

It is the expectation of the City that employees receiving this Policy have read and understand its contents. Any employee with questions or in need of clarification can either ask to speak with his or her Department Head or Administration to receive such clarification. Clarification can also be requested in writing and will be responded to in writing within five (5) days of receipt. Written request for clarification cannot be made after a violation has occurred.

Additionally, the City will require all employees to attend training which may include examination of this Policy. Failure to attend training is not an excuse for compliance with this Policy.

Department Heads and supervisory personnel may receive additional training. Department Heads will be provided with instruction as to how to deal with an employee who:

1. Fails to abide by the City's Drug and Alcohol Policy;
2. Available treatment options; and
3. Signs and symptoms of alcohol and drug abuse required in the Drug and Alcohol regulations in CDL.

INDIVIDUAL ACCESS TO TEST AND LABORATORY RESULTS

Any employee who is the subject of a drug/alcohol test conducted under this part shall, upon written request, have access to any records relating to his/her drug/alcohol test and any records relating to the results of any relevant certification, review, or revocation of certification proceedings.

CONFLICT WITH FHWA OR STATE REGULATIONS

In the event of a conflict between any section of this Policy and the Federal and State regulations cited herein, the regulations will prevail.

EMPLOYER NOTIFICATIONS

The City shall notify an applicant of any pre-employment test results if requested, in writing, within sixty (60) calendar days of being notified of the disposition of the employment application.

The City shall notify an employee of the results of random, reasonable suspicion, post-accident, follow-up and return-to-duty tests for alcohol or controlled substances conducted under this Policy if the test results are verified positive. The employee shall also be informed of what substance(s) were positive. The employee may then be subjected to any further disciplinary actions as prescribed within the Policy. Any notice of disciplinary action issued pursuant to this Policy may also be forwarded to the employee's Union representative. Upon the filing of a formal grievance or appeal by a Union in connection with the administration of this Policy or any discipline issued hereunder, the Union shall be entitled to all relevant records pertaining to the subject matter of the grievance or appeal.

PRE-EMPLOYMENT RELEASE OF TEST INFORMATION BY PREVIOUS EMPLOYERS

The City may obtain, pursuant to an employee's written consent, any information concerning his/her prior employment test results for alcohol and/or controlled substance use.

The City shall obtain, pursuant to an employee's written consent, information regarding his/her alcohol test with a concentration result of 0.04 or greater, positive controlled substances test results, and refusals to be tested within the preceding two (2) years, which are maintained by the employee's previous employers.

CONFIDENTIALITY/RECORDS RETENTION

Retention of Records

The Business Administrator or his/her designee shall retain for a period of not less than five (5) years following the employee's termination any records relating to this Policy.

The City shall retain the following records:

1. Records of all employee alcohol tests in which said results indicate an alcohol concentration of 0.04 or greater.

2. Records of employee verified positive controlled substances test.
3. Documentation of employee refusals to submit to required alcohol and/or controlled substances tests.
4. Breath testing equipment calibration documentation if service performed in-house.
5. Employee evaluation, referrals, treatments plans and progress reports.
6. A copy of each annual calendar year summary required by the U.S. Department of Transportation and Federal Highway Administration.

The City shall retain for a period of not less than one (1) year all records of employee negative and cancelled test results with an alcohol concentration of less than 0.04.

The City shall maintain the following specific records:

Collection Log Books

1. All documents relating to the random selection process.
2. Calibration documentation for all breath testing devices services performed directly by City personnel.
3. All documents generated in connection with decisions on post-accident, follow-up or return-to-duty tests and results thereof, including any Department of Insurance generated lists, logs, records or reports.
4. All documents verifying the existence of a medical explanation of the inability of an employee to provide adequate breath or to provide a urine specimen for testing.
5. Consolidated annual calendar year summaries as required by the U.S. Department of Transportation, Federal Highway Administration.
6. The Employer's Copy of the alcohol test form, including the test result.
7. The Employer's Copy of the controlled substance test chain of custody and control form.
8. Documents sent by the medical review officer to the employer.
9. Documents related to the refusal of any employee to submit to an alcohol or controlled substances test.
10. Documents presented by an employee to dispute the result of an alcohol or controlled substances test.
11. Records related to other violations of this Policy, including a log that provides a list of employees who have driving privileges or safety-sensitive functions suspended.
12. Records concerning an employee's compliance or non-compliance with recommendations of a Substance Abuse Professional.
13. Materials on alcohol misuse and controlled substance use, awareness, and a copy of this Policy.
14. Documentation of training provided to Department Heads for the purpose of qualifying them to make a determination concerning the need for alcohol and/or controlled substances testing based upon reasonable suspicion.
15. Certification, if required, that any designated management vendor, testing laboratory or MRO utilized by the City for complying with the mandate of the U.S. Department of Transportation, Federal Highway Administration.
16. Any and all agreements with any designated management vendor, testing laboratory or MRO utilized by the City for complying with the mandate of the U.S. Department of

Transportation, Federal Highway Administration, Omnibus Transportation Testing Act of 1991.

17. Monthly laboratory statistical summaries of urinalyses performed by same.
18. The location of all records and the person responsible for maintaining said records.
19. Any records/information pertaining to a specific employee's testing/treatment for alcoholism, drug related problems shall be kept strictly confidential, separate and apart from the employee's regular personnel file, with limited access by any outsider or City personnel.

Reporting of Results in a Management Information System

The City shall report all information that is requested and required by the Federal Highway Administration.

Confidentiality

The confidentiality of the employees of the City is very important given the sensitive nature of substance programs and drug testing. The employees must be assured that their test results will be kept confidential pursuant to applicable laws.

The City shall abide by the following:

1. The City shall not release employee information contained in records required to be maintained pursuant to this Policy, except as required by law or expressly authorized by the employee or required by the U.S. Department of Transportation.
2. Any employee currently employed by the City may request in writing copies of any written records pertaining to his/her own use of alcohol and/or controlled substances. Upon written authorization from the employee, the Union president or his/her designee shall be forwarded written copies of these records.
3. Employee alcohol and controlled substances records shall be made available to a subsequent employer upon receipt of a written request from the employee. Disclosure to the subsequent employer is permitted only as expressly authorized by the terms of the employee's request. A fee may be charged consistent with other City policy.
4. The City shall release, for a fee consistent with City policy, information regarding an employee's records as directed by the specific, written consent of the employee authorizing release of the information to an identified person. Release of information by the person receiving same is permitted only in accordance with the terms of the employee's consent.
5. Laboratory reports or test results of chemical tests shall not appear in an employee's official personnel file. Information of this nature will be contained in a separate confidential medical folder that will be securely kept under the control of the Business Administrator.

Disclosures, without employee consent, may also occur when:

1. The information is compelled by law or by judicial or administrative process;
2. The information has been placed at issue in a formal dispute between the employer and employee;
3. The information is to be used in administering an employee benefit plan;
4. The information is needed by medical personnel for the diagnosis or treatment of the employee who is unable to authorize disclosure; and
5. Release or use of the information is otherwise permitted by law.

An applicant or employee shall receive, at his or her request, the results of any drug or alcohol test performed in accordance with this policy within a reasonable time after the results are available.

When disciplinary action is recommended or proposed under this Policy, the laboratory reports will be made available to the employee including all chain of custody forms.

OUTSIDE CONTRACTORS

Any outside contracted service which requires the use of employees who must possess a CDL will be required to submit a certification that they are in compliance with the Omnibus Transportation Employee Testing Act of 1991.

OTHER

Employees who are called in to work for an emergency, snow or other work-related situations during off-duty time and have been drinking alcohol shall notify the appropriate supervisory personnel with no fear of consequence and arrangements may be made to report later.

Nothing in this Policy shall make any labor organization liable to the City or to an employee or to any other person. Labor organizations are not responsible for ascertaining or monitoring the alcohol or drug-free status of an employee.

CERTIFICATION OF RECEIPT DRUGS AND ALCOHOL POLICY

I certify that I have received a copy of, and have read the City of Rahway Drugs and Alcohol Policy dated March 15, 2016. I understand that as a condition of employment I must comply with these guidelines, and do agree that I will remain medically qualified by following these procedures. If I develop a problem with alcohol or drug abuse during my employment with the municipality, I will seek assistance through my Supervisor.

Name (Print)	
Date	
Signature	
Department	
Supervisor's Name	

APPENDIX A1 – Drugs and Alcohol Policy

ATTORNEY GENERAL’S LAW ENFORCEMENT DRUG TESTING POLICY



APPENDIX A2 – DRUGS AND ALCOHOL POLICY

CITY OF RAHWAY
Drug and Alcohol Policy
Observed Behavior Reporting Form

Name of Employee	Department	Title
Incident Location	Date Observed	Time Observed From _____ am or pm To _____ am or pm

INSTRUCTIONS: Record employee behavior for reasonable suspicion for the use of alcohol or controlled substances by marking items that apply and describe specifics.

Reasonable suspicion determined for:

☐ Alcohol☐ Controlled Substances

APPEARANCE	Sleepy	Tremors	Clothing	Cleanliness	
Description:					
BEHAVIOR	Erratic	Irritable	Inappropriate/Gaiety	Mood Swings	Lethargic
Description:					
SPEECH – Description:					
BODY ODORS – Description:					
OTHER OBSERVATIONS – Explain:					

WITNESS BY:

am or pm

Signature

Title

Preparation Date & Time

EMPLOYEE'S ACKNOWLEDGEMENT AND CONSENT:

I acknowledge that I have been informed of the City's reasons for requesting this drug/alcohol testing and consent to the testing.

Employee Signature

Date

APPENDIX A3 – Drugs and Alcohol Policy

TERMS OF CONTINUED EMPLOYMENT WHILE EMPLOYEE IS IN "ON NOTICE" STATUS

I, _____ (name of employee), agree that, having tested positive for drugs and/or alcohol, shall adhere to the following conditions for the periods beginning _____ and ending _____ in order to remain employed by the City of Rahway. If I fail to adhere to these conditions, my employment may be terminated.

1. The employee must become and remain drug and alcohol free.
2. The employee must meet with an EAP counselor.
3. The employee must participate in an appropriate treatment program as arranged by the EAP counselor. If the treatment involves in-patient care, the employee may use any accumulated leave time. The employee must agree to allow the EAP counselor to monitor the employee's progress with the treatment provider, and to communicate with the City's Business Administrator. The latter requires the employee to sign the necessary forms authorizing release of medical information related to drug and alcohol conditions.
4. Upon return to a safety-sensitive job, an employee will be subject to unannounced testing for drugs or alcohol no less than six (6) times during the first twelve (12) months of active service with the possibility of unannounced testing for up to sixty (60) months. These tests will be directly observed and paid for by the employee. Any attempt by the employee to submit an adulterated sample will be grounds for termination.
5. The employee must adhere to City standards regarding job performance, attendance, tardiness and conduct during the probationary period. All requests for vacation, compensatory, and personal leave time must be requested/scheduled with the employee's Supervisor no less than twenty-four (24) hours in advance unless there is a substantial emergency situation.
6. If absent, the employee shall provide a note from the employee's personal physician, if requested. The City reserves the right to have employee evaluated by the City physician.
7. Before returning to work, the employee shall be required to achieve a negative result on a return-to-duty drug and alcohol test. A failure of a return to work test constitutes a second offense under the policy.

Employee Signature

Witness

ATTACHMENT B: CITY OF RAHWAY IDENTITY THEFT PREVENTION POLICY

BACKGROUND

The risk to the City of Rahway, (“City”) its employees, officials, residents, and customers from data loss and identity theft is a significant concern to the City and can be reduced only through the combined efforts of every employee and contractor.

PURPOSE

The City adopts this sensitive information policy to help protect its officials, employees, residents, customers, contractors and the City from damages related to the loss or misuse of sensitive information.

This policy will:

1. Define sensitive information.
2. Describe the physical security of data when it is printed on paper.
3. Describe the electronic security of data when stored and distributed.
4. Place the City in compliance with State and Federal law regarding identity theft protection.
5. Identify the “designated authority”, which shall be the Chief Financial Officer of the City, which designated authority shall implement the policies herein.

This policy will enable the City to protect existing customers, reduce risk from identity fraud, and minimize potential damage to the City from fraudulent new accounts. The program will help the City:

1. Identify risks that signify potentially fraudulent activity within new or existing covered accounts.
2. Detect risks when they occur in covered accounts.
3. Respond to risks to determine if fraudulent activity has occurred and act if fraud has been attempted or committed.
4. Update the program periodically, including reviewing the accounts that are covered and the identified risks that are part of the program.

SCOPE

This policy and protection program applies to officials, employees, contractors, temporary workers, and other workers at the City, including all personnel affiliated with third parties.

POLICY

Sensitive Information Policy

Sensitive information includes the following items whether stored in electronic or printed format:

1. Credit card information, including any of the following:
 - a. Credit card number (in part or whole)
 - b. Credit card expiration date

- c. Cardholder name
 - d. Cardholder address
- 2. Tax identification numbers, including:
 - a. Social Security number
 - b. Business identification number
 - c. Employer identification numbers
- 3. Payroll information, including, among other information:
 - a. Paychecks
 - b. Pay stubs
 - c. Cafeteria plan check requests and associated paperwork
- 4. Medical information for any official, employee, resident or customer, including but not limited to:
 - a. Doctor names and claims
 - b. Insurance claims
 - c. Prescriptions
 - d. Any related personal medical information
- 5. Other personal information belonging to any official, employee, resident, customer or contractor, examples of which include:
 - a. Date of birth
 - b. Address
 - c. Phone numbers
 - d. Maiden name
 - e. Names
 - f. Internal identification number for any official, employee, resident, customer or contractor

City personnel are encouraged to use common sense judgment in securing confidential information to the proper extent. Furthermore, this section should be read in conjunction with the Open Public Records Act. If an employee is uncertain of the sensitivity of a particular piece of information, the employee should contact their Supervisor. In the event that the City cannot resolve a conflict between this policy and the Open Public Records Act, the City may contact the Government Records Council for guidance regarding the Open Public Records Act.

Hard Copy Distribution

Each employee and contractor performing work for the City will comply with the following policies:

- 1. File cabinets, desk drawers, overhead cabinets, and any other storage space containing documents with sensitive information will be locked when not in use.
- 2. Storage rooms containing documents with sensitive information and record retention areas will be locked at the end of each workday or when unsupervised.
- 3. Desks, workstations, work areas, printers and fax machines, and common shared work areas will be cleared of all documents containing sensitive information when not in use.
- 4. Whiteboards, dry-erase boards, writing tablets, etc. in common shared work areas will be erased, removed, or shredded when not in use.
- 5. When documents containing sensitive information are discarded they will be placed inside a locked shred bin or immediately shredded. Locked shred bins are labeled “*Confidential*”

paper shredding and recycling.” City records, however, may only be destroyed in accordance with the City’s records retention policy.

Electronic Distribution

Each employee and contractor performing work for the City will comply with the following policies:

1. Internally, sensitive information may be transmitted using approved e-mail.
2. Any sensitive information sent externally must be encrypted and password protected and only to approved recipients. Additionally, a statement such as this should be included in the e-mail:

“This message may contain confidential and/or proprietary information and is intended for the person/entity to whom it was originally addressed. Any use by others is strictly prohibited.”

ADDITIONAL IDENTITY THEFT PREVENTION PROGRAM

If the City maintains certain covered accounts pursuant to Federal legislation, the City reserves the right to amend this policy to include the additional program details.

Covered Accounts

A covered account includes any account that involves or is designed to permit multiple payments or transactions. Every new and existing account for any official, employee, resident, customer or contractor that meets the following criteria is covered by this program:

1. Business, personal and household accounts for which there is a reasonably foreseeable risk of identity theft;
2. Business, personal and household accounts for which there is a reasonably foreseeable risk to the safety or soundness of the City from identity theft, including, but not limited to, proprietary, operational, compliance, reputation or litigation risks.

Red flags

Any time a red flag, or a situation closely resembling a red flag, is apparent to an employee or contractor, it must be investigated for verification. The following red flags are potential indicators of fraud:

1. Alerts, notifications or warnings from a consumer reporting agency;
2. A fraud or active duty alert included with a consumer report;
3. A notice of credit freeze from a consumer reporting agency in response to a request for a consumer report; or
4. A notice of address discrepancy from a consumer reporting agency as defined in § 334.82(b) of the Fairness and Accuracy in Credit Transactions Act.

Red flags also include consumer reports that indicate a pattern of activity inconsistent with the history and usual pattern of activity of an applicant or customer, such as:

1. A recent and significant increase in the volume of inquiries;
2. An unusual number of recently established credit relationships;
3. A material change in the use of credit, especially with respect to recently established credit relationships

4. An account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.

Suspicious Documents

Documents provided for identification that appear to have been altered or forged.

The photograph or physical description on the identification is not consistent with the appearance of the applicant or customer presenting the identification.

Other information on the identification is not consistent with information provided by the person opening a new covered account or customer presenting the identification.

Other information on the identification is not consistent with readily accessible information that is on file with the municipality, such as a signature card or a recent check.

An application appears to have been altered or forged, or gives the appearance of having been destroyed and reassembled.

Suspicious Personal Identifying Information

The personal identifying information provided is inconsistent when compared against external information sources used by the City. For example:

1. The address does not match any address in the consumer report.
2. The Social Security Number (SSN) has not been issued or is listed on the Social Security Administration's Death Master File.
3. Personal identifying information provided by the customer is not consistent with other personal identifying information provided by the customer. For example, there is a lack of correlation between the SSN range and date of birth.
4. The personal identifying information provided is associated with known fraudulent activity as indicated by internal or third-party sources used by the City. For example, the address on an application is the same as the address provided on a fraudulent application.

Personal identifying information provided is of a type commonly associated with fraudulent activity as indicated by internal or third-party sources used by the City. For example:

1. The address on an application is fictitious, a mail drop, or a prison.
2. The phone number is invalid or is associated with a pager or answering service.
3. The SSN provided is the same as that submitted by other persons opening an account or other customers.
4. The address or telephone number provided is the same as or similar to the address or telephone number submitted by an unusually large number of other customers or other persons opening accounts.
5. The customer or the person opening the covered account fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.
6. Personal identifying information provided is not consistent with personal identifying information that is on file with the City.

7. When using security questions (mother's maiden name, pet's name, etc.), the person opening the covered account or the customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.
8. Unusual use of, or suspicious activity related to, the covered account.
9. Shortly following the notice of a change of address for a covered account, the City receives a request for new, additional, or replacement goods or services, or for the addition of authorized users on the account.
10. A new revolving credit account is used in a manner commonly associated with known patterns of fraud. For example, the customer fails to make the first payment or makes an initial payment but no subsequent payments.

A covered account is used in a manner that is not consistent with established patterns of activity on the account. There is, for example:

1. Nonpayment when there is no history of late or missed payments;
2. A material change in purchasing or usage patterns.

A covered account that has been inactive for a reasonably lengthy period of time is used (taking into consideration the type of account, the expected pattern of usage and other relevant factors).

Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's covered account.

The City is notified that the customer is not receiving paper account statements.

The City is notified of unauthorized charges or transactions in connection with a customer's covered account.

The City receives notice from customers, victims of identity theft, law enforcement authorities, or other persons regarding possible identity theft in connection with covered accounts held by the City.

The City is notified by a customer, a victim of identity theft, a law enforcement authority, or any other person that it has opened a fraudulent account for a person engaged in identity theft.

RESPONDING TO RED FLAGS

Once potentially fraudulent activity is detected, an employee must act quickly in accordance with the procedures set forth below, as a rapid appropriate response can protect customers and the City from damages and loss.

Once potentially fraudulent activity is detected, an employee or contractor must gather all related documentation and write a description of the situation. This description must be presented to the designated authority for a determination whether fraudulent activity has occurred.

The designated authority will conduct additional authentication to determine whether the attempted transaction was fraudulent or authentic.

If a transaction is determined to be fraudulent, appropriate actions must be taken immediately. Actions may include:

1. Canceling the transaction, if possible.
2. Notifying the actual customer that fraud has been attempted.
3. Notifying and cooperating with appropriate law enforcement.
4. Determining the extent of liability of the municipality.

PERIODIC UPDATES TO PLAN

This program shall be re-evaluated annually by the designated authority to determine whether all aspects of the program are up to date and applicable in the current business environment.

Periodic reviews by the designated authority shall include an assessment of accounts that are covered by the program.

As part of the review by the designated authority, recommendation may be made to the City's governing body that red flags should be revised, replaced or eliminated. Defining new red flags may also be an appropriate recommendation by the designated authority.

Recommendations by the designated authority may also include revisions to actions to be taken in the event that fraudulent activity is discovered to reduce damages and loss to the customer and/or to the City and its officials, employees, contractors, and residents.

PROGRAM ADMINISTRATION

Involvement of Management

The Identity Theft Prevention Program shall not merely be operated as an extension to existing fraud prevention programs. Its importance warrants the highest level of attention. As such the Chief Financial Officer is hereby named as the "designated authority".

This Identity Theft Prevention Program and Policy has been adopted by the City Council of the City of Rahway. All subsequent revisions, updates, supplements and/or replacements must be authorized by the City Council. The current policy and documentation relative to any revision or replacement of same shall be filed with the City Clerk.

Operational responsibility for the implementation of this policy and of the program is delegated to the Chief Financial Officer of the City, who is the designated authority.

Staff Training

Staff training shall be conducted for all employees, officials and contractors for whom it is reasonably foreseeable that they may come into contact with accounts or personally identifiable information that may constitute a risk to the City, its customers and residents.

The Chief Financial Officer is responsible for ensuring identity theft training for all requisite employees and contractors.

Employees must receive annual training in all elements of this Policy.

To ensure maximum effectiveness, employees may continue to receive additional training as changes to the program are made.

Oversight of Service Provider Arrangements

It is the responsibility of the City to ensure that the activities of all service providers are conducted in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of identity theft.

A service provider that maintains its own identity theft prevention program, consistent with the guidance of the red flag rules and validated by appropriate due diligence, shall be considered to have met the requirements of this program.

The City shall include appropriate language in its contracts to ensure that its contractors are aware of and shall adhere to the requirements of this program.

ATTACHMENT C: CITY OF RAHWAY PURCHASING PROCEDURES

INTRODUCTION

The purpose of this Purchasing Policy is to assist City employees in the proper purchasing practices to be in full compliance with:

1. New Jersey Local Public Contracts Law – Title 40A:11-1 et seq.
2. New Jersey Administrative Code (relative sections to purchasing)
3. City of Rahway Administrative Policy

The Purchasing Policy is designed to achieve three (3) goals:

1. Comply with the State laws and City policy regarding purchasing procedures.
2. Promote efficiency in purchasing practice operations.
3. Achieve financial savings through proper purchasing practices.

We are required as the user of the purchasing system, to help achieve these goals through proper planning. Please allow yourself enough time between generating a Purchase Order and the actual date materials or services are needed. Commodity code purchasing limits are not regulated on an individual or departmental basis, but rather in the aggregate for the entire City and on an annual basis.

Remember: THE KEY TO ENDING YOUR FRUSTRATION IS PLANNING.

This Policy should be reviewed with Department Heads, Division Heads and others who are involved in the purchasing process. It is imperative that everyone adheres to all purchasing laws and guidelines.

If you have any questions concerning the following guidelines, please do not hesitate to call the Finance Office at 732-827-2020.

PURCHASE ORDER PROCEDURES

All requests for purchases of materials, supplies, and services must be made through a signed and approved Purchase Order.

A Purchase Order pursuant to State Law N.J.S.A. 40A:11-2(29) is a document issued by the Qualified Purchasing Agent ("QPA") and approved by the Business Administrator authorizing work or service to be done, and/or the materials and supplies to be ordered and delivered to our City.

Any City employee who orders and/or receives any materials, supplies or services without first going through the approved Purchase Order process has made an unauthorized purchase. There are no Confirming Purchase Orders permitted. If you are unsure, please see your immediate Supervisor.

Unauthorized purchases are a violation of State Law and City Policy. Penalties may be assigned by the Business Administrator for unauthorized purchases.

PURCHASING PROCESS

Purchase Order requests are generated at the department/division level and need to be approved by the Department or Division Head.

A formal Purchase Order request is entered in the budget and accounting system by an authorized staff member. The Department Head is responsible for all data entered into the accounting system and all Purchase Order requests made in person or by staff members.

The accounting system is designed to limit the Purchase Orders issued by the amount of available funds within your authorized accounts. It is ultimately the Department Heads responsibility to ensure sufficient funds are available prior to authorizing a Purchase Order to be issued. This can be achieved by constant monitoring of the budget appropriation reports available from the finance accounting system.

The Department Head is responsible to ensure the proper authorized account is charged relating to the type and scope of purchase being requested. This will enable proper budgeting for future year's operations.

All new Vendor information shall be added to the accounting system software by the Finance Office staff only upon receiving the required IRS, State of New Jersey and company information. Only one (1) Vendor number will be issued per Vendor.

Vendors submitted on Purchase Orders may be changed for any, but not limited to, the following reasons:

1. The City or QPA determines a less expensive source is available.
2. The Vendor has not complied with submitting the required information.
3. The purchase will exceed the City's quote or bid threshold requiring additional action.
4. Any other reason deemed to protect the financial or legal interest of the City.

The Chief Financial Officer and Business Administrator will review each Purchase Order to confirm the following:

1. Availability of funds.
2. Proper account charged.
3. Compliance with bid and quote requirements.
4. Purchase is deemed legal and necessary.

The Purchase Order will be approved if deemed correct and in compliance with all requirements. A Purchase Order number will be assigned. If the Purchase Orders is rejected it will be sent back to the Finance Office to be deleted from the accounting system and sent to the originator with comments attached for correction.

When a Purchase Order is rejected, it is the responsibility of the originator to review the comments, make the required corrections and re-submit the Purchase Order for approval.

Purchase Orders will be printed daily and forwarded to Administration for approval.

Signed Purchase Orders will be distributed to the appropriate departments/divisions to be mailed out to Vendors (unless marked otherwise).

It should be noted that a Purchase Order is not valid until signed by either the Chief Financial Officer or Business Administrator.

Purchase Orders can be faxed to the Vendor for expedited ordering; however an original Vendor's signature is required on the Purchase Order to be processed for payment.

Responsibilities of Persons Originating Purchase Orders

The Department Head that authorizes the Purchase Order has certain responsibilities before the Purchase Order is submitted for approval. He/she must ensure the following:

1. Purchase Orders are done only through the budgeting and accounting system. No manual Purchase Orders are permitted.
2. The Vendor is properly identified. Please note that there may be several entries for a particular Vendor. This usually occurs because a Vendor has more than one (1) division where orders may be placed or different payment remit addresses.
3. If the items being purchased are covered under a current State contract, the State contract number must be used on the Purchase Order and the declaration page of the State contract attached.
4. An accurate and complete description of the item(s) being ordered includes the quantity, per item cost and applicable discount (if any).
5. Shipping and handling costs are included when necessary. In all instances, actual shipping costs must be included on the Purchase Order when determinable. Estimated shipping and handling costs are to be added to all Purchase Orders when actual costs cannot be determined. The City will not pay for any fuel surcharges unless previously approved during the procurement process.
6. Shipping and handling costs are denoted correctly.
7. The correct use of the financial system appropriation account number for each item.
8. When it is necessary to obtain "quotes", a copy of written documentation must be forwarded to the Finance Office when submitted for payment. This documentation will be kept on file for audit purposes.

RESPONSIBILITIES OF FINANCE OFFICE

The Finance Office will review each Purchase Order for specific details such as:

1. Correct account number
2. Correct Vendor number
3. Inclusion of shipping charges when applicable
4. State Contract numbers
5. Missing information

6. Proper signatures

The Finance Office will distribute the Purchase Orders to the issuing departments for mailing to Vendors. The Department Head or designee will collect receiving copies and match them with Vendor invoices and signed Vouchers. Once a complete set of documentation exists (signed Voucher and Vendor invoice), the Voucher is signed by the Department Head and forward to the Finance Office for payment. Unless otherwise noted, the Finance Office will mail checks directly to Vendors.

RESPONSIBILITIES OF DEPARTMENT/DIVISION HEADS

When supplies or materials have been received and services have been completed, Department Heads are to sign the Officer's Certification of the Purchase Order and submit to the Finance Office for payment. Should the Department Head desire to have a subordinate sign on their behalf, a certification by the Department Head shall be sent to the Finance Office in advance stating the authorized subordinates and the duration of their temporary signing authority. Ultimately, the Department Head is responsible for any activity authorized by the subordinate regardless of prior approval status.

If you would like a copy of an invoice that was shipped with the merchandise, please make a copy for your files and forward all originals to the Finance Office.

Should the Department Head require a copy of the executed Purchase Order and/or a copy of the cancelled check for grant reimbursement purposes, a self-inking stamp requesting same will be use to stamp the front of the Purchase Order at the time submitted for payment alerting the Finance Office to copy when complete.

UPON RECEIPT OF ORDERED GOODS

It is extremely important that all items received be checked in immediately and carefully. Orders cannot be paid for without the signed Officer's Certification.

There may be occasions when items have to be returned to the Vendor. The following procedures should be followed when items must be returned to the Vendor:

1. Call the Vendor and ask what their company policy is regarding returned items.
2. On the Purchase Order, note the items not received and manually reduce the total to reflect same.

PETTY CASH

Petty cash funds must be established and authorized by action of the City Council and subsequently approved by the State of New Jersey. According to State Statute petty cash funds are to be used for emergent situations only and not to subvert the intent of the established encumbrance system. Prior approval should be sought for purchases being made using petty cash funds. Single expenditures from these funds should be limited to \$50 or less. Expenditures in excess of \$50 shall be supported by a signed Voucher by the claimant. Receipts must be maintained for all

expenditures. It is the responsibility of each Department/Division Head to maintain these receipts when requesting replenishment by Purchase Order.

Please note: Sales Tax is a non-reimbursable expense as the City is tax-exempt.

All receipts will be converted to cash through the regular Purchase Order/Check issuance system issued to the custodian of petty cash of record. All petty cash checks will be issued at the beginning of the year and all cash will be returned to the Finance Office before the fifth business day prior to the end of year.

YEAR END PROCEDURES

All Purchase Orders must be submitted to the Finance Office by December 15 for the efficient closing of records by December 31. Only emergency items will be ordered after December 15.

Open or unpaid Purchase Orders should be reviewed monthly and effort be made to submit for payment as soon as possible. Please review appropriation budget reports monthly to ensure invalid open Purchase Orders are cancelled.

BIDS AND BIDDING

Bid Limits

The City is restricted by New Jersey State Law with regard to the amount of money that may be spent for the entire year on materials, supplies and services. This restriction is called the bid threshold or bid limit. The current bid threshold is \$40,000 in aggregate per commodity code. This means that any specific item, class of items and/or services of a similar nature, purchased by the City totaling \$40,000 or more for the entire year must be competitively bid.

If you find that your purchases may exceed the \$40,000 bid threshold, you must contact the Business Administrator at once. Please contact the Chief Financial Officer if you are in doubt that the bid threshold has been reached.

You may not circumvent the law by separating components of a large project or purchase which in total would be in excess of the bid threshold.

Purchases Utilizing the Formal Competitive Bidding Process

The formal bid process will be performed in accordance with the regulations of the Local Public Contracts Law with prior Administration approval and Finance review. The Business Administrator, Qualified Purchasing Agent and City Attorney and the requesting Department/Division Head must review the results of the bid opening and a recommendation of award presented to and voted upon by the City Council at a regularly scheduled meeting.

Quotations

Quotations must be obtained where a specific item, class of items and/or services of a similar nature exceed fifteen percent (15%) of the current bid threshold. The current quote threshold is \$6,000. In all instances where quotes are required, every effort should be made to obtain quotes

from at least three (3) qualified Vendors. Quotes shall be in written form containing the following information.

1. Item or service being quoted (must be exact for each quote).
2. Names and addresses of Vendors contacted.
3. Price obtained from each Vendor.
4. Name of Vendor that the purchase was awarded to (usually the lowest price received unless other circumstances were taken into account).

This documentation must be kept on file and available for audit purposes and be made available upon request.

Exceptions to the Bid and Quote Thresholds

There are exceptions for which a City does not have to go to competitive bid or obtain quotes as listed in the Local Public Contract Law and will be reviewed and determined on a case by case basis with the Qualified Purchasing Agent.

State Contract Purchasing

The State of New Jersey Division of Purchase and Property awards State contracts covering a multitude of items and services. Do not assume that a State contract number is valid merely because it was used in a previous budget year. State contracts are updated and changed frequently and it is necessary to check with the Vendor for the most recent State contract information. In addition, do not assume that a purchase is a State contract purchase just because the company has a current State contract number. In most cases, a Vendor only has a State contract number on a certain category of items. Please check with the Vendor or the Finance Office to confirm your purchase is covered under a State contract. You may access the State's website for the most current State contract information at www.state.nj.us/treasury/purchase/contract. This site contains detailed information on which Vendors have State contracts and which items are covered.

If you plan to purchase items from a State contract Vendor, the State Contract Number should be noted on the Purchase Order.

If you have any questions regarding State contracts, you should check with the Finance Office for clarification.

Professional Services or Professional Consultants

Professional services are defined in the Local Public Contracts Law and do not require competitive bidding; however, contracts awarded in excess of \$17,500 are subject to the "Pay to Play" laws and requirements.

Professional Contracts

The City Council must approve all Professional Service and Consultant Contracts if the contract exceeds the bid threshold of \$17,500. Any contract under \$17,500 must be reviewed and signed by the Business Administrator. If you plan to recommend the hiring of a professional consultant whose costs exceed the bid threshold, please be advised of the following:

1. A copy of the written proposal from the Vendor must be submitted to the Business Administrator for approval and to the City Clerk's Office for inclusion on the Council Agenda.
2. The written proposal from the consultant and/or Vendor must contain the following:
 - a. Name, address of consultant/Vendor (No P.O. Box #'s)
 - b. Description of services to be provided
 - c. Starting date of service; ending date of service
 - d. The cost of the services/terms of payment(s)
3. Professional services must be published in the newspaper after award. (The publishing of such is always done by the City Clerk's Office.)

A copy of the proposal will be sent to the City Attorney for review and comment and for preparation of the required resolution. The City Attorney and/or the Business Administrator will prepare a written contract. No service is to be performed without a properly executed contract.

Emergency Purchases

Emergency Purchases are strictly regulated by New Jersey State Statute N.J.S.A. 40A:11-6. The City is not required to bid or quote goods or services when an emergency affecting the health, welfare or safety of City residents requires the immediate delivery of the goods or the performance of the service provided certain guidelines are followed. The Business Administrator must be notified of the need for any emergency purchase before the City is financially committed in any way. The Business Administrator will evaluate the situation and determine the course of action to be taken.

EMPLOYEE ACKNOWLEDGEMENT

I acknowledge receipt of the City of Rahway Handbook ("Handbook") dated March 15, 2016. This Handbook is the property of the City of Rahway (the "City").

I understand that this Handbook explains the City's policies, and that it is furnished to me for my information. I also understand that this Handbook supersedes any prior understandings I may have had regarding the City's employment policies. I acknowledge my responsibility to read and become familiar with the contents of this Handbook.

I understand that the City may amend, supplement, or terminate the policies stated in this Handbook without advance notice to me. I also understand that, except as provided by a collective negotiations agreement or applicable law, all employees are employees-at-will. This means that either the City or I may terminate my employment at any time for any reason, with or without cause, and with or without notice.

I also understand that, where applicable, the personnel policies contained in this Handbook are not intended to void, replace or conflict with collective negotiations agreements or association contracts. As to unionized employees, to the extent a collective negotiations agreement conflicts with these personnel policies and procedures, the collective negotiations agreement supersedes and/or modifies these personnel policies and procedures.

Upon separation from employment with the City, the Handbook and any updates shall be returned to the City along with; keys, ID card, parking permit and any other City property or equipment I may have.

Name (Print):	
Date:	
Signature:	
Department:	
Supervisor's Name:	