

**BOROUGH OF NEPTUNE CITY
EMPLOYEE MANUAL**

August 2018

**ACKNOWLEDGMENT OF RECEIPT OF COPY OF
MANUAL, TO BE SIGNED BY EACH EMPLOYEE**

Date: _____

Employee name: _____

Department: _____

On this date the above referenced manual was issued to me for my use as an employee of the Borough. It is my responsibility to thoroughly read the manual and keep it for future reference.

Employee Signature

ACKNOWLEDGMENT OF DISCLAIMER

Disclaimer that Manual Does Not Constitute Employment Contract

This manual, and any and all contents of same, shall not constitute or be construed as an employment contract between the Borough and any individual employee. All employees are "employees at will" unless they have a specific individualized employment contract with the Borough. The Borough reserves the right to terminate an individual's employment with or without cause and/or in accordance with the guidelines in this manual and any applicable law. No representative of the Borough, jointly or unilaterally, has the authority to make any verbal assurances, or to offer any employment contract, to any individual, which is inconsistent with this manual or any applicable law.

You acknowledge by signing below that this manual, and any and all contents of same, shall not constitute or be construed as an employment contract between the Borough and any individual employee and that no verbal or written agreements, promises or representations will be binding upon the Borough.

If you understand and are in agreement with the above Acknowledgment, please sign below.

(Employee's Name)

(Employee's Signature) Dated:

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Anti Discrimination and Equal Employment Opportunity Policy

The Borough is committed to the principle of equal employment opportunity and anti-discrimination pursuant to Title VII of the 1964 Civil Rights Act as amended by the Equal Opportunity Act of 1972 and the New Jersey Law Against Discrimination as amended by the New Jersey Pregnant Worker's Fairness Act (LAD). Under no circumstances will the Borough of Neptune 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, civil union status, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), pregnancy (including pregnancy related medical condition), childbirth, liability for service in the United States armed forces, gender identity or expression, and/or any other characteristic protected by law. Decisions regarding the hiring, promotion, transfer, demotion or termination shall be made 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 Borough Administrator.

Anti-Harassment Policy, Including Sexual Harassment

The Borough is committed to a workplace free from harassment that is based on actual or perceived sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affection or sexual orientation, domestic partnership status, civil union status, gender identity or expression, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), liability for service in the United States armed forces, and/or

any other characteristic protected by laws. **THE BOROUGH WILL NOT TOLERATE SEXUAL HARASSMENT.** This policy applies to all employees as well as to customers and others who come in contact with Borough employees. **REPRISALS OR RETALIATION AGAINST THOSE WHO MAKE COMPLAINTS UNDER THIS POLICY WILL NOT BE TOLERATED.** Violators of this policy will be subject to discipline, up to and including discharge, and may be subject to any other liability authorized under applicable law.

It is the Borough's policy to prohibit sexual harassment of an employee by another employee, management representative, supplier, volunteer, or business invitee. The Borough prohibits sexual harassment from occurring in the workplace or at any other location at which the Borough sponsored activity takes place.

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

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

Sexual harassment may include unwanted sexual advances; offering employment benefits in exchange for sexual favors; visual conduct (leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons or posters); verbal sexual advances, propositions or requests; verbal abuse of a sexual nature; graphic verbal commentaries about an individual's

body; sexually degrading words used to describe an individual; suggestive or obscene letters, notes or invitations; and/or physical conduct (touching or assault).

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

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

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

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

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

Procedure

Any employee who feels harassed by a supervisor, manager, co-worker, subordinate, customer or other person shall take the following course of action:

Step 1. You have the option to confront any individual(s) and tell the offending person(s) to stop the harassment. State your objection to the action and the specific behavior to which you object. Have a witness present if possible. Note the time and date of the discussion and write a summary of what you said and how the offender responded. If uncomfortable with a discussion with the harassing individual(s), state your objection in writing and keep a copy.

If the above does not resolve the problem, or if you fear reprisals will result from confronting the offender, or if you do not feel comfortable confronting the offending party in person or in writing, you are required to proceed directly to Step 2.

In any harassment case, documentation can help support contentions of harassment. Keep a log of the specifics of the actions to which you object. Record dates, times and witnesses. Keep copies of any notes or materials.

Step 2. Institute a complaint to your supervisor. In the event the supervisor is involved, complain to the department head or Administrator.

The Borough will immediately begin an investigation. All complaints will be handled in a timely fashion. Your complaint and all the details of the investigation will be treated, as far as possible, as confidential information. Only those who need to be involved in the investigation will be contacted. The Borough will attempt to do its utmost to protect the privacy of the complainant. Nonetheless, your identity may be revealed to individuals such as those investigating or reviewing the situation, potential witnesses and the alleged harasser. The Borough will also attempt to protect the reputation of any individual who may have been wrongfully accused of prohibited harassment.

Any employee or supervisor allegedly involved in the harassment will not participate as a decision maker on the determination of whether prohibited harassment occurred or the penalty to

be imposed. While the investigation should be thorough and complete, it should be performed as expeditiously as possible. Throughout the investigation and after the determination of penalty, if any, there will be no reprisals against any person who complains of prohibited harassment based on the making of a complaint.

Step 3. You or the alleged harasser may appeal the investigator's findings to the Mayor and Council. Any employee or supervisor allegedly involved in the harassment complaint is excluded from the appeal decision-making process.

Only the victim and the alleged harasser will be told the final disposition of the complaint. Details of the investigation will be released only in the event of a court proceeding or to a government investigating agency upon receipt of an appropriate request for such information.

Harassment by Clients

Borough policy prohibits workplace harassment from any source. The above procedure will be followed in cases of alleged harassment of employees by customers and vendors. If an investigation substantiates the charge, the Borough will take prompt remedial action. Possible remedial steps range from letter of objection to the accused to refusal to continue the business relationship. Individuals filing complaints against vendors or customers should be aware of the limits on the Borough's ability to control the vendor's or the customer's behavior.

Discipline of Borough Employees

Any employee who violates this policy will be subject to appropriate discipline. This may include but not limited to: referral to counseling, oral and/or written reprimand,

reassignment, suspension or termination depending on the circumstances, frequency and severity of the activity, and consistent with Borough disciplinary policies.

Employee Rights

Any employee who feels that their rights under this policy have been violated due to discrimination and/or harassment may also pursue their complaint(s) with the following organizations:

1. NJ Department of Law & Safety
Division of Civil Rights
383 West State Street
CN 090
Trenton, NJ 08618
2. Equal Employment Opportunity Commission
Washington, DC 20507

Contagious/Life Threatening Illness Policy

It is the policy of the Borough that employees with infectious, long-term, life-threatening or other serious diseases may work as long as they are physically and mentally able to perform the duties of their job without undue risk to their own health or that of other employees, or members of the public.

Definition

Contagious/life-threatening diseases for the purpose of this policy include, but are not limited to, cancer, heart disease, multiple sclerosis, hepatitis, tuberculosis, human immune-deficiency virus ("HIV"), and acquired immune deficiency syndrome ("AIDS").

Policy

Employees afflicted with a contagious disease will be treated no differently than any other employee. Therefore, if the contagious disease affects the employee's ability to perform assigned duties, he/she will be treated like other employees who have disabilities which limit their job performance.

Employees who are diagnosed with contagious diseases and who want an accommodation should provide the Borough with any pertinent medical information needed to make decisions regarding job assignments, ability to continue working, or ability to return to work. The Borough may also require a doctor's certification of an employee's ability to perform job duties. Additionally, the Borough may request that an employee undergo a medical examination.

The Borough will maintain strict confidentiality of the diagnosis and medical records of employees with contagious diseases, unless otherwise required by law.

Employees concerned about being infected with a contagious disease by a co-worker, or other person, should convey this concern to their supervisor. Employees who refuse to work with or perform services for a person known or suspected to have a contagious disease, without first discussing their concern with a supervisor, will be subject to discipline, up to and including termination.

The Borough supports, where feasible and practical, educational programs to enhance employee awareness and understanding of contagious diseases.

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

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

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

The Borough Administrator shall engage in an interactive dialogue with disabled/pregnant employees and prospective disabled/pregnant employees to identify potential reasonable

accommodations or their respective physician. All decisions with regard to reasonable accommodation shall be made by the Borough 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 Borough of Neptune City to offer permanent “light duty”, relocate essential job functions, or provide personal use items such as eyeglasses, hearing aids, wheelchairs, etc.

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

Workplace Violence Policy

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

Prohibited conduct includes, but is not limited to:

- Causing physical injury to another person;
- Making threatening remarks;
- Aggressive, hostile, or bullying behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;

- Intentionally damaging employer property or property of another employee;
- Possession of a weapon while on borough property or while on borough business except with the authority of the Police Chief; and
- Committing acts motivated by, or related to, sexual harassment or domestic violence.

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

Use of Borough Owned Safety Equipment

The Borough is vitally concerned with the safety, health, and welfare of its employees and the public in maintaining a safe work environment in conducting the operations of the Borough and shall comply with the Public Employee Occupational, Safety and Health Act (“PEOSHA”). Employees will receive periodic safety training. The Borough provides to employees such personal safety equipment as is mandated by regulatory agencies, and such other optional personal safety equipment as deemed desirable and prudent, and as approved by the supervisory staff. To limit the risk of injury and to maintain the safest possible work environment for its employees, the Borough is committed to a policy of enforcement in the utilization of personal safety equipment as required by each particular situation.

The Borough recognizes that the act of merely providing safety items, training and equipment, is not one hundred percent effective in obtaining its goal without a policy of enforcement and mandated use of the personal items and equipment provided, that;

1. All items of personal safety issued to each employee are to be maintained by each employee. Items lost, misplaced or damaged through negligence shall be replaced by the

employee at his/her cost. Safety items of a personal nature that are worn out by normal wear and tear through proper usage, outdated, or require to be upgraded, will be furnished by the Borough at no cost to the employee.

Enforcement of this policy statement shall be the responsibility of the supervisory staff, but any employee shall immediately report any unsafe condition, practice, procedure or act, including accidents. Appropriate disciplinary action shall be taken in the event of non-compliance with the safety policy or with regard to violation of other relevant safety rules, regulations and/or procedures. The Borough reserves the right to impose severe disciplinary measures including, but not limited to, termination of employment in the event of repeated and/or willful disregard of applicable safety standards which place the employee, fellow employees, and/or others in a situation of potential bodily harm.

Drug/Alcohol Abuse Policy Statement

This policy statement outlines formally the Borough of Neptune City's policy regarding the program which has been put in place to assure our compliance with the federally mandated anti-drug/alcohol plan, 49 CFR Parts 40, 199 and 391.

Our policy is as follows:

The Borough has been mandated, by Federal regulation, to implement and maintain a program of substance abuse testing on all employees whose jobs are covered under the Federal Department of Transportation regulation 49 CFR, Parts 40, 199 and 391.

The Borough further has determined to take action against employees who unlawfully use, distribute or possess alcohol, drugs or controlled substances or misuse prescription drugs

during or outside company hours, in order to prevent illegal activities and to protect employees, the public, and company property from any danger which may result from the use of drugs/alcohol. The objective of the policy is to provide and maintain a safe, drug/alcohol-free work environment.

As a condition of initial employment, the prospective employee may be asked to submit to a drug/alcohol test.

Any employee refusing to be tested as required under the federally mandated anti-drug/alcohol plan, 49 CFR, parts 40, 199 and 391 will be terminated from employment.

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

Employees using prescription drugs that may affect job performance must notify their supervisor or Department Head who is required to maintain the confidentiality of any information regarding an employee's medical condition in accordance with the Health Insurance Portability and Protection Act. Borough personnel who hold a Commercial Driver's License (CDL) are subject to the provisions of the Commercial Driver's Licenses Drug and Alcohol Testing Policy. A program to assist employees who may have a drug/alcohol addiction is provided through the Borough's Employee Assistance Program if it is determined that they are disabled and agree to rehabilitation.

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

DEFINITIONS

"Employee" means a person employed by the Borough in a full-time, part-time, or seasonal position.

"Failed drug/alcohol test" means that the confirmation test result shows positive evidence of the presence of a prohibited drug/alcohol in an employee's system.

"Passed drug/alcohol test" means that initial testing or confirmation testing does not show evidence of the presence of a prohibited drug/alcohol in a person's system.

"Prohibited drug" means any of the following substances specified in Schedule I or Schedule II of the Controlled Substances Act, 21 U.S.C. 801.812 (1981 and 1987 CUM.P.P.): Marijuana, Cocaine, Opiates, Amphetamines and Phencyclidine "PCP".

DRUG/ALCOHOL TESTS REQUIRED

All drug testing required by the Borough will be performed in accordance with Department of Transportation Guidelines. This testing process will look for the presence of the following substances: Amphetamines, Cocaine, Opiates, Marijuana, and Phencyclidine. Under no circumstances will any other drug tests be performed on any specimen provided by a Borough employee.

The Department of Transportation rules require breath testing for alcohol. This testing must be done using an evidential breath testing device (EBT) approved by the National Highway Traffic Safety Administration (NHTSA). This testing can only be performed by a Breath Alcohol Technician (BAT) that is certified in the equipment being used.

A. Post-Accident Testing

As soon as possible after an accident occurs, any employee whose performance either contributed to the accident or cannot be completely discounted as a contributing factor to the accident shall be drug/alcohol tested. The EBT shall be conducted no later than two hours after an accident.

The decision to test or not to test shall be at the sole discretion of the employer based upon the best information available immediately after the accident that the employee's performance could not have contributed to the accident or that, because of the time between that performance and the accident, a drug/alcohol test is useless to determine whether the performance was affected by drug/alcohol use.

B. Random Testing

All employees who are in safety-sensitive positions will be subject to random, unannounced alcohol and drug testing. Selection criteria, number of tests, and test frequency will be determined by the language of FHWA regulations and will be communicated to employees by Borough Management or its Agent. Upon notification of selection, the employee will report to the designated collection center within one hour. Failure to report will be viewed as an attempt to elude the test or alter its results and could result in disciplinary action up to and including termination.

C. Testing Based on Reasonable Cause

Whenever there is a reasonable cause to believe that an employee is using a prohibited drug/alcohol, such employee shall be drug/alcohol tested. The decision to do such test will be based on a reasonable and articulate belief that the employee is using a prohibited drug/alcohol

on the basis of specific, contemporaneous physical, behavioral, or performance indicators of probable drug/alcohol use.

D. Administrative Action

1. Possession for Distribution/ and or Distribution

a. Any employee arrested and/or indicted for possession or distribution of prohibited drugs and/or controlled substance during or outside work hours shall be suspended without pay, and without Borough paid benefits.

b. Any employee convicted for possession or distribution of prohibited drugs and/or controlled substance shall be permanently terminated from employment with the Borough of Neptune City effective the date of the conviction.

2. "Fail" a Drug/Alcohol Test

A. Post-Accident Testing

1. First Offense

Any employee failing a post-accident drug/alcohol test shall be suspended without pay for a minimum term of thirty (30) calendar days. Return to work after the thirty (30) day suspension is conditioned upon the employee passing a drug/alcohol test and being subject to random testing.

2. Second Offense

Any employee failing a post-accident drug/alcohol test shall be terminated. The first test failure need not be as a result of a post-accident test. A prior random test failure or a reasonable cause test failure or a prior post-accident test failure shall be considered a first offense under this section.

B. Random or Reasonable Cause Testing

1. First Offense

Any employee failing the drug/alcohol reasonable cause test or random test by the Borough shall be suspended without pay until a pass test has been successfully conducted by the employee.

2. Second Offense

Any employee failing a second random or reasonable cause test shall be terminated from employment.

E. Retesting

All retesting required as a result of a "fail" test shall be at the employee's own cost and expense. Employee may choose to use a certified testing lab of his/her own choice, or may use, at his/her own expense, the testing service used by the Borough.

F. Testing After Rehabilitation

A person who returns to duty as an employee after rehabilitation shall be subject to a reasonable program of follow-up drug/alcohol testing without prior notice for not more than sixty (60) months after his or her return to duty.

Whistle Blower Policy

Employees have the right under the "Conscientious Employee Protection Act (CEPA)" to complain without fear of retaliation or reprisal about any activity, policy or practice that the employees reasonably believe is in violation of a law, rule, or regulation promulgated pursuant to law without fear of retaliation or reprisal. This right will be communicated to all employees in a written letter outlining the specific employee complaint procedure and in a posted notice. A

written acknowledgement that the employee has received read and understood this letter will be included in the employee's official personnel file. The annual notice will be in English and Spanish and must contain the name of the person who is designated to receive written notification of policies or practices that might violate CEPA. This right will also be communicated in the Employee Manual. All complaints will be taken seriously and promptly investigated.

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

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

In accordance with the statute, the employee must bring the violation to the attention of the Borough. 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 in the nature of an emergency. Employees are encouraged to complain in writing using the Employee Complaint form, but may make a verbal complaint at their discretion. See Employee Complaint Policy and Whistleblower Policy and Procedure. Under the law, the employee must give the Borough a reasonable opportunity to correct the activity, policy or practice. The administration of whistle blower complaints is not subject to the limitations in the Grievance Policy.

Employee Complaint Policy

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

Employees have the right to:

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

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

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

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

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

Employee Complaint Investigation Procedure

Employees have the right to formally or informally report any statement, act, or behavior by a co-employee, supervisor, elected official or visitor that they believe to be improper.

- **Reporting:** Employees should be asked to report complaints in writing utilizing the Employee Complaint form, but are not compelled to do so.
- **Identification/Screening:** The supervisor must report all written or verbal complaints to the Borough Administrator unless the complaint is against the Borough Administrator. Upon receipt, the Borough Administrator will determine if the complaint was made pursuant to the General Anti-Harassment Policy, the Anti-Sexual Harassment Policy, the Whistle Blower Policy,

a grievance procedure or is another form of complaint. A file will be established including the written complaint, the investigation procedure followed and the response action plan. As soon as possible, but no later than ten (10) days after receiving the complaint, the Borough Administrator or investigator appointed by the Borough Administrator will interview the employee. If the employee is reluctant to sign a written complaint, the Borough Administrator or investigator will prepare written notes of the date, time and place of the complaint and the specific allegations. These notes will be read back to the employee who will be asked to affirm, preferably in writing the information's accuracy.

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

- **Response Plan – No Corrective Action Required:** The Borough Administrator will discuss the conclusions with the Borough labor attorney and render a decision within fourteen (14) days after the investigation is complete. If the validity of a complaint cannot be determined or the complaint is groundless, the complaining employee should be notified in writing. Care should be taken to avoid being too specific, confrontational or accusatory and to avoid any language that might be construed as defamatory. A general statement is usually more appropriate that the claim was thoroughly investigated, but could not be sufficiently documented or confirmed to justify taking formal action. The employee will be assured that future complaints

will be investigated and that the Borough is committed to eliminating wrongful employment practices when they are found to exist. If the investigation reveals that the complainant intentionally and maliciously levied false charges against the alleged wrongdoer, the complainant must be notified of the seriousness of filing a false complaint, and the appropriate disciplinary penalty under the circumstances, up to and including termination.

Employee Personnel File Policy

Access to Personnel Files Policy:

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

Confidential personnel files shall be maintained for all employees. Included in the file are materials such as applications for employment, resumes, letters of employment, background checks, job descriptions, and periodic employee evaluations reflecting the employee's history of employment with the Borough.

Personnel records must be kept up-to-date. Employees must immediately notify their supervisor or the personnel officer if there are any changes to their name, address, telephone number, emergency number, the beneficiary of a group insurance policy, or social security number.

The contents of employee personnel files are strictly confidential and will be disclosed by the Borough Administrator or Payroll Department only when that information is requested as a matter of inquiry by a law enforcement agency or a representative of the Armed Forces, or required by Court Order or other law.

An employee may review the contents of his/her personnel file after first making an appointment with the Borough Administrator. Employees or personnel authorized by employees requesting a copy of their personnel file will be charged the current established fee for photocopies, if any.

Procedure

The Borough will protect an employee's right to privacy by responding only to a proper request by an appropriate recognized lending institution for credit information. The Payroll Department handles such requests as follows:

1. Only employment will be verified by telephone.
2. Requests for additional information must be in writing and sent to the Payroll Department.
3. All requests must be accompanied by a release signed by the employee.

Individual personnel records are not subject to the Open Public Records Act, except:

- a) An individual's name, title, position, payroll records, compensation, dates of government service, type of pension and reason for separation; and
- b) Information on specific educational or medical qualifications required for employment.

Final orders are not public records and shall not be released other than to the subject employee, an authorized representative of the employee, or governmental representatives in connection with their official duties (N.J.A.C. 4A:1-2.2(b)).

Medical documentation is confidential and must be maintained in a separate file (N.J.A.C. 4A:4-6.5(b)).

Requests for Employment Verification and Reference

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

In response to a request for information, the Administrator will only verify an employee's name, dates of employment, job title, department, reason for termination and final salary pursuant to the Open Public Records Act. No other data or information will be furnished unless (1) the Borough is required to release the information by law or (2) the employee or former employee authorizes the Borough in writing to furnish this information and releases the Borough from liability

Conflict of Interest Policy “Code of Ethics”

All employees of the Borough shall engage in ethical conduct pursuant to N.J.S.A. 40A:9-22.1 and shall avoid conflicts of interest which are prejudicial and material and which erode the principles of democratic government.

I Conflicts of Interest Prohibited

Local government officers or employees under the jurisdiction of the Local Finance Board shall comply with the following provisions:

- a. No local government officer or employee or member of his immediate family shall 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 duties in the public interest;
- b. No independent local authority shall, for a period of one (1) year next subsequent to the termination of office, serve as of a member of that authority:
 - (1) award any contract which is not publicly bid to a former member of that authority;
 - (2) allow a former member of that authority to represent, appear for or negotiate on behalf of any other party before that authority; or

The restriction contained in this subsection shall also apply to any business organization in which the former authority member holds an interest.

- c. No local government officer or employee shall use or attempt to use his official position to secure unwarranted privileges or advantages for himself or others;
- d. No local government officer or employee shall act in his official capacity in any matter where he, a member of his immediate family, or a business organization in which he has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his objectivity or independence or judgment;
- e. No local government officer or employee shall undertake any employment or service, whether compensated or not, which might reasonably be expected to prejudice his independence or judgment in the exercise of his official duties;
- f. No local government officer or employee, member of his immediate family, or business organization in which he has an interest, shall solicit or accept any gift, favor or loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise or other thing of value was given or offered for the purpose of influencing him, directly or indirectly, in the discharge of his official duties. This provision shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office, if the local government officer has no

knowledge or reason to believe that the campaign contribution, if accepted, was given with the intent to influence the local government officer in the discharge of his official duties,

- g. No local government officer or employee shall use, or allow to be used, his public office or employment, or any information, not generally available to the members of the public, which he receives or acquires in the course of and by reason of his office or employment, for the purpose of securing financial or personal gain for himself, any member of his immediate family, or any business organization with which he is associated;
- h. No local government officer or employee or business organization in which he has an interest shall represent any person or party other than the local government in connection with any cause, proceeding, application or other matter pending before any agency in the local government in which he serves. This provision shall not be deemed to prohibit one local government employee from representing another local government in which he serves.

This provision shall not be deemed to prohibit one local government employee from representing another local government employee where the local government agency is the employer and the representation is within the context of official labor union or similar representational responsibilities.

- i. No local government officer shall be deemed in conflict with these provisions if, by reason of his participation in the enactment of any ordinance, resolution or other matter required to be voted upon or which is subject to executive approval or veto, no material or monetary gain accrues to him as a member of any business, profession, occupation or group, to any greater extent than any gain could reasonably be expected to accrue to any other member of such business, profession, occupation or group;
- j. No elected local government officer shall be prohibited from making any inquiry for information on behalf of a constituent, if no fee, reward, or other thing of value is promised to, given to, or accepted by the officer or a member of his immediate family whether directly or indirectly, in return therefore; and
- k. Nothing shall prohibit any local government officer or employee, or members of his immediate family, from representing himself, or themselves, in negotiations or proceedings concerning his, or their, own interest.

II. **Financial Disclosure Statement**

Local government officers shall annually file a financial disclosure statement. All financial disclosure statements filed pursuant to this act shall include the following information which shall specify, where applicable, the name and address of each source and the local government officer's job title:

- (1) Each source of income, earned or unearned, exceeding \$2,000 received by the local government officer or member of his immediate family during the preceding calendar year. Individual client fees, customer receipts or commissions on transactions received through a business organization need not be separately reported as sources of income. If publicly traded security is the source of income, the security need not be reported unless the local government officer or member of his immediate family has an interest in the business organization;
- (2) Each source of fees and honoraria having an aggregate amount exceeding \$250 from any single source for personal appearances, speeches or writings received by the local government officer or member of his immediate family during the preceding calendar year;
- (3) Each source of gifts, reimbursements or prepaid expenses having an aggregate value exceeding \$400 from any single source, excluding relative, received by the local government officer or a member of his immediate family during the preceding calendar year;
- (4) The name and address of all business organizations in which the local government officer or a member of his immediate family has an interest during the preceding calendar year; and

- (5) The address and brief description of all real property in the State in which the local government officer or a member of his immediate family held an interest during the preceding calendar year.

The Local Finance Board shall prescribe a financial disclosure statement for filing purposes. For counties and municipalities which have not established ethics boards, the board shall transmit sufficient copies of the forms to the Municipal Clerk in each municipality and the County Clerk in each county for filing in accordance with this act. The Municipal Clerk shall make the forms available to the local government officers serving the municipality. The County Clerk shall make the forms available to the local government officers serving the county.

For counties and municipalities which have established ethics boards, the Local Finance Board shall transmit sufficient copies of the forms to the ethics boards for filing in accordance with this act. The ethics boards shall make the forms available to the local government officers within their jurisdiction.

For local government officers serving the municipality, the original statement shall be filed with the Municipal Clerk in the municipality in which the local government officers serves. For local government officers serving the county, the original statement shall be filed with the county clerk in the county in which the local government officer serves. A copy of the statement shall be filed with the board. In counties or municipalities which have established ethics boards a copy of the statement shall also be filed with the ethics

board having jurisdiction over the local government officer. Local government officers shall file the initial financial disclosure statement within 90 days following the effective date of this act. Thereafter, statements shall be filed on or before April 30th each year.

All financial disclosure statements filed shall be public records

Violations

Any employee or official who violates any provisions of this section relating to conflicts of interest upon a finding of guilty shall be liable for removal from office.

a. Any employee who shall knowingly and willingly permit any provisions of this section to be violated by any of his/her subordinate shall also, if found guilty, be liable to removal pursuant to the “Disciplinary-Action” section of the Personnel Manual.

b. Any person found guilty of violating either a. or b. of Section II of this policy shall be fined not less than \$100.00 but no more than \$500.00, which penalty shall be collected in a summary proceeding pursuant to the ‘Penalty Enforcement Law’, “N.J.S.A. 2A:58-1et seq.” The power to impose such a penalty is found at and mandated by N.J.S.A. 40A:9-22.10.

IV Annual Filing

- a. All employees will be required to sign an acknowledgement annually upon receipt of their annual evaluation, that they have read the Ethics Code.

V. **Notice**

- a. N.J.S.A. 40A:9-22.21 provides that “within fifteen (15) days following the promulgation thereof, the municipal code of ethics, and a notice of the date of a public hearing to be held thereon, shall be published in at least one newspaper circulating within the municipality and shall be distributed by the Municipal Clerk(s) and to the heads of the local government agencies serving in the Municipality for circulation among the local government officers and employees serving the municipality.”

The Municipal Clerk shall ensure that the Borough is in compliance with the Requirements set forth in N.J.S.A. 40A:9-22.21.

The Municipal Clerk will be responsible for posting the notice as outlined in N.J.S.A. 40A:9-22.21.

Political Activity Policy

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

Employee Evaluation Policy and Procedure

The Borough recognizes the importance of conducting periodic evaluations of employee performance to assist in the growth and development of all employees.

Such evaluations shall identify employee strengths as well as weaknesses, and will become the basis for creating a personal improvement or development program for the employee.

Employees shall be evaluated formally, in writing, at least once an anniversary year, with periodic interim evaluations as management deems necessary.

Each year, every supervisor and/or Department Head will prepare an evaluation for each of his/her employees. Department Heads and/or supervisors are accountable for ensuring all evaluations are done in accordance with the prescribed procedures and time frames. The immediate supervisor who prepares the evaluation form will discuss its contents with the employee, after the employee has had time to review it. If necessary, the evaluation process will include the development of a practical plan for improving employee performance which will identify areas which can be corrected with additional training. The immediate supervisor and the employee will discuss the points of this plan and its implementation.

After completing the evaluation meeting, the employee will sign the evaluation acknowledging that he/she has read and discussed it with the supervisor regardless of whether or not they agree with the evaluation. The employee can submit to the evaluator a rebuttal to the evaluation if he/she does not agree with it. The reviewer will forward the form(s) with the signed acknowledgement and any rebuttal for inclusion in the employee's official personnel file.

Discipline and Termination Policy

Corrective disciplinary action, as appropriate, will be taken against any employee found to be in violation of established procedures.

All disciplinary action shall be based upon total concern for the employee, the employee's relationship with his/her fellow workers, and the employee's relationship with his/her supervisor, and the best interest of the Borough. Such disciplinary action shall be of a positive, educational and corrective nature, and shall not be used in an abusive or vindictive manner.

Discipline is considered to be major or minor. Major discipline shall include, but not be limited to:

Removal

Disciplinary demotion

Suspension or fine

Minor discipline is a formal written reprimand or a suspension or fine of five (5) or less days.

An employee may be subject to discipline for the following actions, including but not limited to:

Incompetency, inefficiency or failure to perform duties

Insubordination

Inability to perform duties

Absent without leave

Chronic or excessive absenteeism or lateness

Feigning an illness, injury or incapability to perform required duties

Conviction of a crime

Conduct unbecoming a public employee

Neglect of duty

Misuse of public property, including vehicles, computers, phones, etc.

Discrimination that affects equal employment opportunity (as defined in N.J.A.C. 4A:7-1.1), including sexual harassment

Violation of federal regulations concerning drug and alcohol use by and testing of employees who perform functions related to the operation of commercial motor vehicles, and state and local policies issued there under

Other sufficient cause

Procedure

Depending upon the nature of the violation, discipline may be progressive in nature as follows:

Informal, private discussion with the supervisor

Written memorandum of censure by the supervisor

Letter of admonition from the Borough

Suspension without pay

Transfer or demotion

Termination of employment

Reduction in Workforce and Layoff Policy

Any reduction in the Borough's work force shall adhere to the parameters established by any collective bargaining agreements, and with the provisions of state statutes, where applicable.

In all cases, layoffs and/or recalls, when necessary, shall be made based on seniority, although the abolition of a position is a management prerogative. The Borough Administrator shall be charged with the duty of maintaining a seniority list for such purpose.

Non-union employees, and those employees whose titles are not provided for by state statute, shall serve at the discretion of the Borough and shall not be entitled to the protections afforded by union contract and/or state statute. However, the Borough recognizes the contribution made by these workers, both full and part-time, and they will be afforded a reasonable accommodation during periods of work force reduction within the limits established by the Borough's budgetary limits, at such times.

Driver's License Policy

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

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

Periodic checks of employee's driver's licenses through visual and formal Motor Vehicle Commission review checks shall be made by Department Heads or Division Supervisors. Any

employee who does not hold a valid driver's license will not be allowed to operate a Borough vehicle until such time as a valid license is obtained.

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

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

Communication Media Policy

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

All data stored on and/or transmitted through Communication Media is the property of the Borough. For purposes of this policy, "Data" includes "electronically-stored files, programs,

tables, data bases, audio and video objects, spreadsheets, reports and printed or microfiche materials which serve a Borough business purpose, regardless of who creates, processes or maintains the data, or whether the data is processed manually or through any of the Borough's mainframe, midrange or workstations; servers, routers, gateways, bridges, hubs, switches and other hardware components of the Borough's local or wide-area networks."

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

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

Employees can only use the Borough's Communication Media for legitimate business purposes. Employees may not use the Borough's Communication Media in any way that is defamatory, obscene, or harassing or in violation of any Borough rules or policy. Examples of forbidden transmissions or downloads include sexually-explicit messages; unwelcome propositions; ethnic or racial slurs; or any other message that can be construed to be harassment or disparaging to others based on their actual or perceived age, race, religion, sex, sexual orientation, gender identity or expression, genetic information, disability, national origin, ethnicity, citizenship, marital status or any other legally recognized protected basis under federal, state or local laws, regulations or ordinances.

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

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

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

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

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

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

No Borough employee shall post internal working documents to social media sites. This includes, but is not limited to, screenshots of computer stations, pictures of monitors and/or actual documents themselves without the prior approval of the Borough Administrator. In addition employees are prohibited from releasing or disclosing any photographs, pictures, digital images of any crime scenes, traffic crashes, arrestees, detainees, people or job related incident or occurrence taken with the Borough's Communication Media to any person, entity, business or media or Internet outlet whether on or off duty without the express written permission of the Borough Administrator. Except in "emergency situations, "Employees are prohibited from taking digital images or photographs with media equipment not owned by the Borough.

For purposes of this section, an "emergency situation" involves a sudden and unforeseen combination of circumstances or the resulting state that calls for immediate action, assistance or relief, and may include accidents, crimes and flights from accidents or crimes and the employee does not have access to the Borough's Communication Media. If such situation occurs, employee agrees that any images belong to the Borough and agree to release the image to the Borough and ensure its permanent deletion from media device upon direction from the Borough.

No media advertisement, electronic bulletin board posting, or any other communication accessible via the Internet about the Borough or on behalf of the Borough, whether through the use of the Borough's Communication Media or otherwise, may be issued unless it has first been approved by the Borough Administrator. Under no circumstances may information of a confidential, sensitive or otherwise proprietary nature be placed or posted on the Internet or

otherwise disclosed to anyone outside the Borough. Such unauthorized communications may result in disciplinary action.

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

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

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

To the extent that employees use social media outside of their employment and in so doing employees identify themselves as Borough of Neptune City employees, or if they discuss matters related to the Borough on a social media site, employees must add a disclaimer on the front page,

stating that it does not express the views of the Borough, and the employee is expressing only their personal views. For example: “The views expressed on t h i s website/web log are mine alone and do not necessarily reflect the views of my employer.” This disclaimer is to be placed in a prominent position and repeated for each posting that is expressing an opinion related to Borough or the Borough’s business. Employees must keep in mind that, if they post information on a social media site that is in violation of Borough policy and/or federal, state or local laws, the disclaimer will not shield them from disciplinary action.

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

Video Surveillance

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

The Borough’s video surveillance camera systems are a significant tool to which the employees of the Borough will avail themselves in order to complete the goals and objectives of the Borough of Neptune City. Employees are only permitted to use the video surveillance camera

systems for a legitimate purpose and with proper authorization. The Borough's designee will be responsible for authorization of users. The improper use of these systems can result in discipline up to and including termination.

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

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

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

Posting of Required Notices Policy

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

Leave of Absence Policy

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

Personal leaves are not granted for the purpose of seeking or accepting employment with another employer, or for extended vacation time. Employees on personal leave of absence for more than two weeks in any month will not receive holiday pay, and will not accrue personal leave, sick leave or vacation time for that month. Health benefits may also be impacted. Refer to the Borough's Health Benefits Policy. A personal leave is granted with the understanding that the employee intends to return to work for the Borough of Neptune City. If the employee fails to return within five business days after the expiration of the leave, the employee shall be considered to have resigned.

Family and Medical Leave Act Policy

Employees may be eligible for an unpaid family and medical leave under the federal Family and Medical Leave Act ("FMLA"). Employees also may be eligible for family and/or medical leave pursuant to the New Jersey Family Leave Act ("FLA"). In order to be eligible for such leave, employees must have: one (1) year of service with the Borough of Neptune City; and, at least

1,000 hours of work (for New Jersey leave) and 1,250 hours of work (for Federal leave) during the previous twelve (12) months and is employed at a worksite where 50 or more employees are employed by the employer within 75 miles of the worksite (for Federal leave). Eligible employees may receive up to twelve (12) weeks of leave per year (FMLA) or twelve (12) weeks every twenty-four (24) months (FLA).

During the leave period, the employee's health benefits will be continued on the same conditions as coverage would have been provided had the employee been employed continuously during the entire leave. The employee will not continue to accrue vacation, sick or personal days for the period of the leave. The employee will receive seniority credit for the time that the employee has been on leave under this section. The leave must include the use of any accrued vacation and sick leave time, regardless of the length of leave requested. At the conclusion of the leave period, an eligible employee is entitled to reinstatement to the position the employee previously held or to an equivalent one with the same terms and benefits that existed prior to the exercise of leave.

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

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

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

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

Employees requesting such leave shall provide the Borough with a regular schedule of days for intermittent leave.

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

active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank, or rating.

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

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

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

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

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

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

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

1. Statement or description of appropriate facts regarding the qualifying exigency for which leave is needed;
2. Approximate date on which the qualifying exigency commenced or will commence;
3. Beginning and end dates for leave to be taken for a single continuous period of time;
4. An estimate of the frequency and duration of the qualifying exigency if leave is needed on a reduced scheduled basis or intermittently; and
5. If the qualifying exigency requires meeting with a third party, the contact information for the third party and description of the purpose of the meeting.

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

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

Domestic Violence Leave

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

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

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

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

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

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

The Borough of Neptune City shall protect the privacy of employees who seek leave by holding the request for leave, the leave itself or the failure to return to work "in the strictest confidence." The Borough shall not retaliate, harass or discriminate against any employee exercising his/her right to take the leave provided by this policy.

Military Leave Policy:

When a full-time employee (either permanent or temporary) who is a member of the reserve component of any United States armed force or the National Guard of any state including the Naval Militia and Air National Guard is required to engage in field training or is called for active duty, the employee will be granted a military leave of absence for the duration of the service. The first thirty (30) workdays of the leave shall be with full pay except that a member of the New

Jersey National Guard shall receive full pay for the first ninety (90) days. Thereafter, the employee shall be paid the difference between military salary and the employee's regular salary. The paid leave will not be counted against any available time off including but not limited to vacation, sick or personal time. A full-time temporary employee who has served less than one-year shall not be entitled to paid leave but shall be granted non-paid military leave without loss of time.

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

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

1. For service less than thirty-one (31) calendar days, the employee must return to work on the beginning of the first regularly scheduled workday or eight (8) hours after the end of military duty, with reasonable allowances for commuting;
2. For service of thirty-one (31) to one hundred eighty (180) calendar days, the employee must submit an application for reinstatement within fourteen (14) calendar days after completing military duty;

3. For service greater than one hundred and eighty (180) calendar days, the employee must submit an application for reinstatement within ninety (90) calendar days after completing military duty.

Employment Procedure

- **Recruitment:** The Borough of Neptune City will coordinate the employment recruitment process for all vacancies to ensure compliance with contractual, legal, and equal opportunity requirements. Where positions are advertised, the media or other periodical utilized must have as wide a circulation as possible to encourage applications from candidates from diverse backgrounds and must prominently state that the Municipality is an equal opportunity employer.
- **Applications:** All candidates must fully complete an application form. A resume will not be considered as a substitute for this form. The application is a confidential document and will not be available to anyone who is not directly involved in the hiring process, except as required by law.
- **Interviews:** The Borough Administrator and/or Department Head will coordinate the interview process including the scheduling of applicants, development of interview questions and standards to measure candidate responses. The Borough will make reasonable accommodations to known physical and mental limitations of all applicants with disabilities, provided that the individual is otherwise qualified to safely perform the

essential functions of his or her job and also provided the accommodation does not impose an unreasonable hardship on the Borough.

- **Physical Examinations:** Pursuant to the Americans with Disabilities Act, after an offer of employment is made and prior to commencing employment, the Borough Administrator and/or Chief of Police may require applicants to pass a physical examination in order to ensure that they can perform the duties of their position without injury to themselves or others and with or without reasonable accommodation. The same post-offer physical examination must be performed on all applicants for a particular position. If necessary, the Borough Administrator may require periodic physical examinations to determine the employee's fitness for duty. All physical examinations must be performed by a physician chosen by the Borough at the expense of the Borough. All medical records of employees and prospective employees are confidential and are to be maintained by the Borough Administrator separate from the employee's official personnel file. Medical exams may include tests for drug and alcohol use.
- **Job Offers:** The final decision for an offer of employment will be made after all references and other information has been verified. Every effort shall be made to offer reasonable accommodations to known physical and mental limitations of all applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided that the accommodation does not impose an unreasonable hardship on the Borough.

- **Acceptances and Rejections:** If the first offer is rejected, the Mayor and Council and Administrator will decide to hire another candidate or re-open the position. Once a candidate accepts the employment offer, all other candidates will be notified in writing that they were not accepted for the position.
 - **Employability Proof:** After acceptance, but before starting employment, all new employees shall be required to fill out an employment verification form (I9) and to provide acceptable proof of right to employment in the United States.
 - **Record Retention:** All applications, notes made during interviews and reference checks, job offers and other documents created during hiring process must be returned to the Borough Administrator and/or Department Head. Documents related to the successful candidate will be placed in the employee's official personnel file except medical records including physical examinations must be maintained in a separate file. All records and documents related to other candidates must be retained for at least one (1) year. Records and documents created during the hiring process are confidential and must be retained in a locked cabinet
-

Background Checks and Procedures for Candidates, Employees and Volunteers

- **Background checks required:** Background checks are required of all candidates, whether for paid or volunteer positions, working directly or indirectly with

children/youth/minors. Background checks will also be administered for each employee or volunteer that works directly or indirectly with children/youth/minors every three years. The exact titles of employees subject to background checks are (locally defined, but at a minimum should include all recreational positions, crossing guards, library positions, and maintenance and administrative positions pertaining to such programs).

- **Background check procedure:** The Administrator will perform or initiate background checks and be the recipient of reports from outside agencies or contractors. The Administrator will discuss disqualifying information received with the employee's or volunteer's department head. Written information received as a result of a "Request for Criminal History Record Information for a Noncriminal Justice Purpose" will be destroyed immediately after it has served its authorized purpose, as required by the State Police. Such information will be kept confidential and will not be published or disclosed in any manner not consistent with the procedures listed herein. Such information will not be deemed a public record under P.L. 1963, c.73 (C:47:1A-1, et seq.) as amended and supplemented by P.L. 2001, c.404 (C:47:1A-5, et seq.).

The Administrator will inform the candidate, volunteer, or employee, in writing, of any information that would disqualify the person from working with children/youth. If the Borough of Neptune City contracts with an outside vendor to process the background checks, that contractor may be authorized to inform the person in writing of any information that would disqualify the person from working with children/youth/minors. Existing employees or volunteers will be placed on immediate suspension pending the

outcome of a hearing or appeal. Employee suspensions may be with or without pay at the discretion of the Administrator.

- **Conditions Under Which An Employee Will Be Disqualified From Working With Children/Youth:** A candidate, volunteer, or employee may be disqualified from employment in a position that works with children/youth/minors if that person's criminal record history background check reveals a record of conviction of any of the following crimes and disorderly persons offenses as defined by New Jersey law or by analogous laws in other States:

- Homicide (N.J.S.A. 2C:11)
- Assault, reckless endangerment, threats, stalking (N.J.S.A. 2C:12)
- Kidnapping (N.J.S.A. 2C:13)
- Sexual Offenses (N.J.S.A. 2C:14)
- Offenses against the Family, Children and Incompetents (N.J.S.A. 2C:24)
- Controlled Dangerous Substances (N.J.S.A. 2C:35 except for 2C:35-10(a)4)
- Robbery (N.J.S.A. 2C:15)
- Theft (N.J.S.A. 2C:20)

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

- **Appeal Process:** The Appeals Committee will be comprised of the Administrator, Police Chief/Director of Public Safety and other designated management official of the Borough.

Once a candidate, employee or volunteer has been notified of a disqualifying conviction, the employee has 14 calendar days to file a Notice of Appeal with the Borough of Neptune City. Such Notice of Appeal must be sent in writing to the Administrator. The Notice of Appeal shall include a Notice of Rehabilitation and/or a Notice that the information is inaccurate or incorrect, pursuant to NJAC 13:59-1.6.

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

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

1. The nature and responsibility of the position which the convicted individual would hold, has held, or currently holds, as the case may be.
2. The nature and seriousness of the crime or offense.
3. The circumstances under which the crime or offense occurred.
4. The date of the crime or offense.
5. The age of the individual when the crime or offense was committed.
6. Whether the crime or offense was an isolated or a repeated incident.
7. Any social conditions which may have contributed to the commission of the crime or offense.
8. Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received.

9. Acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of those who have had the individual under their supervision.

The (local unit type) will issue a written determination on the employee's appeal of their disqualifying conviction, setting forth the reasons for the determination.

Open Public Meetings Act Procedure concerning Personnel Matters:

Discussions by the governing body or anybody of the Borough of Neptune City concerning appointment, termination, terms and conditions of employment, performance evaluation, promotion or discipline of any current or prospective officer or employee shall be in closed session, with the right of the employee to be present, unless the individual requests in writing that the discussion be held in open session. Such request must be granted. Prior to the discussion by the governing body or any body of the Borough concerning such matters, the Clerk shall notify the affected person(s) of the meeting date, time and place, the matters to be discussed and the person's right to request that the discussion occur in open session. In the event more than one person is affected by the discussion and one of the affected persons does not request that the discussion be in open session, then the discussion shall be in closed session.

Processing and Orientation of New Employees Procedure

All new regular full-time and regular part-time employees will be scheduled to meet with the Department Head and/or the Borough Administrator, on their first day of employment for a general orientation. Copies of all forms and acknowledgements must be returned to the Borough Administrator for inclusion in the employee's official personnel file. The orientation will include:

- A tour of the appropriate facilities to acquaint the new employee with overall operations as they relate to the specific position;
- The completion of all pertinent personnel, payroll, insurance and pension forms;
- A review of the Employee Handbook and acknowledgement of receipt;
- A review of the Personnel Policies and Procedures Manual if the employee is a manager or supervisor and acknowledgement of receipt;
- The Employee Complaint Policy letter and acknowledgement;
- A safety orientation and acknowledgement; and
- Arrangements for the new employee to complete required PEOSHA safety training.

Use of Borough Property and Vehicles

Borough Property: It is the responsibility of the supervisor to ensure that employees have the necessary equipment and supplies for accomplishing assigned tasks. Employees are responsible for taking care of any equipment assigned to them and for the proper utilization of supplies. Employees of the Borough shall not remove or in any way assist in the removal of supplies, materials, goods, or equipment belonging to the Borough from its premises, unless such removal has been authorized by the Department Head. Employees are not to use equipment, supplies, postage, or other materials of the Borough of Neptune City for personal use.

Vehicles: Procedures regarding the use of Borough vehicles shall be consistent with policies administered by the Borough Administrator. Assigned drivers are responsible for ensuring that the vehicles are kept clean and in good operating condition.

Whenever possible, employees should use Borough owned vehicles to conduct Borough business and attend meetings.

Code of Conduct*

Employees of the Borough of Neptune City will comply with the following:

- A. No employee of the Borough shall smoke in Borough buildings or Borough vehicles.
- B. No employee of the Borough shall be in possession of or drink alcoholic beverages, misuse prescription drugs or take illegal drugs in Borough buildings or Borough vehicles.
- C. No employee of the Borough shall use an I-pod, MP3 player or any other device requiring headsets while working. Only safety headsets are permitted.
- D. No employee of the Borough shall use a personal cell phone while working. Cell phones shall be utilized in emergent situations only and never when Borough equipment is in operation by the employee or while driving a Borough vehicle.
- E. All employees of the Borough of Neptune City shall be courteous to the public.

Work Day and Attendance

Accurate time and attendance records shall be maintained on each employee by the person in charge of the department, who shall certify to the Payroll Department, the accuracy of his records on employees' absences for sick leave, vacations, leaves of absence, death, maternity, jury duty, or any other authorized or unauthorized absences. The pay period for all employees shall be semi-monthly (twenty-four (24) pays per year), unless otherwise specifically provided by resolution of the Borough. The standard work week shall be Monday through Friday for

Borough employees with the exception of members of the Police Department, Sworn Officers and Police Dispatchers.

Early Closing and Delayed Opening Policy

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

Leave of Absence, Illness and Sick Day Policy *

An official leave of absence may be granted by the Borough, with the approval of the Mayor and Council. Any employee may be granted a leave of absence without pay.

An employee on leave of absence without pay, except military leave, does not accrue vacation leave, sick leave, or any other benefits. No payments will be made to the pension system or health plan during this leave of absence, however, unless the employee agrees to bear the costs.

Written notice of the foregoing shall be provided to the employee prior to taking such leave. Such notice shall include the following information:

1. The period for which the leave is desired

2. The reason for the leave
3. The specific date on which the employee will return to work and upon which he/she can expect to be terminated from his/her employment if he/she has not returned to work or obtained an extension of the original leave.

A leave of absence shall not exceed three (3) months in length, after which it may be reconsidered and any requested extension shall either be granted or denied.

Employees are required to notify the Borough of the anticipated date of return, as soon as such is known to the employee. Failure to return on such date without notice shall be considered a voluntary resignation.

The Borough shall have the sole discretion in matters of leaves of absence and each decision made shall be on its own merits. In no event shall the decision whether or not to grant a leave neither be precedential as to any other decision regarding a leave, nor shall denial shall be the subject of a grievance in accordance with the collective bargaining agreement.

Sick Leave

All full-time employees who have completed five (5) years of service shall accumulate sick leave at a rate of ten (10) hours for each full month of service, fifteen (15) days a year.

Employees with less than five (5) years of full-time service shall during the first twelve (12) months of service with the Borough accumulate sick leave at the rate of eight (8) hours per month or twelve (12) days a year until they reach five (5) years of service. Employees who are bound by union contracts will abide by the sick leave schedule set forth within those contracts.

In the event an employee intends to be absent on account of illness on any day, the employee shall notify the Borough at least one hour prior to their normal starting time. Failure to report daily shall be deemed grounds for refusal to grant sick leave. At any time, the Borough

Administrator may require verification of the employee's illness by submission of acceptable

medical evidence substantiating the illness. This certificate should be in writing and should indicate the date of illness and the approximate date that the employee will be capable of returning to his/her regular duties. Sick leave not taken shall accumulate from year to year, and the employee shall be entitled to such accumulated sick leave if and when needed.

Upon separation from the Borough, an employee hired prior to **May 2, 2010** shall be entitled to one half (1/2) at the rate of pay in effect at the time of separation for each full day of unused accumulated sick leave up to a maximum of three hundred (300) days which is the equivalent of one hundred and fifty (150) days pay.

Full time employees hired after May 1, 2010 will be entitled to sick leave upon separation at a maximum amount of up to \$15,000.00.

Full time employees hired after August 30, 2017 shall not be entitled to an accumulated sick leave pay out upon separation or retirement.

Said accumulated sick leave shall be paid to the employee in one lump or in such increments as employee and the Borough shall agree, upon employee's separation from employment with the Borough. Employee may elect to use any such sums due to employee under this subparagraph toward the cost of maintaining health insurance through the insurance carrier utilized by the Borough, at such cost and upon such terms as the Borough's insurance carrier in its sole discretion shall determine.

In the event that an employee separates from the Department within seven (7) years of his or her starting date, all of the aforementioned accumulated sick leave benefits will be NULL AND VOID, unless that separation is a disability retirement.

Any employee who takes sick leave after he/she has already worked a portion of the workday, may use one half (1/2) day of his sick leave benefits.

The Borough retains in its sole discretion to extend the period of sick leave aforementioned beyond the terms previously cited.

In the event of the employee's death, prior to his or her separation, all accumulated sick leave benefits will be paid on the basis noted in this section above to the employee's designated beneficiary or estate.

Holiday and Personal Day Leave Policy

Holidays

All full-time employees shall be entitled to thirteen (13) paid holidays per year. The recognized holidays are:

- New Year's Day
- Martin Luther King's Birthday
- President's Day
- Good Friday
- Easter (Floating Holiday*)
- Memorial Day
- July 4th
- Labor Day
- Columbus Day
- Veteran's Day
- Thanksgiving Day
- Friday after Thanksgiving (in lieu of Election Day)
- Christmas

It is recognized that full-time employees of the Police Department; Sworn Officers and Police Dispatchers, may not enjoy time off on the aforesaid holiday by reason of Departmental business. Accordingly in lieu of the holiday itself, Sworn Officers and Police Dispatchers shall

receive compensation for the said holiday. In the event any holiday falls on a non-duty day, said holiday shall be deemed to have fallen on a regular working day.

*The floating holiday is used at the request of the employee unless the Borough Council designates one day in the calendar year to be used.

Personal Leave Days

Full-time employees are entitled to four (4) days leave with pay for personal business annually. Where possible, requests to utilize leave shall be asked for and obtained in advance of the requested date or dates from the employee's Department Head. Dates requested shall be subject to the approval of the Department Head, which approval shall not be unreasonably withheld. Personal leave days must be used within the one (1) year period and shall not be cumulative from year to year.

No employees shall be permitted to take a combination of personal or compensatory time off that exceeds five (5) consecutive days without prior approval of the department supervisor.

An employee is not required to specify the personal business reason for the personal day request, except in emergency situations when two or more employees are performing similar job functions within the Department apply for personal leave to be taken on the same day.

During the first year of employment, an employee shall earn days at the rate of one (1) day for each three (3) months of employment.

Jury Duty Leave

Both full-time and part-time employees called for jury duty shall be granted leave with straight pay less any compensation (exclusive of mileage) they may receive for attending required

jury duty. If an employee is required to serve on jury duty, such employee shall be required to notify the Borough Administrator in advance and report for their regularly scheduled work on the calendar day immediately following their final discharge from jury duty. If discharged from jury duty prior to the end of the workday, employees shall report for work for the duration of the workday.

If there is a change in the originally scheduled jury duty leave, the employee must notify the Borough Administrator to make the necessary arrangements to return to work, otherwise, the employee shall receive no pay from the Borough. Employees are expected to cooperate with the Borough and report to work where possible. The Borough Administrator must be notified in advance any day that the employee is not required to report for jury duty.

Bereavement Leave

All full-time permanent employees shall be granted, up to a maximum of four (4) working days leave upon the death of a member of his or her immediate family up to and including the date of internment. Immediate family includes employee's spouse, domestic or civil union partner, child, step-child, mother, father, brother, sister, employee's grandparents and spouse's grandparents, son-in-law, daughter-in-law, grandchildren, mother-in-law, father-in-law, and cohabitant.

Such bereavement leave is in addition to any holiday, day off, vacation leave or compensatory time off falling within the time of bereavement.

An employee of the Borough may make a request to their Department Head for time off to attend a funeral separate and distinct from bereavement leave. Such request, if granted, shall be charged at the option of the employee as a personal day or vacation day.

Vacations*

Permanent full-time employees shall be entitled to annual vacation leave based upon his/her years of full-time service in accordance with the following schedules:

HIRED PRIOR TO 7/1/93

6 Months through 1 year	-1 day per 2 months- max of 5
After 1 complete yr through 5 complete yrs	-10 working days
6 th year through 8 complete years	-15 working days
9 th year through 15 complete years	-20 working days
Start of 16 th year and thereafter	-25 working days

EMPLOYEES HIRED AFTER 7/1/93

6 Months through 1 year	-1 day per 2 months- max of 5
After 1 complete yr through 5 complete yrs	-10 working days
6 th year through 10 complete years	-15 working days
11 th year through 19 complete years	-20 working days
Start of 20 th year and thereafter	-25 working days

For purposes of computing time in service, each employee employed by the Borough on or before June 30th shall earn credit for the entire year. If an employee is hired on or after July 1st his or her time in service shall be computed from the following January.

Scheduling of annual vacation leave shall be the sole responsibility of the Department Head. Wherever possible, requests for vacation leave shall be granted consistent with the needs of the Department. Where two or more employees request the same vacation leave, preference is given on the basis of seniority consistent with the needs of the Department.

If the services of any employee covered hereunder are terminated for any reason other than discharge for cause, his or her vacation entitlement shall be prorated and paid to him or her his or her beneficiary if owed or reimbursed the Borough from the final paycheck if the employee has taken vacation in excess of his prorated vacation entitlement at the time of the termination. No prorated vacation benefits shall be paid to an employee who is discharged for just cause

Conference Policy

Conferences:

1. All Conferences must be within budgeted amount for that department.
2. For the League of Municipalities –Registrations will be paid for department heads and members of the Neptune City Mayor and Council.

The following employees may attend the League of Municipalities:

- Mayor and Council
- Borough Administrator
- Full Time Department Heads (Administration, Police, Public Works, Community Center)
- Part-Time Department Heads (Library, Construction, Tax Assessment, Land Use Bd., Court, Public Assistance, Fire Dept., Emergency Mgt.)

Certified Employees who need to get credits to keep up their certification.

Any person who attends the League Conference will be required to attend session(s) that pertain to their position with the Borough. Employees shall also file a “Report of Activities” form with the Borough Administrator. This report will be filed within ten (10) days of attendance at the conference. No person attending the League Conference can submit reimbursement for meals or travel expenses.

Health Benefits

Health benefits are defined as Medical and Dental Coverage, Pursuant to the provisions of **2011 Pension and Health Benefit Reforms Act, (P.L. 2011 c. 78)**. In absence of the state mandated law, the following provisions are in effect.

Eligibility

Any employee who works thirty (35) hours or more per week will be eligible for health benefits pursuant to the provisions in effect at the time of their date of eligibility

Flexible Spending Account:

- a. Flexible Spending Account Plan is available to all interested employees. Open Enrollment is in October of each year and will allow employees to set aside pre-tax dollars for all unreimbursed medical expenses.

b. Employees hired prior to January 1, 2000: The Borough of Neptune City will pay the full cost of all eligible employees who are enrolled in the Point of Service Plan. Employees who choose the option of the Traditional Plan will pay the difference in premium between the Point of Service Plan and Traditional Plan.

c. Employees hired between July 1, 1993 and June 30, 2006 shall be entitled to Point of Service Health Insurance premiums paid by the Borough for the Employee Only. No dependent coverage premium shall be paid by the Borough for a period of five (5) years from the employee's date of hire. After five (5) years of employment, the employee will be eligible for coverage for themselves and their dependents.

d. Employees hired after July 1, 2006 shall be entitled to Point of Service Health Insurance paid by the Borough for Employee only. No dependent coverage premium shall be paid by the Borough for a period of three (3) years from the employee's day of hire. After three years of employment, the employee will pay fifteen percent (15%) of the Point of Service premium for which they are eligible.

e. Any employee that is eligible for single coverage shall be entitled to purchase dependent coverage at the employee's expense at a rate payable by the Borough for its covered employees through payroll deductions. Purchase of this coverage may be made at anytime during the three (3) year period in accordance with the carrier's rules and regulation.

f. Any part-time employee who has been employed for five (5) years or more and has worked fifteen (15) hours or more per week and becomes a full-time employee, shall be eligible for one-half (1/2) of their years of service toward health benefits.

Compensation in Lieu of Health Benefits

Any employee who is eligible for Health Benefits and elects not to be enrolled in any and all of the above health benefits shall receive the following compensation in lieu of said benefits, payable on November 15th.

Single Coverage	\$2,000.00
Parent & Child	\$2,300.00
Husband & Wife	\$3,000.00
Family	\$3,600.00

(Employees who are not eligible for dependent coverage shall only be entitled to single coverage payout).

Health Benefits upon Retirement

Employees with twenty years of service as of July 1, 2011 (enactment of PL 78)

Employees who have completed twenty- five (25) years with the Borough are eligible to receive Health Benefits under the following conditions:

1. Must retire in accordance with their respective state Pension Plan
2. Benefits will cease upon reaching the age of 65
3. Employees and eligible dependents must elect the Point of Service Plan.

Employees with less twenty years of service as of July 1, 2011 (enactment of PL 78)

Employees who have completed twenty- five (25) years with the Borough are eligible to receive Health Benefits under the following conditions:

1. Must retire in accordance with their respective state Pension Plan
2. Benefits will cease upon reaching the age of 65
3. Employees must elect the Point of Service Plan.
4. Retirees will pay fifty percent (50%) of their premium.

Longevity

In addition to salaries, wages or other payments hereunder, all full time employees shall receive longevity payment at the annual rate of \$750.00 for each completed five (5) years of full time service with the Borough. Longevity will not exceed \$3000.00 per year. Longevity payment shall be paid on November 15th of each year. In the first year an employee becomes eligible for a longevity increment, said payment shall be prorated based upon the remaining number of months

in the calendar year after the employee's anniversary date. For example, an employee completing five (5) years of service on June 30th would receive a longevity increment of \$375.00 on November 15th. Each year thereafter, the employees would receive a longevity increment of \$750.00. After completing ten (10) years of service on June 30th, the employee would receive a longevity increment of \$1500.00 on November 15th and each year thereafter \$1500.00 per year.

If the employee shall terminate his/her employment with the Borough of Neptune City or retire, he/she shall then receive his/her longevity on his/her last paycheck.

Employees hired after 9/01/2010 will not be entitled to longevity.

Policies for Part time Employees

The following policies are for all part-time employees of the Borough. The definition of part-time employee shall refer to all employees which work less than thirty (30) hours per week.

Part-Time (Hourly Salary)

- Hours worked/hours paid
- Vacation Leave Employees hired prior to July 1st will receive full vacation benefits on January 1st of the following year. Employees hired on July 1st or after will receive vacation time for the period following their anniversary date that will be prorated until December 31st of that year. On January 1st the employee will receive vacation for the amount of hours worked in a regularly scheduled workweek.

After ten (10) years of service – paid leave for amount of hours worked in two (2) regularly scheduled workweeks.

Part-Time (Annual Salary)

- Vacation Leave No leave during first year of employment. After the first year, same policy as listed above (part-time hourly).
- Holiday Leave Granted the holiday if it falls on regularly scheduled work day.
- Sick Leave Granted the number of hours equal to the number of hours worked in two (2) regularly scheduled work weeks.

Employees may carry one (1) week of unused sick leave into the subsequent year, (but will never accumulate more than a total of three (3) weeks in any given year).

If any part-time annual salaried employee provides their own qualified substitute or makes up the time for vacation or sick leave within the same pay period, they will not be charged for a missed day.

For all Part-Time Employees

- Salary increases will be determined yearly by Mayor and Council.
- Evaluation to be done annually by immediate supervisor.

Crossing Guards are not eligible for vacation, holidays or sick leave. The Public Defender is granted no time because he/she is paid on a per case basis.

Safety

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

The Borough will appoint a Safety Committee that will meet on a regular basis to discuss and recommend solutions to safety problems. Employees are encouraged to discuss safety concerns with their Safety Committee Representative.

Statement of Compliance with Collective Bargaining Units

All policies of the Borough will comply with any requirements of any collective bargaining agreements with employees. This, 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. 34:13A-1 et seq. (Employer/Employee Relations Act).

Annual Review of Manual

The Borough Administrator shall be charged with the responsibility to ensure that this manual is reviewed and updated on an annual basis, and kept current with any and all changes in local, state and federal law and regulations. This annual review should be conducted in consultation with the Borough Council.

NEPTUNE CITY EMPLOYEE COMPLAINT FORM

Date _____

Attach additional sheets if necessary to fully complete all questions

NAME: _____

DEPARTMENT: _____

TITLE: _____

SUPERVISOR: _____

Time period covered by this complaint: _____

Individuals who allegedly committed the acts being complained of:

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

Identify all persons with knowledge of the complained conduct:

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

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

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

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

What is your requested remedy for this complaint?

ACKNOWLEDGEMENT

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

BY: _____ **DATE:** _____

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

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

BY: _____ **DATE:** _____

