

TOWNSHIP OF CLARK
POLICIES AND PROCEDURES MANUAL
REVISED OCTOBER, 2018

“Clark Township is an Equal Opportunity Employer, M/F.”

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Mayor

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Business Administrator

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GENERAL PERSONNEL POLICY:*

It is the policy of Clark Township to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations. The personnel policies and procedures of the Municipality shall apply to all employees, volunteers, elected or appointed officials and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract, or Federal or State law including the New Jersey Civil Service Act, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

All employees, officers and Department Heads shall be appointed and promoted by the Mayor. No person shall be employed or promoted unless a position is created by Ordinance adopted by the Governing Body and is funded, as necessary, by a budget appropriation.

The Mayor and all managerial/supervisory personnel are authorized and responsible for personnel policies and procedures. The Mayor shall also have access to the General Counsel and/or the Labor Attorney appointed by the Governing Body for guidance in personnel matters.

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

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

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

INTRODUCTION

Purpose:

The purpose of this document is to define and clarify the personnel policies of the Township of Clark and supplement said policies with specific details covering the many and varied phases of personnel administration.

Definitions:

Policy: An adopted and approved management approach and attitude toward the general handling of matters relating to administration of personnel actions.

Procedure: A detailed method for implementation of a policy.

Rationale for Policy and Procedure Document:

The definition of policies for the Township of Clark and the consistent applications of such policies by standardized procedures will result in uniformity of operations throughout all departments, increase efficiency, morale and result in better service to both employees and the community. To achieve these goals, a policy and procedure manual has been prepared and will be maintained for the guidance of management and personnel.

Responsibility for development and Implementation of Policy and Procedure Document:

The Business Administrator is responsible for coordinating the preparation of policies and procedures, obtaining approval of the Mayor and Council, and authorizing distribution of the approved policies and procedures. Department Heads and Office Supervisors are responsible for:

- Implementing existing policies and procedures within their respective departments.
- Participating in the following or modification of policies and procedures by initiating recommendations and suggestions through the Business Administrator's office.

- Maintaining the Policy and Procedure Manual and Revisions in the binder provided.

Applicability:

The provisions of these rules shall not apply to the Municipal Judge, Township Attorney, Council Members, Members of Boards and Committees.

In the event of a conflict between the policies and procedures outlined below and any provision(s) of a collective bargaining agreement negotiated between the Township and a majority representative of Township employees in a unit appropriate for such purposes within the meaning of the NJ Employer-Employee Relations Act, the provision(s) of such collective bargaining agreement shall govern.

Content:

This document includes the basic administrative and personnel policies and procedures of the Township of Clark.

Format:

The format of this document will be a series of major sections each containing pertinent policies and the procedure for implementation of the same. Additional major sections or policies may be added as required. Pages will be dated and numbered in order that revisions may be readily noted.

Review and Update of Document:

The Business Administrator will review this document annually. However, continual review and/or modification will occur as necessary. Approved revisions will be distributed to all Department Heads and Office Supervisors for updating individual documents.

Severability:

If any section or part of this manual is held to be invalid for any reason, such section or part shall be suspended and the remainder of this manual shall not be affected thereby.

MANAGEMENT RIGHTS**Policy:**

The Township of Clark hereby retains and reserves unto itself all powers, rights, authority, duties and responsibilities concurred upon and vested in it by the laws and constitution of the State of New Jersey and of the United States, including and without limiting the generality of the foregoing, the following rights:

- To the executive management and administrative control of the Township government and its properties and facilities, the operation of its departments and the activities of its employees.
- To hire all employees, and subject to the provisions of law, determine their qualifications; to determine standards of performance and conditions for continued employment or assignment; and to promote, transfer or assign employees.
- To lay-off, demote, suspend, discharge or take disciplinary action against employees in accordance with applicable laws.
- To make all plans and decisions on matters involving operations; to determine the necessity of overtime and the amount of overtime needed; to determine the duties in any job classification.
- The exercise of foregoing powers, rights, authority, duties and responsibilities of the Township, the adoption of policies, rules, regulations and practices in furtherance thereof, and the use of judgment and discretion in connection therewith shall be limited only by the specific and express terms hereof provided such terms are in conformance with current union contracts, the constitution and laws of the State of New Jersey and the United States.
- Nothing contained herein shall be construed to deny or restrict the Township of its powers, rights, authority, duties and responsibilities under R.S. 40 or any other national, state, county or local laws or ordinances.

UNION REPRESENTATION

Policy:

Employees of the Township of Clark may be represented by the following groups:

- Union Council Number 8, White Collar
- Union Council Number 8, Blue Collar
- PBA Local 125
- School Crossing Guard Association
- Special Police

It is the declared policy of the Township of Clark that employees have the right to join or refrain from joining, without coercion or interference from management, any organized employee group. Furthermore, the Township agrees to continue its policy of not discriminating against any employee because of their affiliation or non-affiliation with an organized employee group.

The Mayor and/or designee shall be recognized as the official spokesperson in all proceedings with organized employee groups entering into or holding formal contractual agreements with the Township of Clark.

CODE OF ETHICS

Declaration of Policy:

The public judges its government by the way the public officials conduct themselves in the posts to which they are elected or appointed.

The people have a right to expect that every public official will conduct him/herself in a manner that will tend to preserve public confidence in and respect for the government he/she represents.

Such confidence and respect can best be promoted if every public official whether paid or unpaid, and whether elected or appointed, will uniformly:

- Treat all citizens with courtesy, impartiality, fairness and equality under the law.
- Avoid both actual and potential conflicts between their private self interest and the public interest.

To help public officials achieve these goals is one of the objectives of the code.

Definitions:

Employee: Any person employed by the Township of Clark and listed on the payroll either on a full time, part time or temporary basis.

Financial Interest: Any interest which shall yield directly or indirectly, a monetary or other material benefit (other than the duly authorized salary or compensation for services to the Township) to the official or to any person employing or retaining the service of the official.

Municipality: The Township of Clark.

Official: Any person, other than a Township employee, elected, appointed to or retained as a professional advisor by any public office or public body of the Township, whether paid or unpaid and whether full time or part time.

Person: Any person, entity, firm, association, group, partnership or corporation or any combination thereof.

Personal Interest: Any interest arising from blood or marriage relationships or from close business or political association whether or not any financial interest is involved.

Public Body: Any agency, board, body, commission, committee, department or office of the Township of Clark.

Fair and Equal Treatment:

Impartiality: No official or employee shall grant or make available to any person, any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or make available to the public at large.

Use of Public Property: No official or employee shall request, use or permit the use of any publicly owned or publicly supported property, vehicle, equipment labor of service for the personal convenience or the private advantage of him/herself or any other person. This rule shall not be deemed to prohibit any official or employee from requesting, using or permitting the use of such publicly owned or publicly supplied property, vehicle equipment, material, labor or service which it is the general practice to make available to the public at large or which are provided as a matter of stated public policy for the use of officials and employees in the conduct of official business.

Conflict of Interest:

Disclosure and Disqualification: Whenever the performance of his/her duties shall require any official, advisor or employee to deliberate, act or vote on any matter involving his own financial or personal interest, he/she shall publicly disclose the nature and extent of such interest and disqualify him/herself from participating in and shall physically remove him/herself from public or private deliberations or voting and shall not take an action in his/her capacity as a Township official, advisor, or employee relating to such matter.

Representation of Private Persons: No official or employee shall appear on behalf of or represent any private person other than him/herself or a corporation or entity by whom he/she is employed and from whom he/she receives more than fifty (50) percent of his/her annual income, before any public body in the Township of Clark.

Gifts and Favors: No official or employee shall accept a gift, whether in the form of money, thing, favor, loan or promise intended to influence any official action.

Confidential Information:

No official, advisor, employee shall without prior formal authorization of the public body having jurisdiction, disclose any confidential information concerning any other official or employee or any other person or property in the Township or the governmental affairs of other Townships.

Complaint Procedure:

Upon the complaint of any person alleging facts which, if true, would constitute improper conduct under the provisions of this chapter, the Council, in case of official, and Administrator, in case of employee, shall conduct a full investigation to determine whether there are sufficient facts supportive of the complaint to warrant further action.

Application of Other Laws:

None of the provisions of this policy shall operate or be construed to violate any state statutes or valid collective bargaining agreements. Such statutes and agreements containing provisions which are contrary to this policy shall not be affected thereby. But the provisions of this policy shall remain effective and be applicable to all officials, advisors, and employees not governed by such contrary provisions or state statutes or collective bargaining agreements.

SECTION ONE (updated October 2018)

Policies Relating to Employee Rights and Obligations

Anti-Discrimination Policy/ New Jersey Pregnant Worker's Fairness Act:*

The Municipality 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 Municipality 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, breastfeeding, 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 are based solely on the qualifications and performance of the employee or prospective employee. If any employee or prospective employee feels they have been treated unfairly, they have the right to address their concern with their supervisor, or if they prefer the Business Administrator, Mayor or General Counsel.

Americans with Disabilities Act Policy:*

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 Township of Clark does not discriminate based on disability, pregnancy, pregnancy related medical condition or childbirth. The Township of Clark will endeavor to make every work environment handicap accessible and all future construction and renovation of facilities will be in accordance with applicable barrier-free Federal and State regulations and the Americans with Disabilities Act Accessibility Guidelines, as well as the ADA Amendments Act.

It is the policy of the Township of Clark 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 qualifying disability, pregnancy, childbirth, breastfeeding, or pregnancy related medical condition. We will also make reasonable accommodations to known physical or mental limitations of all employees and applicants with disabilities or pregnant, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided that the accommodation does not impose undue hardship on the Township of Clark.

Upon notice of a need for an accommodation by an individual with a qualifying disability the Business Administrator shall engage in an interactive dialogue with disabled/pregnant employees and prospective employees to identify reasonable accommodations or their respective physician. In the case of an employee breastfeeding her infant child, the accommodation shall include reasonable break time each day to the employee and a suitable room or other location with privacy, other than a toilet stall, in close proximity to work area for the employee to express breast milk for the child.

All decisions with regard to reasonable accommodation shall be made by the Business Administrator. Employees who are assigned to a new position as a reasonable accommodation will receive the salary for their new position. The Americans with Disabilities Act does not require the Township of Clark to offer permanent "light duty", relocate essential job functions, or provide personal use items such as eyeglasses, hearing aids, wheelchairs, etc.

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

Contagious or Life Threatening Illnesses Policy:*

The Township has a legal obligation to provide a safe and healthy work environment for all employees and to the public at large. In an effort to balance the needs of the Township, the public and employees, the Township has adopted certain regulations with respect to contagious/life threatening illnesses. To that end, employees of the Township who have been

diagnosed with any illness that poses a health hazard to other employees or to the public at large must disclose this information to the Township Administrator at the earliest possible time. The Township Administrator shall consult with the Township physician, if necessary, in making a determination and assessing the risks to other employees and the public at large. In order to fulfill the Township's obligations, the Township may direct the employee to pursue one of the following options:

- Federal Family and Medical Leave (FMLA)
- Sick Leave and/or Vacation Leave
- Unpaid leave of absence if the employee has no accumulated leave time to utilize;
- Permanent disability, if the illness is of a permanent nature and if the employee qualifies under the appropriate state pension plan.
- Resignation if the illness is of such nature that the employee cannot return to work and the employee does not have any leave time available and the employee is not vested in any of the state pension plans.

An employee who does not disclose this information to the Township will be subject to appropriate disciplinary action including termination of employment.

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

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

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

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

Managers and other employees have a responsibility to maintain the confidentiality of employee medical information. Anyone inappropriately disclosing such information shall be subject to disciplinary action.

Safety Policy:

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

The Municipality shall appoint a Safety Committee comprised of Department Heads or their designees that meets on a regular basis to discuss and recommend solutions to safety problems. Employees are encouraged to discuss safety concerns with their Safety Committee Representative.

Transitional Duty Policy:

The Municipality will endeavor to bring employees who are temporarily unable to perform the essential functions of their position back on the job as soon as possible and may assign transitional duty to employees who temporarily cannot perform the essential functions of their positions because of injury or illness. Transitional duty is not guaranteed and will not exceed

45 workdays. If a department already has one employee on transitional duty, it is unlikely that another employee from that department will be assigned transitional duty.

An employee requesting transitional duty or the Workers Compensation Physician shall notify the Supervisor or the Business Administrator as soon as the temporarily disabled employee is able to return to work with restrictions. Transitional duty will only be assigned if the employee will probably be able to perform the essential functions of the position after the transitional duty period. The Business Administrator will consult with the Supervisor to determine if there is any meaningful work that can be performed consistent with the restrictions. Transitional duty assignments may be in any department and not just the employee's normal department. The Business Administrator will decide if it is in the best interest of the Municipality to approve a transitional duty request and will notify the employee of the decision. The Municipality reserves the right to terminate the transitional duty assignment at any time without cause.

Employees may refuse transitional duty assignments when eligible for or on a leave pursuant to the Family and Medical Leave Act, but such refusal may affect workers compensation benefits. Employees who are not eligible for or on an FMLA Leave may not refuse transitional duty assignments that are recommended by the Workers Compensation Physician. In such cases, failure to report to work as directed shall constitute immediate grounds for dismissal. If the employee believes that the transitional duty assignment is beyond the employee's abilities, the employee may request a meeting with the Business Administrator who will render a written response within 24 hours.

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

Medical Leave Act, the Fair Labor Standards Act, the Contagious or Life Threatening Illnesses Policy or other Federal or State law.

Drugs and Alcohol Policy:* See Appendix A

Workplace Violence Policy:*

The Municipality 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 Municipality property, at Municipality events or under other circumstances that may negatively affect the Municipality's ability to conduct business.

Prohibited conduct includes:

- Causing physical injury to another person;
- Making threatening remarks;
- Aggressive, hostile, or bullying behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
- Intentionally damaging employer property or property of another employee;
- Possession of a weapon while on Municipality property or while on Municipality business except with the Municipality 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 Municipality will actively intervene in any potentially hostile or violent situation.

General Anti-Harassment Policy:*

It is the Municipality's policy to prohibit harassment of an employee by another employee, management representative, supplier, volunteer, or business invitee on the basis of actual or perceived sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual

orientation, domestic partner status, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), liability for service in the United States armed forces, and/or any other characteristic protected by law. While it is not easy to define precisely what harassment is, it includes slurs, epithets, threats, derogatory comments, unwelcome jokes, teasing, caricatures or representations of persons using electronically or physically altered photos, drawings, or images and other similar verbal or physical conduct.

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

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

Notification of appropriate personnel of any harassment problem is essential to the success of this policy and the Municipality generally. The Municipality cannot resolve a harassment problem unless it knows about it. Therefore, it is the responsibility of all employees to bring those kinds of problems to attention of the appropriate officials so that steps are taken to correct them.

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

Anti-Sexual Harassment Policy:* (Supplement to Appendix B)

It is the Municipality policy to prohibit sexual harassment of an employee by another employee, management representative, supplier, volunteer, or business invitee. The Municipality prohibits sexual harassment from occurring in the workplace or at any other location at which Municipality sponsored activity takes place. Sexual Harassment of non-employees by our employees is also prohibited. The purpose of this policy is not to regulate personal morality or to encroach upon one's personal life, but to demonstrate a strong commitment to maintaining a workplace free of sexual harassment.

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

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

Regarding unwelcome sexual advances toward non-employees, requests for sexual favors and other verbal, physical or visual conduct of a sexual nature constitute harassment when:

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

Sexual harassment may include unwanted sexual advances; offering employment benefits in exchange for sexual favors; visual conduct (leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons or posters); verbal sexual advances, propositions or requests; verbal abuse of a sexual nature; graphic verbal commentaries about an individual's body; sexually degrading words used to describe an individual; suggestive or obscene letters, caricatures or representations of persons using electronically or physically altered photos, drawings, or images; notes or invitations; and/or, physical conduct (touching, assault, impeding or blocking movements).

If an employee is witness to or believes that the employee has experienced sexual harassment, they must immediately notify their

supervisor or other appropriate person. See the Employee Complaint Policy.

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

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

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

“Whistle Blower” Policy:*

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

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

- Disclosing or threatening to disclose to a Supervisor, Business Administrator, other official or to a public body, as defined in the

Conscientious Employee Protection Act (N.J.S.A. 34:19-1 et seq.) an activity, policy or practice that the employee reasonably believes is in violation of a law, a rule or regulation promulgated pursuant to law;

- Providing information to, or testifying before any public body conducting an investigation, hearing, an inquiry into any violation of law, or a rule or regulation promulgated pursuant to law; or
- Objecting to, or refusing to participate in any activity, policy, or practice that the employee reasonably believes is a violation of a law, 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 Municipality. However, disclosure is not required where (1) the employee is reasonably certain that the violation is known to one or more officials; (2) where the employee reasonably fears physical harm; or (3) the situation is emergent in nature. As required by the statute, a copy of this policy will be posted in all facilities and distributed annually. Employees are encouraged to complain in writing using the Employee Complaint form. See Employee Complaint Policy. The administration of whistle blower complaints is not subject to the limitations in the Grievance Policy.

Employee Complaint Policy:*

Employees, who observe actions they believe to constitute harassment, sexual harassment, or any other workplace wrongdoing, should immediately report the matter to their Supervisor, or, if they prefer, or do not think that the matter can be discussed with their Supervisor, they should contact the Business Administrator, or the Municipality Attorney. Reporting of such incidents is encouraged either when an employee feels that he or she is subject to such incidents, or observes such incidents in reference to other employees. Employees should report incidents in writing using the **Employee Complaint Form** (attached), but may make a verbal complaint at their discretion. If the employee has any questions about what constitutes harassment, sexual harassment, or any other workplace wrongdoing, they may ask their Supervisor or one of the individuals listed above. All reports of harassment, sexual harassment, or other wrongdoing will be promptly investigated by a person who is not involved in the alleged harassment or wrongdoing.

No employee will be penalized in any way for reporting a complaint. There will be no discrimination or retaliation against any individual who files a good-faith harassment complaint, even if the investigation produces insufficient evidence to support the complaint, and even if the charges cannot be proven. There will be no discrimination or retaliation against any other individual who participates in the investigation of a complaint.

If the investigation substantiates the complaint, appropriate corrective and/or disciplinary action will be swiftly pursued. Disciplinary action up to and including discharge will also be taken against individuals who make false or frivolous accusations, such as those made maliciously or recklessly. Actions taken internally to investigate and resolve harassment complaints will be conducted confidentially to the extent practicable and appropriate in order to protect the privacy of persons involved. Any investigation may include interviews with the parties involved in the incident, and if necessary, with individuals who may have observed the incident or conduct or who have other relevant knowledge. The complaining employee will be notified of a decision at the conclusion of the investigation within a reasonable time from the date of the report of an incident.

Grievance Policy:

A grievance is any formal dispute concerning the interpretation, application and enforcement of any personnel policy or procedure of the Municipality. Grievances from union employees will be handled pursuant to the terms of the applicable bargaining unit agreement. All grievances from non-union employees must be presented within five working dates after arising and failure to report a grievance within such time shall be deemed as a waiver of the grievance. In the event of a settlement or ruling that results in a determination of monetary liability, such liability shall not exceed more than thirty working days prior to the date the grievance was first presented in writing.

- **Step One:** Any employee or group of employees with a grievance shall verbally communicate the grievance to the Supervisor who will discuss the matter with the Business Administrator. The Supervisor will communicate the decision to the employee within two working days.
- **Step Two:** If the employee is not satisfied with the decision, the employee must submit a written grievance to the Business

Administrator detailing the facts and the relief requested. The decision in step one will be deemed final if the employee fails to submit a written grievance within five working days of the step one decision. After consulting the Labor Attorney as appropriate, the Business Administrator will render a written decision to the employee within five working days after receipt of the written grievance.

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

This process will only pertain to non-unionized employees. Those covered by union contracts are covered by the Grievance clause of their respective contracts.

Access to Personnel Files Policy:*

The official personnel file for each employee shall be maintained in the Office of the Business 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 Business Administrator or his designee upon reasonable notice.

Conflict of Interest Policy:*

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

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

disclosure form. The Municipality Clerk will notify employees and Municipality officials subject to the filing requirements of the Act.

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

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

Employees may not accept donations, gratuities, contributions or gifts that could be interpreted to affect their Municipality duties. Under no circumstances accept donations, gratuities, contributions or gifts from a vendor doing business with or seeking to do business with the Municipality or any person or firm seeking to influence Municipality decisions. Meals and other entertainment valued in excess of \$50.00 are also prohibited. Employees are required to report to the Business Administrator any offer of a donation, gratuity, contribution or gift including meals and entertainment that is in violation of this policy.

Political Activity 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 Municipality time, supplies or equipment in any political activity. Any violation of this policy must be reported to the Supervisor, Business Administrator, or the Municipality Attorney and may result in disciplinary action.

Employee Evaluation Policy:*

The Supervisor will complete a written evaluation and appraisal form for every employee to measure progress and to encourage self-improvement at least once a year. The evaluation will also record additional duties performed, educational courses completed as well as a plan to correct any weak points using the Employee Counseling form. After completing the evaluation, the supervisor will review the results with the employee and return the form(s) with the signed acknowledgement to the Business Administrator. After review by the Business Administrator, the form(s) are to be included in the employee's official personnel file. As a part of the evaluation, employees have the right to request a conference with the Business Administrator.

Employee Discipline Policy:*

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

- Falsification of public records, including attendance and other personnel records.
- Failure to report absence.
- Harassment of co-workers and/or volunteers and/or visitors.
- Theft or attempted theft of property belonging to the Municipality, fellow employees, volunteers or visitors.
- Failure to report to work day or days prior to or following a vacation, holiday and/or leave, and/or any other unauthorized day of absence.
- Fighting on Municipality property at any time.
- Being under the influence of intoxicants (e.g., liquor) or illegal drugs (e.g., cocaine or marijuana) on Municipality property and at any time during work hours.
- Possession, sale, transfer or use of intoxicants or illegal drugs on Municipality property and at any time during work hours.
- Insubordination.

- Entering the building without permission during non-scheduled work hours.
- Soliciting on Municipality premises during work time. This includes but is not limited to distribution of literature or products or soliciting membership in fraternal, religious, social or political organizations, and/or sales of products, such as those from Avon, Amway, etc.
- Careless waste of materials or abuse of tools, equipment or supplies.
- Deliberate destruction or damage to Municipality or suppliers' property.
- Sleeping on the job.
- Carrying weapons of any kind on Municipality premises and/or during work hours, unless carrying a weapon is a function of your job duties.
- Violation of established safety and fire regulations.
- Unscheduled absence and chronic or excessive absence.
- Chronic tardiness.
- Unauthorized absence from work area, and/or roaming or loitering on the premises, during scheduled work hours.
- Defacing walls, bulletin boards or any other Municipality or supplier property.
- Failure to perform duties, inefficiency or substandard performance.
- Unauthorized disclosure of confidential Municipality information.
- Gambling on Municipality premises.
- Horseplay, disorderly conduct and use of abusive and/or obscene language on Municipality premises.
- Deliberate delay or restriction of your work effort, and/or incitement of others to delay or restrict their work effort.
- Conviction of a crime or disorderly persons offense.
- Violating any Municipality rules or policies.
- Conduct unbecoming a public employee.
- Violation of Municipality policies, procedures and regulations.
- Violation of Federal, State or Municipality laws, rules, or regulations concerning drug and alcohol use and possession.
- Misuse of public property, including motor vehicles.
- Unauthorized use of computers, internet, and email.
- Other sufficient cause.

Major disciplinary action includes termination, disciplinary demotion or suspension or fine exceeding five working days. Minor discipline includes a

formal, written reprimand or a suspension or fine of five working days or less. Employees who object to the terms or conditions of the discipline are entitled to a hearing under the applicable grievance procedure and Civil Service procedure. In every case involving employee discipline, employees will be provided with an opportunity to respond to charges either verbally or in writing.

In cases of employee misconduct, the Municipality believes in corrective action for the purpose of correcting undesirable behavior and preventing a recurrence of that behavior. The corrective action taken will be related to the gravity of the situation, the number and kind of previous infractions and other circumstances. In every case, employees will be given an opportunity to state the situation from their point of view.

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

Neither this manual nor any other Municipality guideline, policies or practices create an employment contract. Employment with the Municipality may be terminated at any time with or without cause or reason by the employee or Municipality with the exception of those employees covered by Civil Service Act and/or Union contracts.

Resignation Policy:

An employee who intends to resign must notify the Municipality in writing at least two weeks in advance. After giving notice of resignation, employees are expected to assist their Supervisor and co-employees by providing information concerning their current projects and help in the training of a replacement. During the last two weeks, the employee may not use paid time off except paid holidays. The Business Administrator will prepare an Employee Action form showing any pay or other money owed the employee. The Business Administrator will conduct a confidential exit interview to discuss benefits. On the last day of work, and prior to receiving the final paycheck, the employee must return all keys and equipment, if applicable. At

this time, the employee will sign the termination memo designating all money owed and this memo will be retained in the official personnel file.

Work Force Reduction Policy:*

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

Driver's License Policy:*

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

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

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

Any employee performing work which requires the operation of a Municipality 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, including demotion or termination. An employee who fails to immediately report such revocation or suspension to their Supervisor and continues to operate a Municipality vehicle shall be subject to possible termination.

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

SECTION TWO (updated October 2018)

Work Place Policies:

Job Description Policy:*

A job description including qualifications shall be maintained for each position pursuant to New Jersey Civil Service Commission guidelines. All job descriptions must be approved by the Business Administrator. Copies will be available upon request.

Attendance Policy:*

All employees are expected to be at work and ready to assume their duties at the beginning of the scheduled workday. Lateness and absence will be tolerated only in emergencies or when the Supervisor gives prior approval. All absences must be reported to the Supervisor prior to the start of the normal workday. The normal working hours for administrative departments are 8:30 AM to 4:00 PM. The working hours for other departments are established by departmental procedures and bargaining unit agreements.

Procedure:

- Department heads shall warn employees about excessive absences and lateness and explain disciplinary actions which will result if there is no improvement in the offender's attendance record.
- First warning for habitual tardiness or excessive absences shall be oral, with the Department Head noting the date and particulars of such warning and sending a copy to the Business Administrator to be placed in the employee's personnel folder.
- Subsequent warnings shall be in writing with a copy given to the employee and one forwarded to the Business Administrator to be placed in the employee's personnel file.
- If an employee is unable to report to work, he/she must notify the office no more than 30 minutes after the work day begins. If such

employee does not notify his/her office by this time, it will be assumed that the employee is not going to report to work.

- Any unauthorized and/or unreported absence shall be considered absence without leave and without pay and is cause for disciplinary action.
- An employee who is absent from service without a valid leave of absence for three consecutive working days may be deemed to have abandoned his/her position and to have resigned from the service unless in the period of three working days succeeding such three days, he/she proves to the satisfaction of the Department Head that such absence was excusable.

Procedure:

- Absentee forms will be signed and sent by the Department Head or his/her designee to the Business Administrator.
- Employees who have exhausted all of their leave time will be docked for each day he/she is absent
- Department Heads should follow the procedure for employee discipline in cases of chronic or excessive absenteeism.
- If an employee resigns or is terminated and is absent from work due to illness during the last days of employment, a medical certificate will be required before any terminal pay or benefits are released.

Tardiness Policy:*

Punctuality is of the utmost importance and any tardiness shall be noted by the Supervisor. Chronic or recurring tardiness shall be reported to the Business Administrator for appropriate action including disciplinary action up to and including dismissal.

Procedure:

When it becomes evident to an employee that he/she is going to be late in reporting for work, he/she should call his/her Supervisor to report the reason for his/her tardiness and the expected time of arrival as soon as it is practical

to do so. Time taken off because of lateness and not covered by other payment will be considered time off without pay.

Storms and Other Emergencies Policy:*

All employees of the Township of Clark are expected to report to work as scheduled unless notified that the municipal office will be closed.

If an employee cannot report to work due to severe weather conditions, the time lost from work will be charged against his/her accumulated vacation, sick or compensation time. If the employee has no time accumulated, then the time lost will be charged as time off without pay.

If an employee is unable to report to work due to severe weather conditions, the employee must call to report the absence as soon as possible.

In the event of extreme weather conditions or other emergencies necessitating the closing of the Municipal Offices, the Mayor shall have the authority to send employees home early or to close the Municipal building because of weather conditions or for emergency or safety reasons.

Employees who report to work and are subsequently sent home early will not have their pay jeopardized. In addition, should it be decided that the Municipal Offices will not open due to severe weather conditions or for other emergency or safety related reasons; employees will be entitled to a full day's pay. This provision does not apply to the Department of Public Works, Police, and Fire, Emergency Services or any personnel who may be required to assist in an emergency.

Breaks:

Administrative personnel are entitled to a half hour lunch that is to be arranged by the Supervisor so that offices continue to function. Other employees are entitled to a lunch break as set forth in separate Union Contracts. All employees are entitled to a 15-minute break in the morning and in the afternoon. Administrative personnel must arrange breaks so that offices continue to function. Breaks for other employees will be scheduled by the Supervisor.

Dress Code Policy:

Dress, grooming and personal hygiene must be appropriate for the position. Uniforms are required for certain jobs and are to be worn in accordance with applicable departmental standards. All other employees are required to dress in a manner that is normally acceptable in similar business establishments and consistent with applicable safety standards. Employees shall not wear suggestive attire, jeans, athletic clothing, shorts, sandals, T-shirts, novelty buttons, baseball hats and similar items of casual attire that do not present a businesslike appearance. Hair, sideburns, moustaches and beards must be clean, combed and neatly trimmed. Shaggy, unkempt hair is not permissible regardless of length. With the advance approval of the Business Administrator, the Municipality will make reasonable religious accommodations that do not violate safety standards. Employees violating this policy shall be required to take corrective action or will be sent home without pay.

No Smoking Policy:

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

Use of Vehicles Policy:

Unless an employee receives permission from the Mayor or Business Administrator, Township owned vehicles shall be used only on official business and all passengers must be on Municipality business.

Vehicles may be taken home only with the advance approval of the Mayor or Business Administrator except Mayor or Business Administrator may also grant temporary approval to facilitate responses to after-hours emergency

calls. When an employee takes home a Municipality vehicle, it is to be used only for official Municipality business; any other use is not permitted. At no time shall children be in the municipal vehicle when responding to an emergency. Any violation of this policy constitutes cause for disciplinary action.

Telephone Usage Policy:

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

Communication Media Policy/ Social Media Policy: *

The Township of Clark Communication Media are the property of the Township of Clark 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 Township of Clark, such as cell phones, smart phones, computers, electronic tablets, access to the internet, voicemail, email, and fax. Employees are restricted from accessing or using the company's Communication Media for personal purposes during company time on company equipment without prior authorization from the Administration to do so.

All data stored on and/or transmitted through Communication Media is the property of the Township of Clark. 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 Township of Clark business purpose, regardless of who creates, processes or maintains the data, or whether the data is processed manually or through any of the Township of Clark mainframe, midrange or workstations; servers, routers, gateways, bridges, hubs, switches and other hardware components of the Township of Clark's local or wide-area networks."

The Township of Clark respects the individual privacy of its employees. However, employee communications transmitted by the Township of Clark 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 Township of Clark. The Township of Clark reserves the absolute right to access, review, audit and disclose all matters entered into, sent over, placed in storage in the Township of Clark Communication Media. By using the Township of Clark equipment and/or Communication Media, employees consent to have such use monitored at any time, with or without notice, by Township of Clark personnel. The existence of passwords does not restrict or eliminate the Township of Clark ability or right to access electronic communications. However, pursuant to New Jersey Law the Township of Clark cannot require the employee to provide the password(s) to his/her personal account(s).

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 Township of Clark are required to use the assigned municipal email account for ALL Township of Clark business and correspondence. The use of private email accounts for ANY Township of Clark business or during business hours is strictly prohibited. Employees are hereby advised that if they conduct work-related business on their personal emails, cell phones, or other personal Communication Media, it is also subject to the provisions of the Open Public Records Act. However, nothing in this social media policy prevents employees from using his/her own personal Communication Media during the employee's non-working hours to engage or participate in protected concerted activities pursuant to the National Labor Relations Act. Protected concerted activities include when an employee addresses group concerns with the employer; forms, joins or helps a labor organization; initiates, induces or prepares for group action; or speaks on behalf of or represents other employees. Nevertheless, employees are encouraged to resolve workplace grievances internally by discussing issues with their supervisor and/or the Administration, and are asked to refrain from posting comments or materials on Communication Media that can be viewed as malicious, obscene, threatening, intimidating, or that could create a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law if the employee chooses to address their grievances using Communication Media.

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

or in violation of any Township of Clark 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. Further, discriminatory remarks, harassment, bullying, threats of violence and similar behavior that is not tolerated in the workplace are also not acceptable through Communication Media, whether same is performed on the Township of Clark equipment or on the employee's own personal Communication Media.

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

Information security is necessary to protect the Township of Clark's information (data and software) from accidental or intentional unauthorized disclosure, modification, or loss. Information security is managed under guidelines dealing with identification, authentication, authorization, production environment, and ability to audit. All employees should be familiar with such security measures adopted by the Township of Clark.

All employees may access only data for which the Township of Clark has given permission. All employees must take appropriate actions to ensure that Township of Clark 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. All Township of Clark data must be stored centrally as required by Township of Clark. This provides greater security and ensures backup of all Township of Clark data is performed.

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

Employees may not install, modify or remove ANY hardware device, software application, program code, either active or passive, or a portion thereof, without the express written permission from the Township of Clark. Employees may not upload, download, or otherwise transmit commercial software or any copyrighted materials belonging to parties outside of the Township of Clark, or licensed to the Township of Clark. 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. Workstation settings and configurations and network settings must not be modified by unauthorized employees. Internet security settings (where applicable) must not be changed. The foregoing includes but is not limited to the systems Network ID (or Computer Name), IP Address, Gateway and DNS addresses etc.

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 Administration may engage in social media activity during work time through the use of the Township of Clark Communication Media, as it directly relates to their work and it is in compliance with this policy.

Employees must not reveal or publicize confidential Township of Clark 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 municipal 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 Business 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 Township of Clark Communication Media to any person, entity, business or media or Internet outlet whether on or off duty without the express written permission of the Business Administrator. Except in “emergency situations, “Employees are prohibited from taking digital images or photographs with media equipment not owned by the Township of Clark. 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 Township of Clark Communication Media. If such situation occurs, employee agrees that any images belong to the Township of Clark and agree to release the image to the Township of Clark and ensure its permanent deletion from media device upon direction from the Township of Clark.

No media advertisement, electronic bulletin board posting, or any other communication accessible via the Internet about the Township of Clark or on behalf of the Township of Clark, through the use of the Township of Clark Communication Media may be issued unless it has first been approved by the Township of Clark Administration. Specifically, employees are forbidden from using the Township of Clark Communication Media to impersonate the employer; to make statements on behalf of the employer without authorization; and/or to make statements that can be construed as establishing what the employer’s official position or policy is on any particular issue. In addition, employees are prohibited from placing or posting on the Internet through the employer’s Communication Media or the employee’s own personal media, either during working or non-working hours, any employer-related confidential, sensitive or other employer information of a proprietary nature, including but not limited to employer records or documents, trade secrets, internal reports, tips based on inside information that may be considered insider trading, screenshots of computer stations, pictures of monitors and/or actual documents of the employer, any photographs, pictures, digital images of any crime scenes, traffic crashes, arrestees, detainees, people or job-related incidents or occurrences.

Because (authorized) postings placed on the Internet through use of the Township of Clark Communication Media will display on the Township of

Clark return address, any information posted on the Internet must reflect and adhere to all of the Township of Clark standards and policies.

All users are personally accountable for messages that they originate or forward using the Township of Clark 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 Business Administrator is prohibited.

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

If employees choose to identify themselves as a Township of Clark employee on their personal social media accounts and even those that do not should be aware that he or she may be viewed as acting on behalf of the Township of Clark, as such no employee shall knowingly represent themselves as a spokesperson of the Township of Clark, post any comment , text, photo, audio, video or other multimedia file that negatively reflects upon the Township of Clark expresses views that are detrimental to the Township of Clark's mission or undermine the public trust or is insulting or offensive to other individuals or to the public in regard to religion, sex, race or national origin. Township of Clark employees are encouraged to exercise extreme caution posting photographs of themselves in uniform or in situations where they can be readily identified as Township employees.

To the extent that employees use social media outside their employment while engaging in protected concerted activities as defined above, employees will not be subject to discipline or retaliation for expressing views, opinions, and/or facts surrounding the Township of Clark employment policies. For all other communications by employees on personal social media sites in which matters related to the Township of Clark are discussed, employees must add a disclaimer on the front page stating that the posting does not express the views of the Township of Clark, and that the employees are expressing their

own personal views. For example: "The views expressed on this website/web log are mine alone and do not necessarily reflect the views of my employer." The disclaimer must be placed in a prominent position and repeated for each posting that is expressing an opinion related to the Township of Clark or the Township of Clark business, with the exception of postings and social media communications by employees engaging in protected concerted activities. Employees are advised that if they post information on social media that is in violation of either the terms and conditions of the within social media policy, or in violation of federal, state, or local laws, the disclaimer will not shield them from disciplinary action. However, no retaliation or discipline will result if and when employees are engaging in protected concerted activity, and/or choose to report inappropriate social media activities to the Township of Clark Administration.

Nothing in these policies is designed to interfere with, restrain, or prevent social media communications by employees engaging in protected concerted activities regarding wages, hours, or other terms and conditions of employment pursuant to the National Labor Relations Act. All Township of Clark employees have the right to engage in or refrain from such activities.

Use of Internet:

The Township of Clark provides Internet access to its employees in order to make available a vast array of information resources and to allow participation in and access to increasing county and state resources.

Employees must comply with all policies adopted by the Township of Clark including but not limited to policies regarding prohibition of discrimination and harassment and all applicable federal, state and local laws, including laws governing the transmission and dissemination of information while accessing the Internet.

Employees who are using Internet may not:

- Use the network to make unauthorized entry into other computational, informational or communication services or resources;
- Distribute unsolicited advertising;
- Invade the privacy of others;

- Make any attempt to damage computer equipment or software;
- Engage in any activity that is harassing or defamatory;
- Use the Internet for any illegal activity, including violation of copyright or other rights of third parties, or in a manner inconsistent with the Township's tax-exempt status or its proper operation; and/or
- Download unauthorized software, fonts, templates or scripts.

As stated in the Communications Policy above the Township of Clark reserves the right to monitor the employee's Internet usage. In addition, the Township of Clark has the right to restrict access to specific types of prohibited content through the use of a content filtering system.

Video Surveillance

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

The Township's video surveillance camera systems are a significant tool to which the employees of the Township will avail themselves in order to complete the goals and objectives of the Township. Employees are only permitted to use the video surveillance camera systems for a legitimate purpose and with proper authorization. The Township'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 Township's video surveillance camera systems or tamper with access, archive, alter, add to, or make copies of any data that has been recorded and stored within any of these systems without (1) a specific legitimate purpose and (2) permission for the designee of the Township.

The Township 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 Business Administrator is immediately informed of such breach.

Bulletin Board Policy: *

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

Employee Dating Policy:

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

To try to achieve a balance between employee rights and workplace needs, the Township has adopted the following policy on the subject of Supervisor/subordinate dating.

If such a relationship exists or develops, both parties involved shall report the fact to A) their immediate Supervisor or B) human resources.

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

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

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

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

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

SECTION THREE (updated October, 2018)

Paid and Unpaid Time off Policies:

Scope:

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

Paid Holiday Policy:

Employees are entitled 13 paid holidays as set forth by the Governing Body.

A holiday falling on a Saturday will be observed on the preceding Friday, and a holiday falling on a Sunday will be observed on the following Monday. If agreed to by the unions and the governing body, changes can be made.

Vacation Leave Policy:

Vacation is an accrued benefit based on the following schedule:

- One day for each full month of service during the first calendar year;
- Twelve days for the second through 5th_ year;
- Seventeen days after the completion of 5 years through 10 years; and
- Twenty-Three days after the completion of 10 years through 20 years.
- Twenty-seven days after the completion of 20 years.
- Twenty-eight days after the completion of 21 years.

Employees must receive their Supervisor's approval at least two weeks in advance of the first vacation day. Employees who do not use all of their vacation allowance may add their unused days to their allowance for the following year. However, if these days are not used in the second year, they will be forfeited. Should an employee retire or be terminated for any reason they would be entitled to their prorated vacation time in the year of termination as follows:

Calendar Month

Year 1 through 5 continuous; 1.0 days per month; maximum 12 days

Year 6 through 10 continuous; 1.4days per month; maximum 17 days

Year 11 through 20 continuous; 1.9 days per mos.; max. 25 days

Year 21 plus continuous; 2.25 days per mos.; max 27 days

Personal Leave Policy:

Employees are entitled to 3 personal days per year and any unused days are forfeited at the end of each calendar year.

Sick Leave Policy:

Employees are entitled to 15 working days of sick leave per calendar year. Sick leave is to be used only in cases where the employee is ill and unable to work, or in cases of the serious illness of a family member. Employees absent on sick leave for three consecutive or five non-consecutive working days must submit a doctor's verification of illness or injury and clearance to return to work. If an employee is attending to an immediate family member, including civil union partner, a doctor's verification of that individual is required. After the tenth day of absence on sick leave in one calendar year, a doctor's verification must be submitted for all sick leave absences, regardless of duration. Prior to the return to work, the Municipality may require an employee to be examined by a physician designated by the Municipality to verify fitness to return to normal duties. An employee will not be permitted to return to work until the verification is received.

At the end of each calendar year, an employee's unused sick time is added to the allotment for the following year. The accumulation continues indefinitely and employees will be paid for one-half of their total accumulated unused sick time, not to exceed \$ 7,500.00 upon resignation or retirement. Those employees covered by Union contracts will adhere to those terms.

Bereavement Leave Policy:

Employees are entitled to 5 consecutive calendar days leave of absence for each death of an employee's immediate relative. Bereavement Leave shall not extend beyond 5 consecutive calendar days immediately following the death of a family member. "Immediate relative" includes spouse or significant other, civil union partner, child, parent, stepchild, sibling, grandparents, daughter-in-law, son-in-law, grandchildren, niece, nephew, uncle, aunt, or any person related by blood or marriage residing in an employee's household. Employees are paid for all working days during the Bereavement Leave. Those employees covered by Union Contracts will adhere to those terms.

Jury Duty Policy:

An employee required to render jury service shall be entitled to be absent from work with pay during that service. Any payment received for jury duty other than for expense reimbursement shall be turned over to the treasurer. An employee who is subpoenaed as a juror or a witness must notify their Department Head and indicate the day or dates of such commitment.

Leave of Absence Policy:*

Employees may be granted a personal leave of absence for up to six months at the sole discretion of the Business Administrator if the leave does not cause undue operational disruption. The leave must include the use of any accrued vacation and sick leave time, regardless of the length of leave requested. The portion of the leave that runs beyond the exhaustion of vacation and sick leave will be without pay or longevity credit. In exceptional circumstances, the Business Administrator may extend a leave of absence for an additional six months, if such extension is considered in the best interests of the Municipality.

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 Municipality Health Benefits Policy. A personal leave is

granted with the understanding that the employee intends to return to work for the Municipality. If the employee fails to return within five business days after the expiration of the leave, the employee shall be considered to have resigned. This policy does not apply to those on Military Assignment.

Family and Medical Leave Act Policy:*

Employees may be eligible for an unpaid family and medical leave under the federal Family and Medical Leave Act ("FMLA"). Employees also may be eligible for family and/or medical leave pursuant to the New Jersey Family Leave Act ("FLA"). In order to be eligible for such leave, employees must have: one (1) year of service with the Township; and, at least 1,000 hours of work (for New Jersey leave) and 1,250 hours of work (for Federal leave) during the previous twelve (12) months 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. 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 Township reserves the right to deny any request for extended leave. Additional information concerning the Family Leave Policy and eligibility requirements are available from the Business Administrator's Office.

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

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

Employees may also be eligible for an unpaid leave for up to twenty-six (26) workweeks in a year to care for a family member on active duty in the military or a covered veteran (a covered veteran is an individual who was discharged or released under conditions other than a dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran) with a serious injury or illness incurred in the line of duty on active duty for which the service member is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability

retired list, or up to twelve (12) weeks in a year for a qualifying exigency. A qualifying exigency occurs when a military member is called to covered active duty (requires deployment to a foreign country) and a close member of his/her family must attend official ceremonies or family support or assistance meetings, there is a short-notice deployment, to attend to childcare matters, attend to financial and/or legal matters, or counseling. . A serious injury or illness means an injury or illness incurred by a covered servicemember in the line of duty on active duty that may render the servicemember 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 servicemember unable to perform the duties of the servicemember'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.

Upon employer's request, an employee must provide a copy of the covered military member's active duty orders to support request for qualifying

exigency leave. In addition, upon an employer's request, certification for qualifying exigency leave must be supported by a certification containing the following information:

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

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

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

Domestic Violence Leave:*

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

- Seek medical attention for physical or psychological injuries;

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

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

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

Employees may take leave on an intermittent basis but such leave can not 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 (local unit type) will treat the leave concurrently with the leave under those statutes. Employees may be required to use accrued paid vacation leave, personal time or sick leave concurrently.

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

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

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. 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: for service less than thirty-one (31) calendar days, the employee must return to work on the beginning of the first regularly scheduled workday or eight (8) hours after the end of military duty, with reasonable allowances for commuting; for service of thirty-one (31) to one hundred eighty (180) calendar days, the employee must submit an application for reinstatement within fourteen (14) calendar days after completing military duty; for service greater than one hundred and eighty (180) calendar days, the employee must submit an application for reinstatement within ninety (90) calendar days after completing Military duty.

SECTION FOUR (updated October 2018)

Compensation & Employee Benefits Policies:

Scope:

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

Payroll Policy:

Salary ranges are established by ordinance, and the salary must fall within the minimum and maximum ranges for the employee's title. Employees are paid semi-monthly, with overtime being held back for no more than one pay period in order to compute payment of the amount due. Employees who are going on vacation and would like their checks in advance must make a written request at least two weeks in advance of the vacation.

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

Classification and Salary Plan:

Policy:

The Township of Clark will secure, implement and maintain a sound and equitable classification and salary plan which will satisfy the following objectives:

- Clearly and concisely define the duties of each class of positions in the Township.
- Accurately allocate individual positions to the appropriate class title.
- Provide a clear and concise job description for each class title.

Salary Ranges and Increments:

Salary ranges for Municipal positions shall be established by the Salary Ordinance and Contract.

Increments – Merit increases of \$550 shall be paid to employees with a satisfactory or better performance evaluation on their anniversary date, until they reach the maximum salary. Part time employees shall have the increment prorated.

Longevity – Each employee completing five (5) years of continuous uninterrupted service shall become eligible for longevity payment. The effective date as to eligibility for longevity shall be the anniversary date of the individual's employment by the Township of Clark. Any employee hired after January 1, 1991, shall not be eligible for longevity.

Pay Checks and Check Cashing:

Policy:

The Township shall pay its full-time employees on semi-monthly schedule of 24 times per year. All newly hired employees will be paid one week in arrears.

Part-time employees may be paid bi-weekly or monthly depending on the department involved or when the work is performed.

All pay checks will be issued on a designated day following the close of the pay period. In the case where a holiday may fall on a pay day, pay checks will be issued on the last working day prior to that pay day.

Employees will obtain their pay checks from the person designated in their department to distribute such checks.

Each employee is responsible for cashing or disposing of his/her own paycheck. The Township does not authorize any employee to act as an agent to cash the payroll check of another employee.

It will be the responsibility of the department head to return all unclaimed checks to the Business Administrator unless other arrangements have been made.

Overtime Compensation Policy:

Under the Federal Fair Labor Standards Act, certain employees in managerial, supervisory, and administrative, computer or professional positions are exempt from the provisions of the Act. There are also employees who may be exempt because their compensation exceeds \$100,000 per year depending upon their job duties. The Business Administrator shall notify all Exempt employees of their status under the Act. Exempt employees are not eligible to receive overtime compensation and are required to work the normal workweek and any additional hours needed to fulfill their responsibilities. Time off consideration for large amounts of additional hours may be provided with the Business Administrator's prior approval and at the sole discretion of the Business Administrator.

All other employees are classified as Non-Exempt and are subject to the provisions of the Act. Depending on work needs, Non-Exempt employees may be required to work overtime. Non-Exempt employees are not permitted to work overtime unless the overtime is budgeted and approved by the Business Administrator. Non-Exempt employees working overtime without prior approval will be subject to disciplinary action.

Non-Exempt employees will receive overtime compensation for hours worked in excess of forty in a weekly period. Employees may choose overtime compensation in the form of overtime pay at their regular hourly salary or compensating time off. The maximum number of hours that an employee may accrue for future compensating time off is 100. Once this maximum has been accumulated, all additional hours will be compensated by overtime pay. Accrued and taken overtime compensating hours must be noted on the employee's time sheet. Compensatory time must be taken within 12 months of when it was earned. Once an employee elects to be paid by compensatory time for overtime worked the payment must be taken in compensatory time and will not be paid in cash.

Non-Exempt employees will receive one and one-half hours of overtime compensation for each hour worked in excess of forty hours in a weekly

period. For purposes of overtime compensation, hours worked are computed to the nearest one-half hour per day. Previously scheduled vacation time and holiday time are considered time worked for purposes of determining overtime compensation, but sick time and personal time are not.

In addition to the requirements of the Federal Fair Labor Standards Act, Non-Exempt employees will also receive overtime compensation for work in excess of thirty-five hours but not greater than forty hours in a weekly period. This other compensation will be one hour for each hour worked in excess of thirty-five hours. If a Non-Exempt employee works on Sunday or a paid holiday, the employee will receive overtime compensation of 2 hours for each hour worked less the number of hours of overtime compensation received under any other provision of the policy. If a Non-Exempt employee not on regular call out duty is required to return to work in an emergency or because of unusual circumstance, the employee will receive overtime compensation of the greater of (1) 2 hours or (2) the actual number of hours worked (3) less the number of hours of overtime compensation received under any other provision of this policy.

Employees must make a request to their Supervisor at least two days in advance when they want to take compensating time off. The Supervisor will approve the request if the absence does not cause undue hardship to the department. Those employees with Union contracts will adhere to those rules.

Timesheets:

Non-exempt employees are required to accurately record their work time on the designated time record, sign it and return into his/her supervisor. Non-exempt employees and exempt employees are required to report their sick time, vacation time and holiday time on the designated time record. Non-exempt and exempt employees should turn the time record into his/her supervisor.

The supervisor shall review the record for accuracy and approve it and submit it to the designated payroll representative.

Payment for Accumulated Absence:

To the extent that a local ordinance, collective bargaining agreement, or an employment agreement provides for the payment of compensation for pay while absent from work, the Township shall only make such payment if the chief financial officer or Executive Director certifies that such amount is due and that proper documentation establishing that the amount of the accumulated absence has been provided and funds are available to pay. Proper Documentation includes:

- A copy of the agreement, ordinance and/or resolution;
- Documentation of the amount of accumulated absence time; and
- The total value of the compensation due.

Nothing in this section grants employees compensation for absences from work.

Health Insurance Policy:

Employees and their immediate family members, including civil union partner, are provided health insurance coverage administered by the New Jersey State Health Benefits Plan. The Municipality reserves the right to change insurance carriers provided that any new insurance carrier supplies substantially equivalent coverage. The complete benefit plan is available online at <http://www.state.nj.us/treasury/pensions/health-benefits.shtml>

Health insurance coverage for employees on a Leave of Absence or who cease Municipality employment will terminate at the end of the month in which the leave begins or employment is terminated except coverage will continue for up to twelve weeks for employees on leave pursuant to the Family and Medical Leave Act and up to thirty weeks for employees on Military Leave. Upon termination of coverage, employees may extend health insurance coverage for themselves or their dependents by taking advantage of the Public Health Service Act provision for a period of up to eighteen months to thirty-six months.

Employees who retire with twenty-five years of service to the Municipality may continue to receive paid health insurance coverage. Employees receiving retiree health benefits must notify the Business Administrator in writing, with proof of enrollment, when they become eligible for Medicare Parts A and B. For more information, consult the Finance Office.

Employees who transfer to the Township from another Municipality or in the like position of their previous Municipality service and remain for a continuous term of eight years and have acquired a minimum of twenty-five (25) years in a New Jersey pension system such as PERS or PFRS shall be entitled to continue to receive paid health insurance coverage.

Those covered by Union contracts will adhere to those terms.

Dental Benefits Policy:

Employees and their immediate family members, including civil union partner, are provided dental coverage with a twenty-five (\$25.00) dollar per person deductible and a seventy-five (\$75.00) per family deductible. The present insurance carrier is Delta Dental. Those covered by Union contracts will adhere to those terms.

Drug Prescription Benefit Policy:

The Prescription Insurance shall provide a co-pay of five (\$5.00) dollars for generic drugs and **fifteen (\$15.00)** dollars for brand drugs. Those covered by Union contracts will adhere to those terms.

Flexible Spending Account:

The Township implemented a new Section 125 plan and Flexible Spending Account program effective March 1, 2012. These programs are mandatory to accommodate Federal and State Mandates for Health Services.

These programs are beneficial to you as they allow you to save money on the contributions you are now making toward your medical insurance as well as other out of pocket expenses for medical purposes.

The Administration is confident that each of you will see the benefit of these programs for you and your families.

Retirement Policy:

Under State law, all employees must enroll in the New Jersey Public Retirement System or the Police and Fire Fighters Retirement System as applicable. The employee's contribution to the Plan will be deducted from

the employee's pay. An employee who has completed the required number of years and who has reached the required age under the Plan may retire by notifying the Business Administrator in writing. The State retirement plans request six months advance notice to process the application. After giving notice of retirement, employees are expected to assist their Supervisor and co-employees by providing information concerning their current projects and help in the training of a replacement. The Supervisor will prepare an Employee Action form showing any pay or other money owed the employee. The Business Administrator will conduct a confidential exit interview. On the last day of work, and prior to receiving the final paycheck, the employee must return the Employee Identification Card, if one is issued, all keys and equipment as applicable. At this time, the employee will sign the termination memo designating all money owed and this memo will be retained in the official personnel file.

Workers Compensation Policy:

Employees who suffer job related injuries and illnesses may be entitled to medical expenses, lost income and other compensation under the New Jersey Workers Compensation Act. The Municipality covers workers compensation benefits through its membership in a joint self insurance fund. Any occupational injury or illness must be immediately reported to the Supervisor. All required medical treatment must be performed by a Workers Compensation Physician appointed by the joint insurance fund or the Municipality and payment for unauthorized medical treatment may not be covered pursuant to the Act.

Unless explicitly provided for in a bargaining agreement, the Township will only pay, either directly or through its Workers' Compensation insurer, those benefits that are specifically provided for under the Workers' Compensation Act and will not supplement these benefits with additional benefits pursuant to NJSA 11A:6-8.

Educational Assistance and Training Policy:

Subject to sufficient funds in the budget and upon approval of the Supervisor, employees may apply for reimbursement of tuition expenses incurred for training or college courses directly related to the employee's work. The Business Administrator will be the sole judge of whether a particular course or program is "directly related" to the employee's work.

Employees are strongly urged to obtain this determination before enrolling in a course or program.

Employees may receive reimbursement for up to 80% percent of the tuition cost for training or college courses that they take on their own initiative. The reimbursement must be repaid if the employee leaves Municipality employment within twenty-four months of receipt. When enrollment for short training courses or seminars is requested by Clark Township, employees will receive full reimbursement.

Conference and Seminar Policy:

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

TOWNSHIP OF CLARK

NOTICE OF PERSONNEL DISCUSSION

To: _____

Address: _____

This is to notify you, pursuant to the Open Public Meeting Act, that the Township of Clark plans to discuss the subject matter(s) checked below relating to your employment.

- ☐ Application for Employment
- ☐ Promotion or Transfer
- ☐ Compensation
- ☐ Performance Evaluation
- ☐ Special Leave Request
- ☐ Grievance
- ☐ Discipline
- ☐ Possible Termination
- ☐ Other

(Specify):

The discussion will take place at the following meeting(s):

Date of Meeting(s): _____

Time: _____

Location: _____

The discussion will be in closed session, not open to the public, unless before the meeting the (body name) Clerk receives a request, in writing, in which you ask that the discussion be held in public. If the discussion will affect other employees or potential employees, it may be closed to the public unless all such affected persons submit such signed requests. You are not required to attend this meeting.

Notice Date: _____ Signed: _____ (title) _____

Township of Clark

Employee Complaint Form

Date _____

Attach additional sheets if necessary to fully complete all questions

NAME: _____ DEPARTMENT: _____

TITLE: _____ SUPERVISOR: _____

Time period covered by this complaint: _____

Individuals who allegedly committed the acts being complained of:

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

Identify all persons with knowledge of the complained conduct:

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

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

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

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

What is your requested remedy for this complaint?

ACKNOWLEDGMENT

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

BY: _____ DATE: _____

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

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

BY: _____ DATE: _____

Conscientious Employee Protection Act "Whistleblower Act"

Employer retaliatory action; protected employee actions; employee responsibilities

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

CONTACT INFORMATION

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

Name: _____

Address: _____

Telephone Number: _____

This notice must be conspicuously displayed.

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



La Ley de protección al empleado consciente

“Ley de protección del denunciante”

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

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

Información del Contacto

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

Nombre: _____

Dirección: _____

Número de teléfono: _____

Este aviso se debe exponer a la vista de todos.

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



Township of Clark

430 Westfield Avenue

Clark, NJ 07066

Date: _____

Employment Application:

Applicant Information:

Name (Last, First, Middle): _____

Address: _____

City/Town: _____

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

Social Security Number: _____ - _____ - _____

Position applied for: _____

Have you ever applied to the Township of Clark before: ____ Yes ____ No If yes, give date _____

Date you can start: _____ Salary desired: _____

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

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

May we contact your current employer: ____ Yes ____ No

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

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

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

Please list any endorsements: _____

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

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

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

The Township of Clark is an Equal Opportunity Employer M/F

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

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

Comments:

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

<i>School:</i>	Years completed: (Circle)	<i>Graduated: (Circle)</i>	<i>Major Field:</i>
High:	1 2 3 4	Yes No	
College:	1 2 3 4	Yes No	
Other:	1 2 3 4	Yes No	

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

Language:	Speak Some:	Speak Fluently:	<i>Read:</i>	<i>Write:</i>

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

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

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

Name & Address:	Phone Number:	Years Known:

Understandings and Agreements:

As an applicant for a position with the Township of Clark, I understand and agree that I must provide truthful and accurate information in this application. I understand that my application may be rejected if any information is not complete, true and accurate. If hired, I understand that I may be separated from employment if the Township of Clark later discovers that information on this form was incomplete, untrue, or inaccurate. I give the Township of Clark the right to investigate the information I have provided, talk with former employers (except where I have indicated they may not be contacted). I give the Township of Clark the right to secure additional job-related information about me. I release the Township of Clark and its representatives from all liability for seeking such information. I understand that the Township of Clark is an equal-opportunity employer and does not discriminate in its hiring practices. I understand that the Township of Clark will make reasonable accommodations as required by the Americans with Disabilities Act and New Jersey Law Against Discrimination. I understand that, if employed, I may resign at any time and that the Township of Clark may terminate me at any time in accordance with its established policies and procedures. No representatives of the Township of Clark may make any assurances to the contrary. I understand that any offer of employment may be subject to job-related medical, physical, drug, or psychological tests. I also understand that some positions may involve complete background and criminal checks. *For your application to be considered, you must sign and date below.*

Applicant's Signature _____ Date _____

Voluntary Affirmative Action Information

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

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

Applicant Information:

Name: _____
Address: _____
City/town: _____
Phone: () _____

Position Applied For: _____

How did you learn about this position? ☐ Advertisement ☐ Employment Agency
☐ Friend ☐ Relative ☐ Walk-in ☐ Other (Explain) _____

Information Regarding Status:

Gender:

☐ Male
☐ Female

Equal Employment Opportunity identification groups:

☐ White
☐ African-American (non-Hispanic)
☐ Hispanic
☐ American Indian/Alaskan native
☐ Asian/Pacific Islander
☐ Other _____

Other protected Groups:

☐ Individual with a disability
☐ Vietnam-era veteran (served between 1964 and 1975)
☐ Disabled veteran

For Township of Clark use only

Hired: ☐ Yes ☐ No Position _____ Date _____

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

- | | | |
|---------------------------|--------------------------------|-----------------------------|
| 1. Officials and Managers | 4. Sales workers | 7. Operators(semi-skilled) |
| 2. Professionals | 5. Office and clerical workers | 8. Laborers (unskilled) |
| 3. Technicians | 6. Craft workers (skilled) | 9. Service workers |

Township of Clark Official _____ Date _____

This page for Township of Clark use only!
Results of interview

Interviewer: _____

Date: _____ **Time:** _____

NJ DIVISION ON CIVIL RIGHTS GUIDE ON PRE-EMPLOYMENT INQUIRIES

Category	It is discriminatory to inquire about:	Some examples of acceptable inquiries:
Name	a) The fact of a change of name or the original name of an applicant whose name has been legally changed b) Maiden name	Whether or not the applicant has ever worked under another name or was the applicant educated under another name. (Allowable only when the data is needed to verify the applicant's qualifications)
Birthplace and Residence	a) Birthplace of applicant b) Birthplace of applicant's parents c) Requirement that applicant submit birth certificate, naturalization or baptismal record d) Own home, rent, board or live with parents e) Citizenship	a) Are you in the United States on a visa, which prohibits you from working here? b) Are you either a US citizen or a permanent resident alien?
Creed and Religion	a) Applicant's religious affiliation b) Church, parish, or religious holidays observed by applicant	
Race or Color	a) Applicant's race b) Color of applicant's skin, eyes, hair, etc. c) Driver's license number	
Photographs	a) Photographs with application b) Photographs after interview, but before a hiring	
Age	a) Date of birth or age of applicant b) Age specifications, limitations, or implications in a newspaper advertisement which might bar workers under or over a certain age c) Driver's license number	Applicant may be asked if he/she is over the minimum legal age and under a bona fide mandatory retirement age
Language	a) Applicant's mother tongue b) Language commonly used by applicant at home c) How the applicant acquired ability to read, write, or speak a foreign language	Language applicant speaks and/or writes fluently (only if job related)
Relatives	Name and/or address of any relative of the applicant	Name and address of person to be notified in case of accident or emergency
Military Experience	a) Applicant's military experience in other than United States Armed Forces b) National Guard or Reserve Units of applicant c) Draft classification or other eligibility for military service d) Applicant's whereabouts during periods of armed conflict e) Dates, conditions and type of discharge	a) Military experience of applicant in Armed Forces of United States only when used for employment history b) Whether applicant has received any notice to report for duty in Armed Forces

Category	It is discriminatory to inquire about:	Some examples of acceptable inquiries:
Organizations	Any clubs, social fraternities, sororities, societies, lodges, or organizations to which the applicant belongs	Membership in a union, professional or trade organization
References	The name of applicant's pastor or religious leader	Names of persons willing to provide professional and/or character references for applicant
Sex and Marital Status	a) Sex or marital status or any questions which would be used to determine same b) Number of dependents, number of children c) Spouse's occupation	
Arrest and Conviction Record	The number and kind of arrests of an applicant	Convictions which bear a relationship to the job
Height and Weight	Any inquiry into height or weight of applicant	
Physical Disabilities	Any inquiry as to physical disability, which has no direct bearing on satisfactory performance of the specific job in question. (For example, questions as to the mobility of a person without the use of his or her legs, when the job in questions involves working in a stationary position.)	Does applicant have any physical disability, which would prevent him or her from satisfactorily performing the job? (For example, questions concerning hearing impairment are acceptable on applications for a telephone operation position.)
Education	Whether or not the applicant is a high school graduate	a) Show highest grade completed b) Detail your educational background

TOWNSHIP OF CLARK PERFORMANCE APPRAISAL

EMPLOYEE NAME: _____ SUPERVISOR: _____

DEPARTMENT/JOB TITLE: _____ DATE OF HIRE: _____

PRESENT REVIEW DATE: _____ LAST REVIEW DATE: _____ TIME IN POSITION (YRS.): _____

Use the Comments section to note goals being appraised and to provide future goals.

Overall Rating (circle)

1 -- Does not meet minimum standards 2 - Needs Improvement 3 - Meets Job Requirements 4 - Exceeds Expectations

TRAINING/ JOB KNOWLEDGE: *Consider knowledge of methods, techniques, procedures, tools, and maintenance of certifications necessary to perform the position.*

- | | | | |
|---|--|--|---|
| ☐ Lets certification expire. No desire to improve skills. Insufficient knowledge and understanding of the job. | ☐ New in a position and still learning. Often requires additional instruction. Making progress, but not fully proficient. Needs to improve certain skills or job knowledge. | ☐ Fully understands job responsibilities. Maintains needed certification. Can operate all equipment required to perform his or her job. | ☐ Takes the initiative to improve job through evaluation of job processes. Can lead work group through unusual or unique situations. |
|---|--|--|---|

Comments: _____

PERFORMANCE: *Consider dependability, communication skills, and the quality and quantity of work based on established standards.*

- | | | | |
|--|---|--|---|
| ☐ Frequently damages government property and/or equipment. Work not up to expectations. | ☐ Needs a better grasp of job. New employee still in learning process, not yet proficient. Not always as productive as expected. | ☐ Completely performs job meeting all job standards. Consistently provides quality work requiring minimal revision to correct errors. | ☐ Job output continuously above standards and before deadlines. Takes initiative to take on other tasks whenever possible. |
|--|---|--|---|

Comments: _____

WORK CONDUCT: *Consider employee's interest in the position, commendations received, organizational support, personal appearance, and disciplinary actions.*

- | | | | |
|---|---|---|---|
| ☐ Frequently or repeatedly receives disciplinary actions and substantiated complaints from the community and co-workers. | ☐ Occasionally has disciplinary problems, but is working to correct behavior. Needs to project a positive outlook and pleasant manner. | ☐ Never has any discipline problems. Supervisor has complete trust in employee. Always conforms to dress code. | ☐ Consistent positive methods and behaviors, which translates into quality work. Has pride in work. Influences others in a positive way. |
|---|---|---|---|

Comments: _____

COOPERATION: *Consider teamwork, or the ability to work with others in a cooperative and productive manner.*

- | | | | |
|--|---|---|--|
| ☐ Seldom works well with others. Difficult to work with. Does not promote teamwork. Files unsubstantiated grievances. | ☐ Slow to help others. Does not readily accept additional assignments required of job. Lack of tact or consideration for others. | ☐ Fully cooperates with co-workers. Accepts new ideas. Helps others. Willing to work overtime as needed. | ☐ Continually goes out of way to help co-workers. Learns other job responsibilities to aid in coverage. Fosters teamwork. |
|--|---|---|--|

Comments: _____

SAFETY: *Consider the respect shown for self, co-workers and public.*

- | | | | |
|---|---|--|--|
| ☐ Does not adhere to safety rules. Repeatedly reprimanded for safety rule infractions. | ☐ Sometimes disregards safety procedures or misuses equipment. | ☐ Operates equipment and performs tasks within applicable safety standards. Reports all safety hazards. | ☐ Pays special attention to unsafe working conditions. Helps increase awareness of safety issues in work group. Suggests safety improvements. |
|---|---|--|--|

Comments: _____

CUSTOMER SERVICE: Consider responsiveness to public the needs and requests.

- | | | | |
|--|---|---|---|
| ☐ Responds inappropriately to questions, requests, or situations. | ☐ Occasionally does not respond tactfully or completely. | ☐ Exhibits courtesy and tact. Answers questions or refers to the appropriate party | ☐ Responds to requests with enthusiasm and a sense of commitment. Always follows through by providing or obtaining complete information. |
|--|---|---|---|

Comments: _____

JUDGMENT: Consider ability to produce quality work in a cost conscious manner without needing guidance from manager.

- | | | | |
|--|---|--|--|
| ☐ Constantly uses poor judgment occasionally increasing costs. Requires close and constant supervision. | ☐ Often afraid to make and take responsibility for decisions. Needs to better identify and communicate problems. | ☐ Exemplifies good sense of judgment. Not afraid to make decisions when provided information. Learns from mistakes. | ☐ Anticipates potential problems. Takes full responsibility for mistakes. Takes initiative to obtain information. |
|--|---|--|--|

Comments: _____

ATTENDANCE: Consider absenteeism and punctuality.

- | | | | |
|---|---|--|--|
| ☐ Frequently arrives to work late. Excessive absenteeism beyond allotted time. | ☐ Occasionally arrives late. Uses nearly all allotted sick time each year. | ☐ Always arrives on time. Takes an average amount of sick time. | ☐ Always prepared for work. Highly reliable attendance. |
|---|---|--|--|

Comments: _____

VOLUNTEER : Consider willingness to volunteer at work and in the community.

- | | | | |
|--|---|--|--|
| ☐ Never volunteers to help. Puts down others who do volunteer work. | ☐ Usually not interested in volunteering for projects, teams, etc. | ☐ Willing to volunteer if asked to volunteer. | ☐ Actively seeks opportunities to volunteer at both work or in the community. |
|--|---|--|--|

Comments: _____

DIRECTING WORK: Consider planning, organizing, problem solving, leadership, and supervisory skills.

Does this person have supervisory responsibilities?

- [] All the time as part of job requirement.
[] Supervises on an as needed basis.

- | | | | |
|--|---|---|---|
| ☐ Continually fails as a supervisor. Lack of leadership, planning, and organizational skills. Unit does not achieve objectives. Does not treat subordinates fairly. | ☐ New supervisor and still learning. Making progress, but not fully proficient. Having trouble making leap from co-worker to supervisor. | ☐ Fully proficient and competent leader. Delegates when needed. Solves problems and makes decisions. Is in complete control of department and sets an example. | ☐ Goes out of way to help subordinates. Consistently treats all employees fairly. Develops highly effective work plans. Assumes responsibility for solving problems. |
|--|---|---|---|

Comments: _____

EMPLOYEE COMMENTS:

I have reviewed the appraisal and discussed its contents with my supervisor.

EMPLOYEE SIGNATURE: _____ DATE: _____

SUPERVISOR SIGNATURE: _____ DATE: _____

Skilled Laborer

City of _____
Performance Evaluation Form

Employee Name

Job Title

Continuous Service Date

☐ Initial Employee 1st
6 Month Review

☐ Employee 2nd Review
for Permanent Status

☐ Permanent Employee
Annual

Instructions

Using the numerical scale below, compare the performance of the employee being rated against the performance criteria listed for the each factor.

1. Select the number from the *Evaluation Scale* which best indicates your perception of that individual's performance on each of the *Criteria* and enter it in the box labeled *Performance Rating*.
2. Multiply the *Criteria* times *Performance Rating* and enter results in the column labeled *C x PR*.
3. Add the column labeled *C x PR*.
4. Divide the sum by the total *Criteria Composite*.
5. Enter the results in *Score* _____.

Your complete evaluation should reflect an average of the criteria. Examples of performance leading to the given rating must be cited for each factor.

<i>Evaluation Scale</i>					
E	M				U
5	4	3	2	1	0

E Exceeds Expectation - Performance exceeding the supervisor's expectations.
M Meets Expectation - Performance meeting supervisor's expectations.
U Unsatisfactory - Unacceptable performance.
NA Not Applicable

Skilled Laborer

FACTOR A: SUPPORT OF UNITS OBJECTIVES: PLANNING/TEAMWORK

<i>Criteria</i>	<i>Performance Rating</i>	<i>CxPR</i>	
3			Works with supervisor in building an effective team.
2			Objectives, talents and efforts are directed toward the needs to the department and accomplishment of unit's goals.
1			Improved methods are suggested or readily tried to improve effectiveness of employee's duties.
3			New and additional assignments are accepted and performed.
9	XXXXXX		Composite Evaluation for this Factor

_____ Score

FACTOR B: ATTITUDE TOWARD ASSIGNMENTS

<i>Criteria</i>	<i>Performance Rating</i>	<i>CxPR</i>	
3			Displays interest in his/her job assignments.
3			Accepts guidance and requests direction as needed.
3			Does an assignment without complaining.
2			Concerned with citizens' opinions regarding performance of his/her duties.
11	XXXXXX		Composite Evaluation for this Factor

_____ Score

FACTOR C: KNOWLEDGE OF DUTIES

<i>Criteria</i>	<i>Performance Rating</i>	<i>CxPR</i>	
3			Knows the duties and responsibilities of tasks assigned.
3			Can recognize problems with assignments and advises supervisor.
2			Has general understanding of related work in other classifications.
8	XXXXXX		Composite Evaluation for this Factor

_____ Score

Skilled Laborer

FACTOR D: RELATIONS WITH CITIZENS AND THE COMMUNITY

<i>Criteria</i>	<i>Performance Rating</i>	<i>CxPR</i>	
3			Does not antagonize citizens.
2			Knows and is responsible to community problems and advises supervisor.
3			Courtesy is demonstrated in citizen contacts.
2			Anger and verbal abuse from citizens does not adversely affect performance.
10	XXXXXX		Composite Evaluation for this Factor

_____ Score

FACTOR E: WORKING RELATIONSHIPS AND COOPERATION WITH OTHER PERSONNEL

<i>Criteria</i>	<i>Performance Rating</i>	<i>CxPR</i>	
2			Valid complaints are not received from fellow employees or supervisory personnel
3			Problems in personal relationships with other personnel do not impair work relationship.
3			Trains and guides less experienced personnel.
8	XXXXXX		Composite Evaluation for this Factor

_____ Score

FACTOR F: OPERATION, MAINTENANCE AND CARE OF DEPARTMENTAL EQUIPMENT

<i>Criteria</i>	<i>Performance Rating</i>	<i>CxPR</i>	
3			Does not abuse vehicles through poor driving habits
3			Specified operating and safety procedures are followed in the use and maintenance of equipment
3			Equipment is checked for cleanliness and serviceability
2			Vehicles are clean and service checks made daily.
3			Equipment wear, malfunctions, damages are identified and reported
14	XXXXXX		Composite Evaluation for this Factor

_____ Score

Skilled Laborer

FACTOR G: RESPONSE TO ASSIGNMENTS

<i>Criteria</i>	<i>Performance Rating</i>	<i>CxPR</i>	
3			Response is made promptly, safely and appropriately.
3			Further action is rarely required.
2			Assistance provided is appropriate to the need or problem.
8	XXXXXX		Composite Evaluation for this Factor

_____ Score

FACTOR H: Conformance to work schedules, assignments and instructions

<i>Criteria</i>	<i>Performance Rating</i>	<i>CxPR</i>	
3			Instructions are followed and assignments are completed on schedule.
3			Work does not have to be closely supervised.
2			Deviations from instructions and schedules are explained satisfactorily to supervisor.
2			Unassigned time is effectively utilized.
10	XXXXXX		Composite Evaluation for this Factor

_____ Score

FACTOR I: CONFORMANCE TO DEPARTMENT POLICIES, REGULARITY OR ATTENDANCE AND PUNCTUALITY

<i>Criteria</i>	<i>Performance Rating</i>	<i>CxPR</i>	
3			Policies, rules and regulations are followed as prescribed.
2			Appearance meets departmental specifications.
3			No unnecessary delays in starting work as specified time.
3			No abuse of meal periods, coffee breaks, quitting time, or other special absences.
3			Supervisor is given proper notice in advance of absences.
14	XXXXXX		Composite Evaluation for this Factor

_____ Score

Skilled Laborer

FACTOR J: FIELD OPERATIONS

<i>Criteria</i>	<i>Performance Rating</i>	<i>CxPR</i>	
3			Work is thorough and tasks completed.
3			Wasted time is minimal between locations.
3			Employee can handle a variety of tasks.
3			Employee gives 100% to task assigned.
12	XXXXX		Composite Evaluation for this Factor

_____ Score

FACTOR K: ESSENTIAL FUNCTIONS OF EMPLOYEE POSITION

<i>Criteria</i>	<i>Performance Rating</i>	<i>CxPR</i>	
3			Efficiently performs masonry work laying block and brick.
3			Efficiently builds curbs, gutters, pours concrete and finishes to specific contour.
3			Efficiently repairs sidewalks.
3			Efficiently removes debris from streets when necessary.
3			Efficiently works as part of construction or asphalt crew for other related work.
15	XXXXX		Composite Evaluation for this Factor

_____ Score

FACTOR L: SAFETY HABITS

<i>Criteria</i>	<i>Performance Rating</i>	<i>CxPR</i>	
3			Employee approaches task in a safe manner.
3			Employee wears protective equipment and clothing as required.
3			Employee work safety record since previous evaluation is good.
3			Employee notifies supervisor of any unsafe conditions.
12	XXXXX		Composite Evaluation for this Factor

_____ Score (total criteria x total performance rating)

FACTOR M: SICK LEAVE USAGE

Skilled Laborer

Hours taken _____ during _____ (identify time period).

Supervisor Comments: _____

Overall Performance Rating

Based upon evaluations, carefully read the criteria for each of the performance levels and enter the score which best describes the employee's overall performance for the evaluation period.

Performance Evaluation: Total Composite Score divided by number of Factors (12) and place score in appropriate box.

☐ Exceeds Expectations: Performance exceeding the Supervisor's expectations.

☐ Meets Expectations: Performance meeting Supervisor's expectations.

☐ Unsatisfactory: Unacceptable performance: In-grade Progression for Permanent Employees will be withheld for unsatisfactory ratings, in accordance with the Classification and Pay Plan. Initial Employees may be terminated immediately. **Use of this overall rating requires completion of the remedial activities section below.**

Remedial Activities: Action needed to correct Unsatisfactory Performance Factor.

Goals/Developmental Activities: Action which supervisor and employee have agreed upon to further develop employee capabilities and to prepare him/her for greater responsibility.

Skilled Laborer

Additional Supervisor Comments:

Rater's Name: _____

Rater's Signature _____

Date

Comments of Employee:

Employee's Signature _____

Date

Rater's Supervisor Name: _____

Rater's Supervisor's Signature _____

Date

TYPE OF EVALUATION

- ☐ Initial – 4 Months
☐ Annual
☐ Special

CLASSIFIED STAFF EVALUATION FORM**Name of Employee:** _____**Date of Employment Into Current P****Department:** _____**Position Title:** _____**Describe briefly the specific work performed by this employee:** _____

INSTRUCTIONS TO SUPERVISOR: As part of the performance evaluation process, you and the employee (together) must review, sign, and date the with the HR Office to ensure that it is accurate and current. Discuss and review the performance evaluation and PDQ with the employee in a private setting continuing process, not just an annual event. Throughout employment, supervisors are encouraged to interact and/or communicate periodically with the employee.

COMPLETING THE PERFORMANCE EVALUATION: Concentrate on one factor at a time, read all ranking specifications for that factor, and use describes the performance of the employee. Supervisors may provide detailed comments to support each factor ranking. Any ranking of 1 or 5 requires performance factor requires a special evaluation in 90 days. At the end of this evaluation, supervisors are required to provide "agreed upon" goals and performance. If additional space is needed, please attach a separate page. To ensure a fair, honest, and effective performance evaluation, rank with the responsibilities of the position, disregard general impressions, and do not allow personal feelings to govern your ranking.

FACTOR	RANKING				
	I (Poor)	II (Fair)	III (Good)	IV (Very Good)	V (Excellent)
QUANTITY: Consider amount of satisfactory work performed and completion of work on schedule.	☐ Output consistently low on most operations, a slow worker. Too poor to retain in job without improvement.	☐ Frequently turns out less than normal amounts of work on many assignments.	☐ Consistently turns out satisfactory amounts of work.	☐ Frequently turns out more than normal amounts of work on many assignments. Fast worker.	☐ Output outstandingly high; consistently turns out exceptionally large amounts of work.
QUALITY: Consider extent to which work meets quality standard (accuracy, compliance with instructions, neatness, thoroughness).	☐ Work seldom meets specified quality; many errors, rejections, or rework. Too poor to retain in job without improvement.	☐ Work frequently below specified quality; apt to make mistakes. Moderate amount of rework required.	☐ Work meets normal standards. Little rework required.	☐ Work is of very good quality with very little rework required.	☐ Work of exceptionally high quality. No rework required.
JOB KNOWLEDGE: Consider knowledge of job, procedures, equipment, versatility, experience.	☐ Limited knowledge of the simplest duties or assignments; has no knowledge of related work. Too poor to retain in job without improvement.	☐ Limited knowledge of the duties or assignments; has poor knowledge of related work.	☐ Satisfactory knowledge of all duties or assignments; has fair working knowledge of related work.	☐ Good knowledge of all the duties or assignments; has good working knowledge of related work.	☐ Excellent knowledge of all duties or assignments; exceptionally good working knowledge of related duties.
INITIATIVE: Consider constructive thinking (such as planning and suggesting actions and/or solutions).	☐ Lacks confidence and ability to proceed alone. Too poor to retain in job without improvement.	☐ Needs guidance or direction in the performance of majority of duties or assignments.	☐ Proceeds alone in the performance of routine duties or assignments.	☐ Resourceful and alert; shows constructive thinking in the performance of duties or assignments.	☐ Highly creative and constructive; plans and suggests improvements in assigned or related duties.
WORK HABITS: Consider attendance, punctuality, use of safety practices, adherence to established rules and regulations, and personal appearance.	☐ Work habits unsatisfactory. Too poor to retain in job without improvement.	☐ Work habits need improvement.	☐ Work habits satisfactory.	☐ Work habits very good.	☐ Exceptional work habits. Always observes rules and safety practices.
RELATIONSHIP WITH OTHERS: Consider cooperation effect upon ability to work with fellow employees, supervisors, students, and the public.	☐ Unpleasant or unsatisfactory working relationships with others. Too poor to retain in job without improvement.	☐ Tends to be uncooperative with others in the performance of assigned duties. Needs improvement.	☐ Works well with others.	☐ Very good relationship with others; voluntarily assists others in the performance of assigned duties and job-related functions.	☐ Exceptionally cooperative with employees, supervisors, students, and the public in the performance of assigned duties and job-related functions.

TOWNSHIP OF CLARK COUNSELING ACTION PLAN

EMPLOYEE NAME: _____ DATE: _____

DEPARTMENT: _____ POSITION: _____

I met with the above employee to discuss performance regarding the following problem(s):

This is a ☐ verbal, ☐ written, ☐ final meeting with this employee concerning this matter.

State the reason for the counseling session:

Employee's performance is not acceptable for the following specific reasons:

Employee must achieve the following goals in order to reach acceptable standards:

Employee should reach these goals by:

- ☐ Immediately
- ☐ Employee is on a probationary status and will be re-evaluated on _____
- ☐ Employee is Suspended: Dates: _____

Consequences of failure to improve or achieve goals:

- ☐ May result in further disciplinary action, up to and including termination.
- ☐ Termination.

Employee's Comments:

I have read the above. I understand that it constitutes a warning and I understand the amount of time I have to attain the stated performance goals. I also understand the consequences of my failure to improve or attain the above goals.

Employee Signature: _____ **Date:** _____

Department Head Signature: _____ **Date:** _____

Business Administrator Signature: _____ **Date:** _____

APPENDIX A

TOWNSHIP OF CLARK

DRUG AND ALCOHOL POLICY

REVISED OCTOBER, 2018

1.0 POLICY STATEMENT

1.1 The Township of Clark provides a safe and productive work environment for all employees. It is the policy of the Township that its employees shall not be involved with the unlawful use, possession, sale or transfer of drugs or narcotics in any manner or the abuse of alcohol which may impair their ability to perform assigned duties, perform, safety-sensitive functions, threaten their safety or the safety of others in connection with their work, or otherwise adversely impact the business of the Township.

1.2 The United States Government pursuant to the Omnibus Transportation Employee Testing Act of 1991, and the rules and regulations of the Federal Highway Administration (FHWA) promulgated pursuant hereto, now requires a drug and alcohol abuse policy to be implemented and monitored relating to all Township employees who possess a Commercial Drivers License (CDL) and/or who operate equipment for which a CDL is required

1.3 It is the policy of the Township to prohibit the misuse of legitimate drugs or the use, possession, concealment, transportation, distribution, sale, or promotion of illicit or unprescribed controlled drug or paraphernalia on its premises or work sites.

1.4 It is the policy of the Township to prohibit the possession, use, distribution, sale, transportation or concealment of alcoholic beverages on its premises or work site

2.0 POLICY IMPLEMENTATION

2.1 Employees are expected to report for work and remain at work in a condition to perform their assigned duties free from the effects of drugs or alcohol.

2.2 Illegal drug use and alcohol abuse and their physiological effects represent a threat to The well being, safety and security of all employees and to the safety, well being and security of the public at large served by the Township.

2.3 Any involvement with drugs or alcohol which adversely affects the work place, the work environment or public and/or employee safety will not be tolerated.

2.4 Off the job illegal drug activity or alcohol abuse which is likely to have an adverse affect on an employee's job performance, or which could jeopardize the safety of other employees, the public, the Township of Clark's equipment or the Township's relationship with the public will not be tolerated.

2.5 Illegal drugs are those drugs defined as illegal under applicable federal, state or local laws which include but are not limited to: marijuana, heroin, hashish, cocaine, crack, hallucinogens, depressants and stimulants not prescribed for current personal treatment by an accredited physician or medical professional.

3.0 VIOLATIONS OF THE DRUG/ALCOHOL ABUSE PROGRAM

3.1 The use, sale or possession (for example on the person, in a tool box, desk, locker or vehicle) of illegal drugs while on the job including rest periods and meal periods, or on Township of Clark property or job sites will subject the employee to disciplinary action up to and including discharge and may result in criminal prosecution.

3.2 Any illegal drugs found will be turned over to the appropriate law enforcement agency.

3.3 Employees taking prescription or non-prescription drugs must report this use to their supervisor when the use of such drugs may affect the employee's ability to perform assigned duties. In the case of prescription drugs, an employee who holds a CDL must present to his/her supervisor documentation from his or her physician that such medication will not affect his or her ability to operate safety sensitive equipment or perform safety sensitive functions.

3.4 This reporting requirement is intended to protect the safety of the employee, co-worker, the Township, property, equipment and the public.

3.5 Employees failing to follow this instruction may be subject to disciplinary action.

3.6 It shall not be a violation of this policy for an employee covered by this policy to possess or use prescribed drugs as directed by a physician or medical professional on Township premises or work sites prescription or over-the-counter medications which do not adversely affect the employee's safe and efficient performance of his or her job duties **provided:**

a. Any prescription drug or over-the-counter medication is dispensed pursuant to the lawful; direction (prescription) of a licensed medical professional; for its current use by the employee or pursuant to the lawful direction(s) on the package of the over-the counter medication for the current use of the employee.

b. The employee's supervisor is notified of the use and/or possession of any prescription drug and is provided with a written report from the employee's licensed medical professional that such prescription will not impair the employee's ability to safely perform his or her job function before the employee can resume any safety-sensitive functions.

3.7 The use or possession of alcoholic beverages is prohibited on Township property. The use or possession of alcoholic beverages is strictly prohibited in the work place and or on work sites.

3.8 No employee shall report to work under the influence of alcohol.

3.9 Work consists of that work at the Township and any work site.

3.10 Safety-sensitive functions with regards to holders of CDLs means all time, from the time a driver begins to work is required to be in readiness to work until the time he/she is relieved from work and all responsibilities for performing work.

Safety-sensitive functions shall include:

- a. All time at an employer facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer.
- b. All time inspecting equipment as required or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time.
- c. All time spent at the driving controls of a commercial vehicle in operation.
- d. All time, other than driving time, in or upon any commercial motor vehicle except time resting in a sleeper berth.
- e. All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate a vehicle, or in giving or receiving receipts for shipments loaded or unloaded.
- f. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

3.13 Any employee who fails to follow this instruction will be subject to disciplinary action up to and including discharge.

3.14 Any employee subject to a drug or alcohol tests shall if the member of a collective bargaining unity, have the right to have present at the testing a representative of the employees collective bargaining unit.

3.15 The selection of the testing facility and Medical Review Officer shall be within the Township's sole discretion provided such facility complies with and has all required licenses under the Law of the Federal Government and the State of New Jersey and all regulations that are applicable thereto.

3.16 Any employee who has a first time positive test for drugs and/or alcohol must enroll in either the Township's Employee Assistance Program (EAP) or another approved employee assistance program, the selection to be at the employee's option.

3.17 An employee shall be allowed to utilize accumulated sick time to attend a rehabilitation facility. If the employee has insufficient sick time, the employee shall use accrued vacation time, then personal time. If an employee has insufficient sick, vacation or personal time, the employee may request a leave of absence without pay to complete the rehabilitation program. No seniority for any purpose shall accrue while the employee is on a leave of absence without pay.

3.18 No employee shall lose any seniority accrued prior to the commencement of a leave of absence for drug or alcohol rehabilitation.

3.19 The cost of any rehabilitation program may be submitted to the employee's medical insurance carrier. The employee shall be responsible for any unreimbursed costs.

4.0 DRUG AND ALCOHOL ABUSE POLICY PROCEDURE

4.1 The Township of Clark shall put into effect the following drug and alcohol program:

PRE-EMPLOYMENT DRUG AND ALCOHOL SCREENING

4.2 All applicants shall be informed in writing of this Drug and Alcohol Abuse Policy

4.3 This information will consist of:

- a. A copy of this policy.
- b. A request to sign the "informed Consent" form for drug and alcohol abuse testing.
- c. Notice that failure to consent to the testing will terminate the employment consideration process.

4.4 Any applicant who is found to have a confirmed positive test may reapply for employment with the Township providing the applicant had obtained treatment and successfully completed a rehabilitation program.

4.5 Applicant screening tests will be performed in accordance with procedures set forth herein and approved laboratory testing.

5.0 COMMERCIAL DRIVER LICENSE TESTING

5.1 Screening will be performed on those employees who hold a Commercial Driver License (CDL) or who are applying for a position with the Township of Clark which will require the applicant to obtain a CDL in accordance with the applicable laws and regulations regulating such licenses.

5.2 All employees subject to testing will be required to sign the “Informed Consent” form for drug and alcohol abuse testing.

Employees will be given an opportunity to provide the Township with a list of any prescription drugs or over-the-counter medications presently being taken.

Failure to participate in screening for drugs and alcohol will be cause for disciplinary action up to and including discharge.

6.0 PROBABLE CAUSE/MISHAP SCREENING

6.1 All employees subject to testing will be required to sign the “Informed Consent” for drug and alcohol abuse testing

6.2 All employees will be subject to alcohol and drug abuse screening if they show objective manifestation of impairment of performance such as:

- a. When an employee’s behavior changes and the employee appears to be intoxicated, confused or uncoordinated.
- b. When an employee exhibits marked personality changes or demonstrates obvious irrational behavior
- c. Those employees will be given an opportunity to provide the Township with a list of any prescription drugs or over-the-counter medications presently being taken.

6.3 Testing for probable cause shall be upon the reasonable suspicion of the employee’s supervisor who has had at least sixty minutes of training on alcohol misuse and sixty minutes training on controlled dangerous substances abuse, both of which cover physical, behavioral, speech and performance indication of such abuse.

6.4 Probable cause/mishap screening shall be mandatory for all employees who hold a CDL in accordance with the rules and regulations of the FHWA or such other applicable rules and regulations as applicable.

7.0 POST-ACCIDENT TESTING

7.1 As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, each employer shall test for alcohol for each of its surviving drivers :

- a. Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved loss of human life; or
- b. Who received a citation within 8 hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved.
 - i. Bodily injury to any person who, as a result of the injury, immediately received medical treatment away from the scene of the accident, or

- ii. One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

7.2 As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, each employer shall test for controlled substances for each of its surviving drivers:

- a. Who was performing safety-sensitive functions with respect to the vehicle, if the Accident involved loss of human life; or
- b. Who received a citation within 32 hours of the occurrence under State or local law for a moving traffic violation arising from the accident, if the accident involved.
 - i. Bodily injury to any person who, as a result of the injury, immediately received medical treatment away from the scene of the accident, or
 - ii. One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

7.3 Positive results on a drug or alcohol screening will be cause for the employee to be removed from any job assignment.

7.4 In the case of the first time positive result on a drug and alcohol screen, but where no evidence exists of use on the job the following steps will be taken:

- a. Employees who have a first time positive drug screen will be allowed to return to work providing they furnish certified documentation from a recognized medical professional which would give a reasonable degree of confidence that the individual would be capable of performing his/her assigned job duties without impairment.

7.5 Until certification acceptable to the Township is provided, the Township may, but shall have no obligation to provide a work assignment for the employee.

7.6 All controlled dangerous substance tests shall be conducted pursuant to a split sample urine collection procedure and when a positive result is found, the employee shall have the option within seventy-two hours after notification by the medical review officer at the employee's cost and expense of having the other portion of the split sample tested at another recognized testing facility.

7.7 An employee who tests positive will be allowed to return work providing there is work which does not require a negative drug screen and if the employee is qualified to perform same.

7.8 The employee will be required to seek treatment for drug or alcohol abuse from a recognized professional and/or institution.

7.9 The employee's refusal to seek treatment will be viewed as insubordination and the employee will be subject to disciplinary action up to and including discharge.

7.10 After a period of thirty (30) days and a showing of participation in a treatment program with a recognized professional and/or institution, the employee may request another screen test which will be paid for by the employee.

7.11 In the event the employee fails to obtain a negative test result, the employee will again be required to seek treatment for drug or alcohol abuse from a recognized professional and/or institution. Further, the employee will be required to receive treatment by a recognized professional and/or institution and take a drug and alcohol screening at the employee's expense which may be submitted to the employee's medical carrier.

7.12 If the employee has a negative result, the employee will be reinstated. The employee, after reinstatement shall be subject to unannounced follow up controlled dangerous substance/alcohol testing as directed by a recognized professional, but in no event shall the number of such tests be less than six(6) in the twelve(12) months following reinstatement.,

7.13 If the employee again has a positive result, the employee will be discharged.

7.14 The employee may apply for employment after a period of one (1) year providing that treatment by a recognized professional; and/or institution is received and the employee again pays for and obtains a negative screen result. If the employee complies with the aforementioned, the employee may be rehired providing there is an opening.

7.15 Employees following a positive drug screen and who have subsequently had a negative test result will be subject to random screening for a period of time not to exceed five (5) years and shall be subject to no more that four (4) tests per year at the discretion of the Township, except that in the first year after reinstatement the test shall not be less than six (6) in the twelve (12) months following reinstatement.

7.16 Without additional notice, follow-up testing for all employees who enter into a drug or alcohol rehabilitation programs will be done periodically.

8.0 RANDOM SCREENING

8.1 Random screening will be conducted for all Township employees who hold a CDL.

8.2 A random screening will be accomplished at a rate equal to fifty (50) percent per annum of all employees who are holders of a CDL or at such rate as set by the FHWA Administrator or such other appropriate official of the United States Government.

8.3 In all cases, all employees subject to testing will be required to sign the "Informed Consent: for substance abuse testing.

8.4 Failure to participate in testing or search for drugs and alcohol will be cause for disciplinary action up to and including discharge.

9.0 OTHER METHODS

9.1 Should circumstances warrant, other actions may be initiated to ensure the safety and security of personnel, subject to the requirements imposed by law for the protection of individual employees civic and constitutional rights.

9.2 These actions may include but are not limited to:

- a. Search of Township property
- b. Search of employee personal effects on Township property.

9.3 Refusal to participate in testing or searched for drugs and alcohol will be cause for disciplinary action up to and including discharge.

10.0 TESTING PROCEDURE AND METHODS

Employees who test positive on an initial test will be suspended on a non-disciplinary basis until issues are resolved with a confirmatory follow-up test.

The following is a list of the tests to be performed showing the screen (initial level) test and the confirmation test levels for each

SUBSTANCE TESTED FOR	INITIAL TEST LEVEL	CONFIRMATION TEST LEVEL
ALCOHOL (CDL EMPLOYEES)	.02%(BAL)	.02%(BAL)
ALCOHOL (ALL OTHER EMPLOYEES)	.02%(BAL)	.02%(BAL)
MARIJUANA	50ng/ml	15ng/ml
COCAINE	300 ng/ml	150ng/ml
MORPHINE and/or CODEINE (OPIATES)	2000 ng/ml	2000 ng/ml
PHENCYCLIDINE(PCP)	25ng/ml	25ng/ml
AMPHETAMINES OR	1000ng/ml	500ng/ml

METHAMPHETAMINES

BENSODIAZAPHINES	300ng/ml	300ng/ml
BARBITURATES	300ng/ml	300ng/ml
METHADONE	300ng/ml	200ng/ml
PROPOXYPHENE	300ng/ml	300ng/ml

NOTE: The purpose of the drug/alcohol screen is to provide a preliminary indication of the presence of alcohol or a specific drug at or above a specified level. The purpose of the confirmatory test is to conclusively identify the presence of alcohol or a specific drug or metabolite at or above a specified detection level independent of the initial screen test. Differences between the screen and the confirmation detection levels relate to differences in the analytical procedures used.

10.1 Samples will only be collected by trained technicians or other trained personnel.

10.2 Chain of custody and other safeguards will be employed.

10.3 The Medical Review Officer will employ the use of blind samples to insure continued accuracy of the testing facility.

10.4 If the original drug or alcohol screen is not confirmed by the confirmation tests, the results will be forwarded to the Township by the Medical Review Officer and no action will be taken against the employee.

10.5 The confirmatory test will automatically be performed by the testing laboratory and unless both the initial screen and confirmation tests are all positive, the Medical Review Officer shall consider the tests to be negative and the Township of same.

10.6 The Township may issue a dated and signed certificate of negative drug screen results to all employees who test negative on any drug screening

10.7 If the original drug screen is confirmed by the confirmation tests, the Medical Review Officer will notify the Township that the employee tested positive.

10.8 If the employee has tested positive, the employee will be required to undergo rehabilitation with a recognized professional; and/or institution.

The employer will do everything in its power to insure the even handed application of this policy.

10.9 No driver who has engaged in prohibited conduct with regards to alcohol and controlled dangerous substance abuse shall perform safety-sensitive functions, including driving a commercial motor vehicle unless the driver has met the requirements for rehabilitation and return-to-duty fitness test.

NOTE: The fit-for duty test cannot occur until after the Substance Abuse Professional has determined that the employee has successfully complied with prescribed education and/or treatment. The employee must have a negative drug test result and/or an alcohol test with an alcohol concentration of less than 0.02 before resuming performance of safety sensitive duties.

10.10 The employees and employer are committed to securing a safe, drug free work place with the greatest commitment to safety and the least interference in the employee's private lives.

10.11 It is recognized by the employer and employee that the drug testing results are strictly confidential and shall not be released to any third parties including law enforcement.

10.12 All costs of testing will be covered by the employer or employee as described herein.

11.0 APPEALS AND OTHER MATTERS

11.1 Any discipline imposed under this policy is subject to the employees rights under Collective Bargaining Agreements and New Jersey Civil Service Rules and Regulations as applicable to appeal same.

11.2 Any employee who may be discharged under this policy for the Failure to comply therewith, shall prior to such termination, be provided the option of retirement (if applicable) or applying for a disability pension. The Township makes no representation that any employee is entitled to same under the applicable rules and regulations governing disability pensions.

12.0 NOTICE AND EFFECTIVE DATE

12.1 All employees who are holders of a CDL shall be subject to this policy effective January 1, 1996 and revised as of October, 2018 and upon final approval of same by the Township. Council shall be given a copy of this policy.

12.2 All employees shall be given a copy of this policy. All employees shall acknowledge the receipt of same which shall be placed in the employee's personnel file. Thereafter, all employees when hired shall be given a copy of this policy.

12.3 For all employees other than CDL, this policy shall take effect March 1, 1996. Any employee who voluntarily identified himself or herself as a user of illegal drugs or alcohol prior to March 1, 1996, shall be directed to such rehabilitation through the Employee Assistance Program or such other programs as approved by the Township and shall not be subject to disciplinary action as a result of such voluntary action.

12.4 After March 1, 1996, any employee who voluntarily identified himself or herself as a user of alcohol or illegal drugs shall be directed to seek rehabilitation. Such employee shall not be subject to disciplinary action as a result of such voluntary action.

12.5 Any questions regarding this policy and/or the materials contained herein should be referred to the employee's Supervisor, Director or Business Administrator.

RECEIPT OF SUBSTANCE ABUSE POLICY

I,(print name) _____, an employee of the Township of Clark,
Department of _____ have received a copy of the Township
of Clark's Substance Abuse Policy.

Signature: _____

DATE: _____

ATTACHMENT I

PRE-EMPLOYEMENT

NOTE: NO TESTING SHALL BE PERFORMED WITHOUT WRITTEN CONSENT OF THE APPLICANT

I, _____ understand and agree that the pre-employment drug and alcohol screening I am about to receive is a SAP-10/Urine Alcohol ETOH. It consists of a urine test for substance abuse.

I understand that if I decline to sign this consent and thereby decline to take the tests, the Personnel Committee will be notified and my application will not be considered.

The Personnel Committee will be informed whether I passed or failed the test for substance abuse by the Medical Review Officer. The results will be provided to the applicant upon request to the Medical Review Officer. Legally prescribed medications taken under the direction of a physician will not be reported as positive. Such medications should be listed below.

I have taken the following drugs or substances within the last five (5) days:

Identify Name and Dosage

- ☐ Sleeping pills
- ☐ Diet pills
- ☐ Pain relief pills
- ☐ Cold tablets
- ☐ Anti-malarial drugs
- ☐ Any other medications

I hereby ☐ Consent ☐ Refuse to consent to the pre-placement/pre-employment drug and alcohol screening tests. Further, I release the individuals who are responsible for conducting the examination and/or tests from any liability or future claims.

SIGNED: _____ DATED: _____

WITNESS: _____

ATTACHMENT II

EMPLOYEE CONSENT FORM FOR DRUG AND ALCOHOL ABUSE SCREENING TEST

No testing shall be performed without the written consent of the employee. Any other consent to testing which an employee has previously executed is automatically rendered null and void.

I hereby acknowledge receipt of the policy regarding illegal drugs, alcohol, substances, contraband and unauthorized items. My signature below acknowledges my understanding and concurrence with the procedures outlined in the above referenced policy.

I _____, understand and agree that the drug and alcohol screening I am about to receive is a SAP-10 Urine Alcohol ETOH which includes a urine test for substance abuse.

Furthermore, I authorize the release of the results of these tests to my employer's Medical Review Officer. By this authorization, I do hereby release any doctor, medical personnel, and hospital. Medical center, clinic etc., or any of its representatives from any and all liabilities arising from the appropriate and legal release or use of the information derived from or contained in my test results.

I further agree as a condition of employment I will notify the Township in writing if I am convicted of a violation of a criminal drug statute occurring in the office, shop, jobsite, no later than five (5) days after such conviction. I further understand that any violation of the Township drug and alcohol abuse policy or conviction for a violation of a criminal drug statute occurring in the office, shop or job site that I have been assigned to will result in discipline, up to and including discharge.

I have taken the following drugs or substances within the last five (5) day;

Identify name and dosage

- () Sleeping pills
- () Diet pills
- () Pain relief pills
- () Cold tablets
- () Anti-malarial drugs
- () Any other medication
- or substance

I hereby () Consent () Refuse to consent to the drug and alcohol screening tests. Further, I release the individuals who are responsible for conducting the examination and/or tests from any liability or future claims

SIGNED: _____

DATE: _____

WITNESS: _____

APPENDIX B

TOWNSHIP OF CLARK

**POLICY PROHIBITING DISCRIMINATION, HARASSMENT
OR HOSTILE ENVIRONMENTS IN THE WORKPLACE**

APPENDIX B

TOWNSHIP OF CLARK

POLICY PROHIBITING DISCRIMINATION, HARASSMENT OR HOSTILE ENVIRONMENTS IN THE WORKPLACE

I. POLICY

The Township of Clark is committed to providing every employee with a workplace free from unlawful discrimination. All forms of unlawful employment discrimination based upon race, creed, color, national origin, ancestry, age, sex, marital status, familial status, affectional or sexual orientation, atypical hereditary cellular or blood trait, genetic information, liability for service in the Armed Forces of the United States, or disability are prohibited and will not be tolerated. Sexual harassment is a form of unlawful gender discrimination and, likewise, will not be tolerated.

Unlawful discrimination/harassment undermines the integrity of the employment relationship; compromises equal employment opportunity, debilitates morale and interferes with work productivity. This policy applies to all employees and applicants for employment in The Township of Clark. The Township of Clark will not tolerate harassment or discrimination by anyone in the workplace including supervisors, co-workers, or non-employees. This policy applies to conduct which occurs in the workplace and also extends to conduct which occurs at any location that can be reasonably regarded as an extension of the workplace, such as any field location, any off-site business-related social function, or any facility where Township business is being conducted and discussed.

This policy also applies to third party harassment. Third party harassment is unwelcome behavior of a sexual, racial or derogatory nature regarding any protected category; that is not directed at an individual but is a part of that individual's work environment. Third party harassment based upon any of the aforementioned protected categories is prohibited by this policy.

This policy pertains to all employment practices such as recruitment, selection, hiring, training, promotion, transfer, assignment, layoff; return from layoff, termination, compensation, fringe benefits, working conditions and career development.

II. PROHIBITED RACIAL, GENDER, NATIONAL ORIGIN OR ANCESTRY, AGE, RELIGIOUS, DISABILITY, AFFECTIONAL OR SEXUAL ORIENTATION, MARITAL STATUS, FAMILIAL STATUS, ATYPICAL HEREDITARY CELLULAR OR BLOOD TRAIT, GENETIC INFORMATION, LIABILITY FOR SERVICE IN THE ARMED FORCES OF THE UNITED STATES DISCRIMINATION OR HARASSMENT

It is a violation of this policy to engage in any employment practice or procedure which treats an employee less favorably based upon a person's race, gender, national origin or ancestry, religion, age, disability, affectional or sexual orientation, marital status, familial status, atypical hereditary cellular or blood trait, genetic information, or liability for service in the Armed Forces of the United States. It is also a violation of this policy to use derogatory or demeaning slurs to refer to a person's race, gender, age, religion, disability, affectional or sexual orientation, or ethnic background which have the effect of harassing an employee or creating a hostile work environment. Harassment or the creation of a hostile work environment can occur even if there was no intent on the part of an individual to harass or demean another.

Examples of Behaviors That May Constitute Prohibited Workplace Discrimination or Harassment Include, But Are Not Limited To:

- Discriminating against an individual with regard to terms and conditions of employment because of that individual's race, gender, age, religion, disability, affectional or sexual orientation, place of origin, or his/her ancestor's place of origin.
- Treating an individual differently because of race, gender, age, religion, disability, affectional or sexual orientation, place of origin, of his or her ancestors' place of origin, or because an

individual has the physical, cultural or linguistic characteristics of a racial or national origin group.

- Treating an individual differently because of marriage to or association with persons of a racial, religious or national origin group; or due to membership in or association with an organization identified with the interests of a racial, religious or national origin group; or because an individual's name or spouse's name is associated with a racial, religious or national origin group.
- Calling another by an unwanted nickname which refers to one or more of the above characteristics, or telling ethnic jokes which harass an employee or create a hostile work environment.
- Using derogatory references regarding any of the above characteristics in any job-related communication.
- Engaging in threatening, intimidating, or hostile acts, in the workplace, based on the foregoing classifications.
- Displaying or distributing material in the workplace that contains language or images that are derogatory or demeaning based upon any of the foregoing classifications.

III. SEXUAL HARASSMENT

It is a violation of this policy to engage in sexual harassment of any kind. For the purposes of this policy, sexual harassment, with or without sexual conduct, is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when, for example:

- 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 employment decisions affecting such 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 working environment.

Sexual Harassment generally falls into two categories: quid pro quo and hostile work environment harassment:

- Quid Pro Quo Sexual Harassment is a form of harassment that may include unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct based on the gender of the affected employee when: (a) submission to such conduct is made either explicitly or implicitly a term or condition of employment; (b) submission to or rejection of such conduct by an individual is used as a basis for employment decisions. It shall be a violation of this policy for any person to use his or her authority to make any sexual advance toward an individual over whom the person is authorized to make, recommend or otherwise to influence personnel actions; to grant, recommend, or refuse to take personnel action on the basis of an employee's gender or sexual orientation or in exchange for sexual favors; or to take or fail to take a personnel action as reprisal against any employee for rejecting or reporting a sexual advance. Sexual advances or requests for sexual favors can be in the form of either expressed or implied comments, writings, or actions.
- Hostile Work Environment Sexual Harassment is a form of harassment that may include unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature which has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Gender-based harassment may give rise to a claim of a hostile environment whether or not sexual activity or language is involved, if it has the purpose or effect of abusing,

devaluing or subordinating the members of one sex and it adversely affects an individual's employment opportunities.

- Third party harassment is unwelcome behavior of a sexual nature or based on sex that is not directed at an individual but is a part of an individual's work environment.

Examples of Prohibited Behaviors That May Constitute Sexual Harassment:

Behaviors that may constitute sexual harassment include but are not limited to:

- Generalized gender-based remarks and comments.
- Unwanted physical contact such as intentional touching, grabbing, pinching, brushing against another's body or impeding or blocking movement.
- Verbal or written sexually suggestive or obscene comments, jokes or propositions including letters, notes, e-mail, invitations, gestures or inappropriate comments about a person's clothing.
- Visual contact, such as leering or staring at another's body, gesturing, displaying sexually suggestive objects cartoons posters, magazines or pictures of scantily clad individuals.
- Explicit or implicit suggestions of sex by a supervisor or manager in return for a favorable employment action such as hiring, compensation, promotion, or retention.
- Suggesting or implying that failure to accept a request for a date or sex would result in an adverse employment consequence with respect to any employment practice such as performance evaluations or promotional opportunity.

- Continuing to engage in certain behaviors of a sexual nature after an objection has been raised by the target of such inappropriate behavior.

IV. EMPLOYEE RESPONSIBILITIES

Any employee who believes that she/he has been subjected to any form of prohibited discrimination/harassment, including sexual harassment, or who witnesses others being subjected to such harassment or discrimination is encouraged to promptly report the incident(s) to either their supervisor or manager or directly to their respective department, or the Business Administrator to receive workplace discrimination complaints. All employees are expected to cooperate with investigations undertaken pursuant to Paragraph VI of this policy. Failure to cooperate in an investigation may result in disciplinary action, up to and including termination.

V. SUPERVISOR RESPONSIBILITIES

Supervisors should make every effort to maintain a work environment that is free from any form of prohibited discrimination/harassment. Supervisors are expected to take all allegations of discrimination/harassment, including sexual harassment, seriously, and to immediately refer the matter to the individual(s) responsible for receiving such complaints. All complaints will be reviewed and prompt and appropriate remedial action will be taken to address any substantiated claim. All supervisors receiving complaints of unlawful discrimination/harassment must immediately advise the Business Administrator, who will coordinate the handling, investigation and remediation of each such complaint.

VI. COMPLAINT PROCESS

Each department shall have in place procedures for reporting, investigating, and where appropriate, remediating claims of discrimination/harassment. Each department head is responsible to receive complaints of discrimination/harassment, including sexual harassment to investigate such complaints, and to recommend appropriate remediation of such complaints. In addition each

department should have alternate persons designated to receive claims of discrimination/harassment.

All investigations of discrimination/harassment claims will be conducted in a way that respects, to the extent possible, the privacy of all the persons involved. The investigations will be conducted in a prompt, thorough and impartial manner. The results of the investigation will be forwarded to the Business Administrator to make a final decision as to whether a violation of the policy has been substantiated.

Where discrimination/harassment is found to have occurred, the Business Administrator will take prompt and appropriate remedial action to stop the discrimination/harassment and deter its reoccurrence.

The remedial action taken may include counseling, training, intervention, mediation, and/or the initiation of disciplinary action up to and including termination of employment.

Each department shall maintain a written record of the discrimination/harassment complaints received. Written records will be maintained as confidential records to the extent practicable and appropriate.

VII. PROHIBITION AGAINST RETALIATION

Retaliation against any employee who alleges that she/he was the victim of discrimination/harassment, or against any employee who provides information in the course of an investigation into claims of unlawful discrimination/harassment in the workplace is prohibited by this policy. Any employee bringing a complaint, providing information for an investigation, or testifying in any proceeding under this policy will not be subjected to adverse employment consequences based upon such involvement or be the subject of retaliation.

VIII. FALSE ACCUSATIONS AND INFORMATION

If any employee knowingly makes a false accusation of unlawful discrimination/harassment or knowingly provides false information in

the course of an investigation of a complaint, such conduct may be grounds for discipline. Complaints made in good faith, however, even if found to be unsubstantiated, will not be considered a false accusation.

IX. CONFIDENTIALITY

All complaints and investigations shall be handled, to the extent possible, in a manner that will protect the privacy interests of those involved. To the extent practical and appropriate under the circumstances, confidentiality will be maintained throughout the investigatory process. In the course of an investigation it may be necessary to discuss the claims with the alleged harasser and other persons who may have relevant knowledge. It therefore may be necessary to disclose information to persons with a legitimate need to know about the matter. All persons interviewed will be directed not to discuss any aspect of the investigation with others in light of the important privacy interests of all concerned. Failure to comply with this confidentiality directive may result in disciplinary action.

X. DISCIPLINARY ACTION

Any employee found to have violated this policy might be subject to appropriate disciplinary action, which may include reprimand, suspension, reassignment, or termination of employment. Referral to another appropriate authority for review for possible violation of State and Federal statutes may also be appropriate.

XI. TRAINING

The Township of Clark will make efforts to provide employees with information regarding the prevention of unlawful discrimination/harassment and the complaint procedure to be followed in filing complaints when unlawful harassment/discrimination has occurred. The Township of Clark will make efforts to provide department heads and supervisors with training that will inform them of the appropriate steps to be taken to address complaints of unlawful discrimination/harassment.

Date: _____ Employee's Signature: _____

TOWNSHIP OF CLARK
POLICIES AND PROCEDURES MANUAL
SUPERVISOR'S ADDENDUM
REVISED MAY, 2016

"Clark Township is an Equal Opportunity Employer, M/F."

Sal Bonaccorso
Mayor

John F. Laezza
Business Administrator

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SECTION ONE:

Management/Supervisory Procedures:

Employment Procedure:*

- **Recruitment:** The Business Administrator will coordinate the employment recruitment process for all vacancies to ensure compliance with contractual, legal, Civil Service Act and equal opportunity requirements. When a vacancy occurs, it is the responsibility of the Supervisor to notify the Business Administrator who will distribute notification of the vacancy to all departments. The Business Administrator will undertake to recruit qualified applicants in accordance with applicable Federal and State law, including New Jersey Department of Personnel regulations if the position is subject to Civil Service Act. Where positions are advertised, the media or other periodical utilized must have as wide circulation as possible to encourage applications from candidates from diverse backgrounds and must prominently state that the 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 Business Administrator will coordinate the interview process including the scheduling of applicants, development of interview questions and standards to measure candidate responses. All questions must be in accordance with the New Jersey Division of Civil Rights Guidelines for Pre-Employment Inquiries. The Municipality 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 Municipality.
- **Physical Examinations:** Pursuant to the Americans with Disabilities Act, after an offer of employment is made and prior to commencing

employment, the Business Administrator may require applicants to pass a physical examination in order to insure that they can perform the duties of their position without injury to themselves or others. The same post-offer physical examination must be performed on all applicants for a particular position. The Business Administrator may require periodic physical examinations to determine the employee's continued ability to perform the duties of the position. All physical examinations must be performed by a physician chosen by the Municipality at the expense of the Municipality. All medical records of employees and prospective employees are confidential and are to be maintained by the Business Administrator separate from the employee's official personnel file. Medical exams may include tests for drug and alcohol use.

- **Criminal Background Checks:** Criminal background checks are required of all candidates, whether paid or volunteer, that may work directly or indirectly with children/youth/minors in accordance with the procedures outlined in the Section of this ordinance entitled "Background Checks and Procedures for Candidates, Employees and Volunteers"
- **Job Offers:** The final decision will be made by the Mayor and Business Administrator after all references and other information has been verified. Every effort shall be made to offer reasonable accommodations to known physical and mental limitations of all applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided that the accommodation does not impose an unreasonable hardship on the Municipality. The employment offer must be made in a letter to the candidate outlining all terms and conditions of the offer. The letter will also establish a deadline for acceptance.
- **Acceptances and Rejections:** If the first offer is rejected, the Mayor and Business 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 Business Administrator. Documents related to the successful candidate will be placed in the employee's official personnel file except medical records including physical examinations must be maintained in a separate file. All records documents related to other candidates must be retained for at least one year. Records and documents created during the hiring process are confidential and must be retained in a locked cabinet.

Background Checks and Procedures for Candidates, Employees and Volunteers:

- **Background checks required:** Background checks are required of all candidates, whether for paid or volunteer positions, working directly or indirectly with children/youth/minors. 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 Business Administrator will perform or initiate background checks and be the recipient of reports from outside agencies or contractors. The Business 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 Business 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 Township 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 Business 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 Mayor, Police Chief and other designated management official of the Township.

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 Township. Such Notice of Appeal must be sent in writing to the Business 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 Township will issue a written determination on the employee's appeal of their disqualifying conviction, setting forth the reasons for the determination.

Nepotism Procedure:

Unless otherwise provided by law (or New Jersey Department of Personnel rule if the position is subject to Civil Service) or collective bargaining unit agreements, immediate relatives shall not be hired, promoted or transferred to a regular full-time or regular part-time position where:

- One relative would have the Township to appoint, remove, discipline or evaluate the performance of the other;
- One relative would be responsible for auditing the work of the other; or
- Other circumstances exist that place the relatives in a situation of actual or reasonably foreseeable conflict of interest.

For purposes of this policy, immediate relative includes spouse or significant other, child, parent, stepchild, sibling, grandparents, daughter-in-law, son-in-law, grandchildren, niece, nephew, uncle, aunt, or any person related by blood or marriage residing in an employee's household.

Open Public Meetings Act Procedure concerning Personnel Matters:*

Discussions by the Governing Body or any body of the Township concerning appointment, termination, terms and conditions of employment, performance evaluation, promotion or discipline of any current or prospective officer or employee shall be in closed session, unless the individual requests in writing that the discussion be held in open session. Such request must be granted. Prior to the discussion by the Governing Body or any body of the Township concerning such matters, the Clerk shall notify the affected person(s), within a reasonable period of time, 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 Business Administrator, on their first day for a general orientation. Copies of all forms and acknowledgements must be returned to the Business 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.

Initial Employment Period Procedure:*

Except where State requirements direct otherwise, new employees or present employees transferring to new positions will be hired subject to an initial employment period of not less than 3 months or more than 6 months, as determined by the Business Administrator. During this initial employment period, the new employee or transferee will be provided with training and guidance from the supervisor. At the end of the initial employment period, the supervisor will conduct an employee evaluation – see Performance Evaluation Procedure. New employees may be discharged at any time during this period if the Business Administrator concludes that the employee is not progressing or performing satisfactorily. Under appropriate circumstances, the Business Administrator may extend the initial employment period.

Nothing in the procedure set forth in this section shall alter Municipality's employment at will policy. Employment with Municipality is at will and may

be terminated at any time with or without cause or notice by the Municipality or the employee, unless covered by the Civil Service Act.

Employee Handbook Procedure:*

The Business Administrator shall draft an Employee Handbook, have same reviewed by Labor Counsel for the approval of the Mayor and Council. Once approved, copies will be distributed and employees will be required to sign an acknowledgement of receipt that will be placed in the official personnel file. The Handbook will be revised and re-distributed whenever there is a significant change in personnel practice or every two years.

Performance Evaluation Procedure:*

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

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

- **Setting the Stage:** The reviewer must create a productive climate for the discussion. In preparing the evaluation form, prior evaluations should be reviewed to identify trends. Employees must be notified in advance of the meeting and should be given a copy of the blank evaluation form. The meeting should be private without interruptions in a comfortable environment.
- **Confirm Expectations:** The reviewer should start the discussion of each performance area by reviewing expectations. Ask the employee

to confirm that the employee understands the job requirements. Refer to the job description as appropriate.

- **Rating:** Continue the discussion by giving the employee's rating in each performance area. The supervisor should be prepared to refer to documentation. Employees should be evaluated based on set standards, not as they compare to other employees. It is rare that any person's rating in all areas is either high or low. The evaluation should consider performance during the entire period, not just the recent past. Care should be taken to avoid allowing one aspect of a person's performance to overshadow all other performance factors be it positive or negative. Ideally, each performance area should be evaluated individually based on specific behaviors exhibited.
- **Discussing Future Plans:** This is where the reviewer should turn to the discussion to the future performance and development of the employee. A Counseling Action Plan form must be completed if any item is rated "Needs Improvement" or "Does Not Meet Minimum Standards." Specific performance goals must be established for the next review period along with plans for achieving those goals.
- **Closing the Discussion:** When all performance areas have been discussed, close the discussion by summarizing all of ratings in an overall rating for the review period.

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

Exceeds Expectations means consistently exceeds established standards in most areas of responsibility. All requirements must be met and objectives achieved above the established standards.

Meets Job Requirements means all job requirements were met and planned objectives accomplished within established standards. There were no critical areas where accomplishments were less than planned.

Needs Improvement means performance in one or more critical areas does not meet expectations. Not all planned objectives

were accomplished within the established standards and some responsibilities were not completely met.

Does Not Meet Minimum Standards means performance is unacceptable and important objectives have not been accomplished.

After completing the evaluation, the reviewer will return the form(s) with the signed acknowledgement to the Business Administrator. After review by the Business Administrator, the form(s) are to be included in the employee's official personnel file. As a part of the evaluation, employees have the right to request a conference with the Business Administrator.

Disciplinary Action Procedure:*

All employees are expected to meet the Municipality's work performance standards. The intent of the Disciplinary Action Procedure is to formally document problems and provide the employee with a reasonable time to improve performance. The process should encourage development by providing employees with guidance in areas that need improvement such as poor work performance, attendance problems, personal conduct, general compliance with the Municipality's policies and procedures and other disciplinary problems.

Should a Supervisor believe that an employee is not conforming to the Municipality's policies and rules or to specific instructions, or has acted improperly; the supervisor will first privately discuss the matter with the employee to obtain the employee's view. If the Supervisor determines that the employee has acted improperly, the Supervisor shall take one of the following actions depending upon the gravity and the employee's past record. At the discretion of the Supervisor and the Business Administrator, action may begin at any step, and/or certain steps may be repeated or by-passed.

- **Verbal Reprimand:** Depending on the circumstances, the Supervisor may verbally notify the employee that the employee's actions have been improper and warn the employee against further occurrences. The Supervisor will prepare a record of the verbal reprimand including the date, time and what was discussed with the employee. This record must

be forwarded to the Business Administrator for the employee's official personnel file.

- **Business Administrator Review:** Should the Supervisor consider the offense sufficiently serious to warrant consideration by the Business Administrator, the employee will be so advised and a meeting arranged with the Business Administrator at the earliest possible date. All facts should be detailed at this meeting and, if possible, a determination will be made at that time of disciplinary action, if any.
- **Written Reprimand:** When a Supervisor determines that a written reprimand is appropriate, the situation must be discussed with the Business Administrator. The reprimand should clearly identify the problem and outline a course of corrective action within a specific time frame. The employee should clearly understand both the corrective action and the consequence (i.e., termination) if the problem is not corrected or reoccurs. The employee should acknowledge receipt of the warning and may include additional comments. A copy of the written reprimand with the signed acknowledgement and comments must be forwarded to the Business Administrator for the employee's official personnel file.
- **Suspension:** Whenever an employee is recommended for suspension, the Business Administrator will make the decision and may seek the advice of the Labor Attorney if appropriate. Suspended Employees may request a hearing under the applicable grievance procedure and Civil Service Act procedure.
- **Dismissal:** Whenever an employee is recommended for dismissal, the Mayor and Business Administrator will make the decision only after seeking the advice of the Labor Attorney. There must be a complete review of the employee's personnel file and all other facts to determine if there is sufficient cause for the dismissal. Terminated employees may request a hearing under the applicable grievance procedure and Civil Service Act.

Personnel File Procedure:*

The official personnel files shall be maintained by the Business Administrator and employee medical information will be maintained in a separate file. At least annually, the Business Administrator will review files to make sure they are up-to-date.

The Official file shall include at least the following:

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

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 Business Administrator unless the complaint is against the Business Administrator. Upon receipt, the Business Administrator will determine if the complaint was made pursuant to the General Anti-Harassment Policy, the Anti-Sexual Harassment Policy, the Whistle Blower Policy, a grievance procedure or is another form of complaint. A file will be established including the written complaint,

the investigation procedure followed and the response action plan. As soon as possible but no later than ten days after receiving the complaint, the Business Administrator or investigator appointed by the Business Administrator will interview the employee. If the employee is reluctant to sign a written complaint, the Business 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 Business Administrator will seek the advice of the Labor Attorney when planning the investigation. The investigation should be conducted by the Business Administrator 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 Business Administrator will discuss the conclusions with the Labor attorney and render a decision within fourteen 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 should be assured that future complaints will be investigated and that the Municipality 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.
- **Response Plan – Corrective Action Required:** If the investigation reveals that the complaint is justified and substantiated, the Business Administrator will formulate with the advice of the Labor attorney a

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

Requests for Employment Verification and Reference Procedure:*

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

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

Continuing Education Procedure:*

The Municipality will arrange for employment practices seminars at least annually to train all managerial/supervisory personnel. The Municipality will also offer non-mandatory training to all other employees with special emphasis on employee rights and protections under various Federal and State laws as well as Municipality employment practices. Records will be maintained in the official personnel files of all employees trained under this procedure.

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

APPENDIX I

CONDUCTING INTERNAL INVESTIGATIONS

CONDUCTING INTERNAL INVESTIGATIONS

Employers should conduct an internal investigation when concerns or issues come to the attention of management. Issues may be raised through rumors, conversations, a formal complaint, or an external charge of discrimination. Issues can include sexual harassment, disability discrimination, wrongful application of company policy or some combination of these or other issues.

Once a complaint has been made and the employer has been made aware of the problem, the employer should respond to and resolve the issue as soon as possible or immediately. The quicker the response to a complaint, the lower the risk of liability for the employer. If management does not have enough information when the issue or complaint is raised, the next step is to conduct an internal investigation.

The purpose of the investigation is to gather facts, determine if anything inappropriate occurred, determine if there have been any violations of policies or law, hear all sides of the story, reach an informed conclusion, take appropriate action and follow-up if applicable.

The Initial Interview with the Complainant:

The first step in the investigative process is to conduct an initial interview with the complainant. This interview is very important and it will help you determine whether the issue can be resolved informally or whether an internal investigation will need to be conducted. Make sure you get the facts. Ask who, what, where, when and why type questions. These questions will elicit specific details regarding the alleged incident. Include questions regarding the frequency of the occurrence, what was said or done, where it occurred, the dates it happened and the time period over which the conduct occurred. Before you conclude this initial interview make sure you do the following:

- Inform the employee raising the issue that the Company does not permit any retaliation or reprisal due to a legitimate issue having been raised.
- Advise the employee that in the event there is a need to conduct an investigation, he or she will be apprised and will be told who will be conducting the investigation.
- Inform the employee that you will limit the disclosure of information to those people having a legitimate reason to know.
- Instruct the employee to do the same. Tell the employee that all individuals involved in the investigation, must keep the investigation information confidential.
- Let the employee know that the person conducting the investigation will get back to them and that their continued cooperation in the investigation will be necessary to reach a resolution.
- Ask if the employee has any suggestions for how the issue could be resolved or if they have any preferred resolution to the issue.
- Thank the employee for bringing the issue to your attention and let them know that you will resolve the problem in a timely manner.

After the meeting, **encourage** the employee to write their side of the story, however, **do not require it**. Employees should not be required to provide written notification of an issue. The reason for encouraging the employee to provide written notification is to ensure that you understand all of the facts and issues raised.

Ask the employee to include in their written summary the following: a list of all the employee's issues, the relevant facts and dates the employee believes support their concerns, the names of people who may have information relevant to the investigation, the employee's suggestions for obtaining relevant documentation. The employee should sign and date the written summary and should attach any documentation that would be relevant to the investigation.

The employer should provide a confirmation letter to the employee summarizing the issues raised during the initial interview and should be given to the employee as soon as possible to make sure that all of the issues are understood before conducting the investigation.

Not all issues require an internal investigation. So, after the initial interview with the complainant, you must decide whether the complaint requires an internal investigation or if it can be resolved informally. If you can easily resolve the issue with the employee immediately or with little effort, an investigation is not necessary. If you need more information that will require the involvement of other resources, it will be necessary to conduct an investigation.

Planning the Investigation

Before conducting an investigation you need to decide the following:

- what policies apply to the issue that was raised?
- what documents pertain to the facts?
- who should conduct the investigation?
- who should be interviewed and in what order will you interview them?

Determining who should conduct the investigation is critical. Make sure the person doing the investigation is objective and has the experience and expertise to conduct a fair and unbiased investigation.

When deciding who you will interview, you should decide the order of your interviewees. It may be beneficial to put them in a certain order. It is best to limit the number of interviewees because it helps you stay on target with the investigation and leads to a more clearly defined resolution. You must also interview people right away because you don't want memories to falter or witnesses to leave.

Due to the legal issue of defamation and confidentiality, employers should follow a few guidelines when conducting an investigation. In order to protect employee confidentiality and minimize the potential for defamation claims you should:

- Interview witnesses in a private setting.
- Interview witnesses separately and make sure they know to keep matters concerning the investigation confidential
- Make sure the individual conducting the investigation waits until the end of the investigation to draw conclusions.
- Make sure the individual conducting the investigation reports information learned from the investigation only to those who have a legitimate business need to know.
- Make sure the individual conducting the investigation's final report includes the facts upon which they based their conclusion.
- Make sure the individual conducting the investigation does not inform other employees of the results of the investigation unless it is a necessary part of the corrective action plan.

Interim Actions

There may be interim actions that need to be taken **before** you initiate an investigation. For example, allegations of sexual harassment or violence involving physical touching, rape or battery, criminal misconduct such as theft. If the conduct you are investigating may be of a criminal nature, you will want to consult an attorney. If these situations arise, you may have to suspend an employee suspected of the ongoing misconduct until the investigation is completed. A suspension notice should be given to the employee and should include the issue raised which is being investigated, a statement telling the employee that they are being suspended with or without pay, (an exempt employee can only be suspended without pay for an entire

workweek), how long the investigation is expected to last and who to contact if the employee has any questions or concerns regarding the suspension or the investigation.

The Investigation

Prior to beginning your interviews, prepare a list of questions and a statement that addresses what you are investigating, what role the interviewee plays in the investigation, how the information will be used, the confidentiality of the information, and if the interviewee could be disciplined.

During the investigation stress that when issues are raised, it is the obligation of the company to investigate the issues and that no conclusions will be made until all of the facts from the investigation have been reviewed and analyzed.

Discuss information security and that you will only disseminate information on a “need to know” basis and that you will maintain confidentiality and the employee’s privacy, and that the interviewee must do the same.

Inform the interviewee that retaliation or reprisals against participants in an investigation will not be tolerated.

Explain to the interviewee the seriousness of the investigation, the importance of accurate and truthful information, the confidentiality and that attempting to influence the outcome of the investigation by discussing it with others will be the basis for disciplinary action.

Note Taking

Notes should be taken throughout the investigation. (tape recordings and or video recordings should not be used). The notes should include only the relevant facts. The investigation notes should be kept in a separate place from notes regarding other employee or business issues. Notes should be made on separate sheets of paper because the notes may have to be produced in litigation.

Meeting with the Accused

Tell the accused what is being investigated. Tell them that it is extremely important for them to provide you with any facts or information they may have that will help you resolve the issue.

Make sure you get the full and accurate story. Your questioning techniques will play an important role in the interview.

- Start with broad questions and move to narrow questions.
- Ask open-ended questions; avoid asking leading questions.
- Ask questions that force the person to relate events to you in chronological order.
- Ask one question at a time.
- Ask follow-up questions to confirm what you have learned and make sure you have the details right.
- Ask who, what, when where, how and why type questions.

If the person responds that it is “all untrue”, explore further, and assess credibility.

Conclude the meeting by providing an estimate as to when the investigation will be completed. Ask the person to supply any other information or documentation that may assist you in reaching a resolution. Ask them if there are any questions you have not asked which they feel you should have asked. Stress confidentiality and that retaliation will not be tolerated.

Interviewing Witnesses

There are different kinds of witnesses that you will be interviewing. Some individuals may feel uncomfortable giving out information because they do not want to get others in trouble. Some witnesses enjoy being part of the investigation and others may view the interview as an opportunity to retaliate against the person who is being investigated. Knowing who the witnesses are and where they are coming from is an important part of the investigation process.

After you have interviewed the witness, take notes which will help you assess the credibility of the witness later on. Ask yourself the following questions:

- What was the demeanor of the interviewee (i.e. uncomfortable, nervous, tone of voice)?
- How did they react to the allegations? (i.e. aggressive, defensive)
- Does the person make a credible impression?
- Was the person forthcoming or did you have to dig for the information?
- Did the person's chronology of the events differ from the other interviewees?
- Does the person's version of the story make sense?
- Did the person make an admission during the interview?
- Did the person deny anything?
- Are there witnesses who heard or saw anything?
- Was the person's version of the facts different from everyone else?
- Did the person's version conflict with any written information?
- Are there things that the accused has said or done in other situations that make it more likely that the facts in dispute actually happened?

Conclusion

After you have conducted all of the interviews and analyzed the facts, you must reach a conclusion and make a recommendation regarding the actions that should be taken.

Ask yourself the following questions:

- Were company policies violated?
- If so, is the violation a serious offense?
- What has the company done in the past with similar violations?
- How long has the employee who violated the policy been employed with the Company?
- Has the employee violated any other policies in the past?

Implementing the Results of the Investigation

After you have decided on the appropriate disciplinary action, you should sit down with the person who was accused and describe the course and the results of the investigation and explain to them the reasons why you reached the conclusion you did.

You should then meet with the employee who raised the issue to inform them of your conclusions. Make sure you tell them what conclusion you reached, why you reached the conclusion, the action being taken, who will be implementing the action, what they should do if they experience retaliation, their appeal rights if they do not agree with your conclusion, and the confidentiality you expect the employee to keep regarding the investigation.

It may be appropriate to notify the employee who raised the issue in writing the results of the investigation especially in more serious cases.

It is not appropriate to inform other employees of the results of the investigation. An employee who was interviewed may ask about the final results, explain to the employee that the information is confidential and

that it is not the practice of the company to discuss confidential information regarding one employee with another.

Make sure you follow-up after the investigation to make sure the remedy was effective in stopping the misconduct. Failure to follow-up can result in liability if the conduct continues. Also, make sure the witnesses and the victim have not been retaliated against after the investigation concluded.

Final Investigation Recordkeeping

Your final investigation file should include:

- A written communication from the employee raising the issue
- The issue Confirmation Memo back to the employee
- Suspension Notice
- Investigation Summary
- Results and Notifications
- Notes and Support Documentation
- Written communications regarding the investigation to others

Keep final versions of these documents along with notes. The file should be marked “Confidential” and kept separately from the employee file. In the event of litigation, this file may need to be produced.

INITIAL INTERVIEW QUESTIONS

1. What happened?
2. Who was involved?
3. When did the incident take place?
4. Where did the incident take place?
5. Why?
6. Was your ability to work affected?
7. Were there any observers/witnesses?
8. Was the incident isolated or part of a pattern?
9. Have you talked to anyone else at the Company about this issue? If so, Whom?
10. Are there any written documents relevant to the issue that you know about?
11. Have you kept any written records or diaries that are relevant to the issue? Any expense reports, personnel file memos, other notes?
12. Do you know if any other employees have the same or similar concern?
13. Are there any other issues you would like to discuss?
14. Do you have additional facts or information that would be helpful in an investigation if one is merited?
15. Do you have any suggestions on how you think this matter could best be resolved? Do you have a preferred resolution to the problem?

WHEN THE INTERVIEW IS COMPLETE:

1. Thank the person for coming forward.
2. Inform the complainant that the company has zero tolerance for retaliation against any complaint due to a complaint of a legitimate issue.
3. Advise the complainant that if there is an investigation, he or she will be advised of that fact and will be told who is conducting the investigation.
4. Tell the complainant that you will limit disclosure of information to only those persons who have a legitimate right to know.
5. Instruct the complainant that he or she as well as any others involved in the investigation are also responsible for maintaining confidentiality of any information provided and names of anyone involved in the investigation.
6. Tell the complainant that if an investigation is deemed necessary, the person conducting the investigation will keep them updated on the status of the investigation and that their cooperation is essential to reach a resolution of the issue.
7. Ask the complainant for ideas of how the issue may be resolved. Do they have a preferred resolution? Ask if they believe any interim actions need to be taken?
8. Tell the complainant that a final determination regarding the best way to resolve the issue will be made by Human Resources. Input from the complainant is valuable and will be considered seriously, but Human Resources retains sole discretion in determining the final decision.
9. Again, thank the complainant for coming forward and express your commitment to resolving the matter in a timely manner. Encourage the complainant to complete written documentation of the issue. You cannot require the complainant to provide written documentation.

WRITTEN CONFIRMATION OF THE COMPLAINT

1. Within a few days of receiving a complaint, a written confirmation of the complaint should be sent to the complainant. This provides both the person filing the complaint and Human Resources with the opportunity to confirm all issues and the facts presented by the complainant. This confirmation should include:
 - Identification of the issue/issues.
 - Identification of the facts.
 - Confirm that these are the only issues raised.
 - Reaffirm that the investigation will be impartial and fair.
 - Clearly detail the investigation procedure.
 - Outline the expectations of Human Resources as it relates to the responsibilities of the complainant raising the issue.
 - Tell the complainant that if there are other issues involved in the complaint that have not yet been raised, they should contact Human Resources and identify those issues also.

EXAMPLES OF EXPECTATIONS OR RESPONSIBILITIES OF THE COMPLAINANT:

- To cooperate fully throughout the investigation and be completely honest in answering any and all questions and in providing information concerning this investigation.
- To provide complete and detailed information and disclose any written documentation that may be relevant to the investigation.
- To provide any new information or documentation immediately.
- To maintain confidentiality of the information and not discuss any facts of the issues or investigation of the issues with anyone who does not have a legitimate right to know. If you have any questions concerning this requirement, discuss them immediately with Human Resources.
- To raise any questions and/or discuss concerns immediately with Human Resources.
- To contact Human Resources immediately, if you do not fully understand any of the expectations or responsibilities outlined here.

INVESTIGATION SUMMARY FORM

1. Name of Investigator(s):

2. Date Investigation Started: _____ Finished: _____

3. Date Employee Raised Issue: _____

4. Name and Division/Department of Employee Raising Issue:

Name: _____ Division/Department: _____

5. Name and Division/Department of Investigated Employee:

Name: _____ Division/Department: _____

6. Statement From Employee Raising the Issue:

7. Names, Dates, and Statements from Witnesses:

Name: _____ Date: _____

Statement: _____

Name: _____ Date: _____

Statement: _____

8. Name and Dates of people interviewed:

Name: _____ Date: _____

Name: _____ Date: _____

Name: _____ Date: _____

Name: _____ Date: _____

9. What is the final decision and why:

10. Date decision was discussed with both employees: _____

11. Date of implementation: _____

Complaint Form

Employee Name: _____ Department: _____

Date Complaint Made: _____ Supervisor: _____

Instructions: Please answer each question below as completely as you can, use the back of the form or separate sheets of paper if necessary.

1. Who are you complaining about? _____

2. When did the occurrence(s) about which you are complaining happen? _____

3. Who, if anyone, witnessed the occurrence(s)? _____

4. Describe what happened in as much detail as you can, including everything that was said or done.

5. Describe how you reacted in as much detail as you can, including everything you did and anything you said.

6. Have you discussed the occurrence(s) with anyone else? If you have, identify who you have talked to, when you had the discussion and any details you remember about what each party said.

I have been advised that this complaint will be investigated, I will be interviewed and any witnesses and the alleged perpetrator will be interviewed soon, and that there will be no retaliation for coming forward with an honest complaint, and that I will report any retaliation or further difficulties. I have also been advised to be careful about repeating any allegations about the complaint or alleged harasser and to maintain confidentiality of the situation. (Company Name) will maintain confidentiality, to the greatest extent possible for all parties.

Complainant Signature: _____ Date: _____

Human Resource Signature: _____ Date: _____