

TOMS RIVER TOWNSHIP

Employee Policy Manual



2019

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RULES AND REGULATIONS / POLICIES AND PROCEDURES

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
General Personnel Policy	June 1, 2010					V1
	# Pages					
SUBJECT:	1					
* General Personnel Policy	Reference					
	V1					
ISSUING AUTHORITY:	Evaluation Date:	March 2014				
Township Administration						

It is the policy of the Township of Toms River to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations. These personnel policies and procedures cover all employees, elected and appointed officials, as the case may be or where applicable. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract, or Federal or State law including the Attorney General's guidelines with respect to Police Department personnel matters, 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, pursuant to the provisions of the Faulker Act, N.J.S.A. §40:69a-1, et seq, shall be appointed and promoted by Mayor. The Township Clerk is appointed by the Council. No person shall be employed or promoted unless there exists a position created by an ordinance adopted by the Township Council and as reflected on the Table of Organization, as well as the necessary budget appropriation and salary ordinance.

The Business Administrator and all managerial/supervisory personnel are authorized and responsible for personnel policies and procedures. The Division Manager of Human Resources is charged with assisting the Business Administrator to implement personnel practices. The Business Administrator and Division Manager of Human Resources shall also have access to labor counsel appointed by the Mayor with advice and consent of the Township Counsel for guidance in personnel matters.

As a general principle, the Township of Toms River has a "no tolerance" policy towards workplace wrongdoing. Township of Toms River officials, employees and independent contractors are to report anything perceived to be improper. The Township of Toms River believes strongly in an open door policy and encourages employees to talk with their supervisor, Department Head, Business Administrator, the Division Manager of Human Resources or the Township Attorney concerning any problems.

Neither this handbook nor any other Township document, confers any contractual right, either express or implies, to remain in the Township's employ. Nor does it guarantee any fixed terms and conditions of your employment. The provisions of this Employee Handbook may be amended and supplemented from time to time without notice and at the sole discretion of the Mayor and Township Council.

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

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Employee Rights and Obligations	June 1, 2010					V1
	# Pages					Chapter
SUBJECT:	1					C1
*Anti-Discrimination Policy	Reference					
	V1C1					
ISSUING AUTHORITY:	Evaluation Date:	March 2014				
Township Administration						

- **Anti-Discrimination Policy**

The Township of Toms River is committed to the principle of equal employment opportunity and anti-discrimination pursuant to Title VII of the 1964 Civil Rights Act as amended by the Equal Opportunity Act of 1972 and the New Jersey Law Against Discrimination (LAD). Under no circumstances will the Township of Toms River 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), 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 he/she has been treated unfairly, he/she has the right to address their concern with their supervisor, or if they prefer their Department Head. If the employee is still not satisfied they can request a meeting with the Division Manager of Human Resources and/or the Township Business Administrator.

RULES AND REGULATIONS / POLICIES AND PROCEDURES

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Employee Rights and Obligations	June 1, 2010					V1
	# Pages					Chapter
SUBJECT:	1					C2
*Americans with Disabilities Act Policy	Reference					
	V1 C2					
ISSUING AUTHORITY:	Evaluation Date:	March 2014				
Township Administration						

• Americans with Disabilities Act Policy

- A) In compliance with the Americans with Disabilities Act and the New Jersey Law Against Discrimination, the Township of Toms River does not discriminate based on disability. The Township of Toms River 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.
- B) It is the policy of the Township of Toms River to comply with all relevant and applicable provisions of the Americans with Disabilities Act and the New Jersey Law Against Discrimination. The Township will not discriminate against any qualified employee or job applicant with respect to any terms, conditions, or privileges of employment on the basis of a known disability. We will also make reasonable accommodations to known physical or mental limitations of all employees and applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided that the accommodation does not impose undue hardship on the Township of Toms River.
- C) The Director of Human Resources or the Township Business Administrator shall initiate an interactive dialogue with disabled employees and prospective employees to identify reasonable accommodations. All decisions with regard to reasonable accommodations shall be made by the Township Business Administrator, in consultation with the Director of Human Resources. 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 Toms River to offer permanent "light duty", relocate essential job functions, or provide personal use items such as eyeglasses, hearing aids, wheelchairs, etc.
- D) Employees covered by the Americans with Disabilities Act may file a grievance or complaint with the Township at any time without fear of penalty or retribution. The Township has adopted the following procedural guidelines for filing grievances based on the Americans with Disabilities Act.

STEP 1: The grievant must file a complaint in writing with the Township of Toms River's ADA compliance officer (Director of Human Resources). The ADA compliance officer shall investigate the complaint and render a decision in writing within fifteen working days of the filing of the complaint. A copy of this decision shall be mailed to the grievant by way of certified mail.

STEP 2: If the grievant is not satisfied with the decision of the Township's ADA compliance officer, the grievant may file a written complaint with the Township Business Administrator. The Township Business Administrator shall investigate the complaint and render a decision within 15 working days. The decision shall be made in writing. The decision of the Business Administrator shall be final.

STEP 3: If the grievant is not satisfied with the decision of the Business Administrator, the grievant may file a written complaint with the U.S. Department of Justice, Coordination and Review Section of the Civil Rights Division. A complaint must be filed within 180 days of the alleged ADA violation. All complaints shall be filed at the following address: **Coordination and Review Section, Civil Rights Division, U.S.**

Department of Justice, P.O. Box 6618, Washington, D.C. 2035-6119

RULES AND REGULATIONS / POLICIES AND PROCEDURES

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Employee Rights and Obligations	June 1, 2010					V1
	# Pages					Chapter
SUBJECT:	1					C3
*Contagious or Life Threatening Illnesses	Reference					
	V1 C3					
ISSUING AUTHORITY:	Evaluation Date:	March 2014				
Township Administration						

• Contagious or Life Threatening Illnesses Policy

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

The Township of Toms River will take reasonable precautions to protect such information from inappropriate disclosure, including the following:

- Medical information may be disclosed only 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 only 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 of evaluation, or otherwise disclose the person's identity in any manner. Information shall not be released to these individuals unless it is vital to an audit or evaluation.
- Information may be disclosed to the Department of Health as required by State or Federal law.

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

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Employee Rights and Obligations	June 1, 2010					V1
	# Pages					Chapter
SUBJECT:	1					C4
*Safety Policy	Reference					
	V1 C4					
ISSUING AUTHORITY:	Evaluation Date:	March 2014				
Township Administration	February 2010					

- **Safety Policy**

The Township of Toms River will provide a safe and healthy work environment and shall fully comply with the Public Employees Occupational Safety and Health Act (PEOSHA). The Township of Toms River 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 protection 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 a Supervisor or Department Head. Any on-the-job accident or accident involving Township of Toms River facilities, equipment or motor vehicles must also be immediately reported to the supervisor or Department Head.

The Township of Toms River has appointed a Safety Committee 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.

As an incentive to observe safe practices, the Township has implemented a program granting an employee's birthday off with pay for each full time, permanent employee who has completed a year of service without a preventable accident as defined and determined by the Safety Committee. Employees are advised that the decision of the Safety Committee is final and employees must earn their birthday off by avoiding a preventable accident for the previous 12 months.

Note:

The Birthday Off benefit for Township employees will terminate for all new employees hired after June 30, 2010.

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Employee Rights and Obligations	June 1, 2010					V1
	# Pages					Chapter
SUBJECT:	1					C4.1
Safety Employee / Committee Procedures	Reference					
	V1 C4.1					
ISSUING AUTHORITY:	Evaluation Date:	March 2014				
Township Administration	February 2010					

• **SAFETY EMPLOYEE / COMMITTEE PROCEDURES**

- A) The Township of Toms River is committed in its entirety to providing its employees with a safe and hazard-free workplace. It is the responsibility of the Township and its employees to immediately report any hazards and/or potential hazards. In the event that an employee needs assistance in reporting a potential safety hazard, the Township has appointed a Safety Committee, to which the employee shall report his/her findings.
- B) The Safety Committee shall set the standards for a hazard-free workplace, and shall monitor all activity. To create a strong awareness of safety, the Safety Committee shall invite and promote employee involvement in ideas, decision-making, and resolutions to findings. Upon finding any hazards and/or risks, the individual shall report his/her findings to the Department Head, who shall then forward the report to the Safety Committee. In any such situation, the individual has the authorization to report the incident directly to the Safety Committee, at discretion of the individual.
- C) Information shall be made available to all employees regarding workplace safety and health issues, through posters, training sessions, and training videos. It is essential for all job related duties to be performed in a safe and hazard-free manner. Safety equipment **must** be worn and/or utilized at all times. All Department Heads shall ensure that the employee in their respective department is equipped with the proper safety equipment.
- D) **Any Department Head** disregarding the safe and hazard-free workplace policy, that the Township is committed to, shall be subject to disciplinary action, up to and including termination.
- E) All employees are encouraged to report their findings, and shall be made aware that there shall not be any reprisals from any reports and/or findings, that they bring to the Safety Committee. All reports shall be investigated in a prompt and impartial manner, and employees shall not be penalized for any notification, whether or not it results in risk findings. In the event that an employee fears for repercussions from the report, he/she shall contact the Safety Coordinator, **immediately**.
- F) The Safety Coordinator shall be responsible for providing all employees with the proper Hazard Waste Education and proper Chemical Education. The Coordinator is also responsible for overseeing the adherence to all Right to Know Laws.
- G) Any accident, injury, or hazard finding not reported within 24 hours, shall be documented as neglect of duty, and shall result in immediate disciplinary action, **up to and including termination**.

**The Township of Toms River is totally committed to providing its employees with
a safe and hazard-free workplace.**

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Employee Rights and Obligations	June 1, 2010					V1
	# Pages					Chapter
SUBJECT:	3					C5
Transitional Duty Policy	Reference					
	V1 C5					
ISSUING AUTHORITY:	Evaluation Date:	March 2014				
Township Administration						

Transitional Duty Policy

The purpose of worker's compensation is to provide managed medical care/treatment and financial assistance to employees who have been injured on the job. Based on the fact that worker's compensation claims involve a variety of circumstances, the final determination on the viability of a claim and hence the payment of workers compensation benefits rests with the Township's insurance carrier. All claims for benefits must be filed within the work day that the injury occurred, or within 24 hours thereafter.

Based on the fact worker's compensation benefits are designed to assist an employee in recovering from injuries sustained on the job, if any employee has been approved for and is receiving worker's compensation benefits, the employee is precluded from engaging in any outside employment and from taking vacation leave unless the Business Administrator approves a request in writing. Further, employees must adhere to the schedule and treatment plan for medical care as specified and directed by the Township's managed care consultant. Employees are specifically advised that the Township's worker's compensation claims manager may authorize and direct surveillance of the employee in order to verify the legitimacy of the employee's claim. If through surveillance the claims manager determines that the employee is engaged in activities which are inconsistent with the employee's purported injuries, the Township will be advised and the employee will be subject to immediate disciplinary action up to and including termination of employment for filing a fraudulent claim. This includes attending ALL scheduled appointments for medical care, testing, treatment and therapy as directed by the managed care consultant. Failure to adhere to this policy may result in termination of employment.

Employees who are entitled to receive 100% of salary while on worker's compensation shall receive a separate check from the Township for the balance owed to the employee after workers compensation benefit has been paid.

Return to work alternate duty policy:

1. **Definition:** An alternative work assignment to accommodate an employee who is medically unable to perform regular assigned duties.
2. **Purpose:** The Township recognizes that it is in the best interest of the Township to reduce and/or minimize workers compensation claims costs. To that end, the Township has established a policy and procedure to facilitate employees' return to work following an on the job injury through the assignment of alternate duty.

3. Applicability: It is the stated purpose of the Township that although this policy shall apply to all full time and part time employees of the Township, the ultimate approval for the return to work on alternative duty rests with the Business Administrator, in consultation with the Director of Human Resources. The Business Administrator in consultation with the Director of Human Resources and the employee's Department Head, shall determine if it is in the best interest of the Township to approve a return to work request.
4. Procedure: All requests for alternate duty assignments are submitted by fax to the Director of Human Resources from the Disability Case Manager of the Township's Managed Care provider. The request shall include a detailed list of the restrictions placed on the employee's activities and the estimated duration of the alternate duty assignment. The Township's alternate duty program is limited to 45 workdays; therefore, the Township will only consider requests with an estimated duration of 45 workdays or less. If it does not appear that the employee will be able to return to work without any restrictions within 45 working days then the Disability Case Manager should not submit a request to the Township at that time. Following written notification from the Case Manager, the Director of Human Resources will then contact the Department Head of the employee involved and solicit the department head's opinion with respect to the alternate duty assignment. Each request shall be considered on a case by case basis. There shall be no specific positions created for alternate duty assignments. If, in the opinion of the department head and the Director of Human Resources, there is meaningful work to be assigned to the employee on a short-term basis without disrupting the operation of the department, then the request would be approved. The Director of Human Resources may also consult with other Department Heads if the employee's department does not have meaningful work to be performed. If the request cannot be accommodated then the employee shall be so notified. If the request is approved it shall be the Disability Case Manager to keep the Township informed of the medical progress of the employee. The Township reserves the right at all times to curtail the alternate duty assignment, if in the opinion of the Township Administrator the employee is not providing meaningful service to the Township. If at the end of the 45 work days the employee completes the alternate duty assignment and is not able to return to work without restrictions, the Township reserves the right to place the employee back on Worker's Compensation leave at that time.
5. General Provisions:
 - Employees assigned to alternate duty assignments shall continue to receive the same salary and benefits as they received prior to their injury.
 - Any employee assigned to alternate duty are prohibited from engaging in any outside employment of any kind unless they have requested and received written approval from the Township Business Administrator.
 - This policy does not affect the rights and privileges of employees under the provisions of the Family and Medical Leave Act, Fair Labor Standards Act, Americans with Disabilities Act or other federal or state law.

- Employees may not refuse alternate duty assignments that are recommended by the Township's Worker's Compensation Physician or Disability Case Manager. Failure to report to work as directed shall constitute immediate grounds for dismissal.
- Employees may be assigned for alternate duty in any Township department where the need exists for assistance. The assignment need not be in the department to which the employee is normally assigned.
- Employees assigned to alternate duty shall be allotted time off to attend medical appointments and/or physical therapy appointments which have been arranged by the Disability Case Manager. Employees must request other leave time for any other reason.
- Alternate duty assignments are available only to employees of the Township who have been injured in the course of their employment with the Township and recommended by the Disability Case Manager.
- Alternate duty assignments are not guaranteed. As noted above, each request shall be reviewed on a case by case basis. If the employee's medical condition is such that he/she would be limited to their activities beyond what is reasonable then the assignment would not be approved. Further, if an assignment cannot be found which would provide meaningful employment the request would not be approved. Lastly, if more than one employee in a given department is out with a workers' compensation injury, it is likely that the Township would not be able to find temporary alternate duty assignments for all affected employees.
- It shall be the responsibility of the Disability Case Manager to keep the Township informed of any change in the employee's status immediately.
- If the employee believes that the alternate duty to which he/she has been assigned is too strenuous or beyond the physical abilities of the employee, then he/she may request a meeting with the Business Administrator and Disability Case Manager. The Business Administrator shall render a written response to the employee within 24 hours of the meeting and that response shall be final.
- The Township reserves the right to extend the provisions of this policy on a case by case basis for employees who are injured off the job if the circumstances warrant such consideration and if meaningful work is available.

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Employee Rights and Obligations	June 1, 2010					V1
	# Pages					Chapter
SUBJECT:	2					C6
*Drugs and Alcohol Policy	Reference					
	V1 C6					
ISSUING AUTHORITY:	Evaluation Date:	March 2014				
Township Administration						

Drugs and Alcohol Policy

The Township recognizes that the possession or use of unlawful drugs and the abuse of alcohol pose a threat to the health and safety of all employees. Any employee who is observed by a supervisor or Department Head to be intoxicated or under the influence of alcohol or drugs during working hours, or suspected of being intoxicated or impaired, shall be immediately tested and is subject to discipline up to and including termination. The supervisor or Department Head will immediately report any reasonable suspicions to the Business Administrator.

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

The manufacturing, distribution, dispensation, possession, and use of alcohol or unlawful drugs on Township premises or during working hours by employees are strictly prohibited.

Employees must notify their supervisors within five (5) days of a conviction for a drug or alcohol related violations, whether or not the violation occurred in the workplace. Failure to notify the Township may result in termination of employment.

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

Pursuant to Township Code, employees who hold Safety Sensitive positions with the Township are also subject to random drug testing.

Employees using prescription drugs that may affect job performance, physical abilities, cognitive abilities, or safety (including, but not limited to pain killers and psychotic drugs) must notify the Business Administrator and Director of Human Resources, or their designee and provide medical clearance from the prescribing physician that the medication will not impair their ability to perform safety-sensitive duties. This information will be kept confidential except when disclosure is permitted or required by law. Failure to provide this notification is grounds for discipline up to and including termination. The Township of Toms River personnel who hold a Commercial Driver's License (CDL) are subject to the provisions of the Commercial Driver's Licenses Drug and Alcohol Testing Policy. A program to assist employees who may have a drug/alcohol problem is provided through the Township of Toms River's Employee Assistance Program (EAP).

No prescription drug should be used by any person other than the individual to whom it is prescribed. Such substances or non-prescription (over-the-counter) drugs should be used only as prescribed or indicated. Employees are prohibited from consuming

prescription drugs that are not prescribed in their name on Township of Toms River property or while performing Township of Toms River business. Soliciting or distributing prescription drugs for or to other employees is also strictly prohibited.

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Employee Rights and Obligations	June 1, 2010					V1
	# Pages					Chapter
SUBJECT:	1					C7
*Workplace Violence Policy	Reference					
	V1 C7					
ISSUING AUTHORITY:	Evaluation Date:	March 2014				
Township Administration						

• **Workplace Violence Policy**

The Township of Toms River will not tolerate workplace violence of any sort. Violent acts or threats made, directly or implied, 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 Township property, at Township events, or under other circumstances that may negatively affect the Township'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 Township property or while on Township business, except with the authority of the Police Chief
- Committing acts motivated by, or related to, sexual harassment, domestic violence, racial or gender bias.
- Any and all other behavior deemed to be violent in nature.

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

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Employee Rights and Obligations	June 1, 2010					V1
	# Pages					Chapter
SUBJECT:	1					C8
*General Anti-Harassment Policy	Reference					
	V1 C8					
ISSUING AUTHORITY:	Evaluation Date:	March 2014				
Township Administration						

• **General Anti-Harassment Policy**

- A) It is the Township's policy to prohibit harassment of an employee by another employee, management representative, supplier, volunteer, or business invitee on the basis of actual or perceived sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, civil union status, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), gender identity or expression, liability for service in the United States armed forces, and/or any other characteristic protected by law. While it is not easy to define precisely what harassment is, it includes slurs, epithets, threats, derogatory comments, unwelcome jokes, teasing, and other similar verbal or physical conduct.
- B) If an employee is witness to or believes to have experienced harassment, immediate notification to the supervisor or other appropriate person should take place. (See the Employee Complaint Policy.)
- C) Harassment of any employee by a non-employee, in connection with the employee's work, may also be a violation of this policy. Any employee who experiences harassment by a non-employee, or who observes harassment of an employee by a non-employee, should report such harassment to the supervisor. Appropriate action will be taken against the non-employee.
- D) Notification of appropriate personnel of any harassment problem is essential to the success of this policy. The Township cannot resolve a harassment problem unless it knows about the problem. Therefore, it is the responsibility of all employees to bring these problems to the attention of the appropriate officials so that steps can be taken to correct them.
- E) Violation of this harassment policy will subject employees to disciplinary action, up to and including immediate termination of employment.

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Employee Rights and Obligations	June 1, 2010					V1
	# Pages					Chapter
SUBJECT:	1					C9
*Anti-Sexual Harassment Policy	Reference					
	V1 C9					
ISSUING AUTHORITY:	Evaluation Date:	March 2014				
Township Administration						

• **Anti-Sexual Harassment Policy**

It is the Township's policy to prohibit sexual harassment of an employee by another employee, management representative, supplier, volunteer, or business invitee. The Township prohibits sexual harassment from occurring in the workplace or at any other location at which a Township sponsored activity takes place. 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 a basis for an employment decision affecting the individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Sexual harassment may include unwanted sexual advances; offering employment benefits in exchange for sexual favors; visual conduct (leering, making sexual gestures, displaying of sexual 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 letter, 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, the employee must immediately notify their supervisor or other appropriate person. *(Refer to: V1 C11 Employee Complaint Procedures)*

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

Notification by an employee to appropriate personnel of any harassment problem is essential to the success of this policy. The Township cannot resolve a harassment problem unless the problem is reported. Therefore, it is the responsibility of all employees to bring these problems to the attention of management so that necessary steps can be taken to correction the problem.

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

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Employee Rights and Obligations	January 7, 2014					V1
	# Pages					Chapter
SUBJECT:	4					C9.1
Child Abuse Prevention Policy	Reference					
	V1 C9.1					
ISSUING AUTHORITY:	Evaluation Date:					
Township Administration						

- **Child Abuse Prevention Policy**

1. **Policy Statement**

As a municipal corporation of the State of New Jersey charged with protecting the health, safety, and welfare of its citizens, and which operates many youth-oriented programs, events, and facilities, the Township of Toms River is firmly committed to the protection of children under its care and supervision from all forms of abuse, physical, mental, sexual, and emotional.

The Township regards the abuse of children as abhorrent in all its forms and pledges to hold its employees and volunteers in its youth-oriented programs to highest standards of conduct in interacting with children.

To the end, the Township has established these policies to prevent and combat the abuse of children taking part in the many fine programs and facilities the Township has to offer.

Scope

This policy applies to all Township employees (full-time and part-time) and volunteers under its supervision and control working in programs or facilities where they regularly interact with or have contact with children, or have the care, custody, or control of any child.

Definitions

- a) Child (Children): person(s) under the age of 18 years old.
- b) Emotional/Mental Abuse: mental or emotional injury to a child that results in observable and material impairment to the youth's psyche.
- c) Employee(s): person(s) working for (on a full or part-time basis) and compensated by the Township.
- d) Physical Abuse: intentionally-inflicted, non-accidental injury.
- e) Covered Employee(s)/Volunteers(s): employees and volunteers who have the care, custody, or control of children, or frequent involvement or interaction with children, as determined by the Director of Human Resources, and including, but not limited to, employees and volunteers in the Department of Recreation, the Winding River Skating Rink, and the Division of Youth Services.

- **Child Abuse Prevention Policy – Continued**

- f) Sexual Abuse: any contact or activity of a sexual nature, or meant to arouse or gratify the sexual desires of the perpetrator or the victim.
- g) Volunteer(s): person(s) providing services to the Township who are not on the Township payroll and receive no compensation.

Screening and Selection

Covered employees and volunteers must be screened as required pursuant to Chapter 88 of the Township Code.

Monitoring and Supervision of Program

- a) Programs shall maintain a child-adult ratio sufficient to ensure proper supervision of children. These ratios shall be established by the appropriate program supervisor, Division Manager, or Department Head.
- b) Employees and volunteers are prohibited from being alone with children where other adults cannot easily observe them.
- c) Employees and volunteers 21 or more years old must supervise employees and volunteers under the age of 18 and must be physically present during all activities.
- d) All youth-oriented activities and programs must be vetted and approved in writing by the respective Department Head.
- e) Age-appropriate procedures shall be developed to ensure the safety of children using restrooms, showers, or baths.
- f) When supervising or assisting private activities, including but not limited to, dressing, showering, or bathing, employees and volunteers must remain in an area observable by other adults or work in pairs.
- g) At least two unrelated employees or volunteers must supervise activities. In co-ed activities, male and female adults must be present.
- h) Department Heads or their designees shall perform periodic assessments and inspections of youth oriented programs to ensure compliance with these policies. Any violations shall be immediately reported to the Director of Human Resources and corrective action taken.

Protocols

- a) Procedures must be established to ensure that children are released only to their parents, legal guardians, or other authorized adults. Additionally, parents and/or legal guardians must provide written permission to allow their children to be transported to any township-sponsored activity or event.
- b) Covered employees and volunteers are prohibited from the use, possession, or distribution of controlled dangerous substances, and from the misuse of legal drugs.
- c) Covered employees are prohibited from the use, possession, or distribution of alcohol while on duty.

- d) One-to-one counseling must be conducted in an open public, or other place where private conversations are possible, but which are in public view.
- e) Covered employees and volunteers are prohibited from dating or becoming romantically involved with children.
- f) Covered employees and volunteers are prohibited from having sexual contact with the children.
- g) Covered employees and volunteers are prohibited from possessing and displaying any sexually-oriented materials, in whatever form, while performing their duties, and must not use any Township computers to download, procure, view, or transmit such materials.
- h) Covered employees and volunteers are prohibited from discussing their own sexual activities, dreams, fantasies, or proclivities, and from having any sexual-oriented conversations or communications with children.
- i) Covered employees and volunteers are prohibited from dressing, undressing, bathing, or showering in the presence of children.
- j) Covered employees and volunteers will always wear non-suggestive clothing appropriate for their activity.
- k) Physical discipline, in any form, is prohibited. Physical force may be used only to stop behavior that may cause immediate harm to children themselves or another participant, employee, or volunteer. In this circumstance, the force applied shall be proportionate to the situation and may not extend beyond the force necessary to prevent the danger presented.
- l) Bullying and hazing are prohibited, and employees and volunteers will take the appropriate action, consistent with this or any other Township policy, to stop such behavior.
- m) Employees and volunteers will interact with all children equally in a positive and professional manner, regardless of race, ethnicity, gender, actual or perceived sexual orientation, religion, culture, or socio-economic status.

Reporting

- a) Policy violations and the known or suspected abuse of children must be reported immediately to the employee's or volunteer's immediate supervisor or Department Head, who shall then report the incident to the Director of Human Resources. Any employee witnessing the abuse of a child by a staff member or volunteer must act immediately to remove the child from the abusive situation and immediately report the violation to a supervisor.
- b) The suspected perpetrator must be immediately suspended from their duties involving children or temporarily reassigned to a position involving no contact or interaction with children pending an internal investigation of the matter by the Director of Human Resources.

Employees or volunteers determined to have violated these policies are subject to any and all disciplinary procedures set forth in the Employee Handbook, including dismissal.

- d) Where appropriate or required by law, known or suspected abuse of children must be reported the appropriate law enforcement and, if applicable, child-protective agencies. The Director of Human Resources or his or her designee shall make these reports.
- e) All incidents of violations of these policies and known or suspected child abuse must be documented and maintained on file and, where requested, provided to the appropriate law enforcement or child-protective agencies, or court of law. Otherwise, these records shall remain confidential unless disclosure is compelled by state law or judicial order.

Training Requirements

- a) All employees and volunteers must certify in writing that they have read and will abide by these policies. New employees or volunteers must provide this certification upon hire and returning employees must recertify annually.
- b) All employees and volunteers shall attend a child abuse prevention training program sponsored by the Township periodically.

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VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Employee Rights and Obligations	June 1, 2010					V1
	# Pages					Chapter
SUBJECT:	1					C10
*“Whistle Blower” Policy	Reference					
	V1 C10					
ISSUING AUTHORITY:	Evaluation Date:	March 2014				
Township Administration						

• “Whistle Blower” Policy

- A) Employees have the right under the Conscientious Employee Protection Act (CEPA) to complain about any activity, policy or practice that the employee reasonably believes is in violation of a law, rule, or regulation promulgated pursuant to law without fear of retaliation or reprisal. This right shall be communicated to all employees in an annual letter outlining the specific employee complaint procedure and in a posted notice. A written acknowledgement that the employee received, read, and understood this letter will be included in the employee’s 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.
- B) The Township of Toms River shall not take any retaliatory action or tolerate any reprisal against an employee for any of the following:
- Disclosing or threatening to disclose to a supervisor, Department Head, the Business Administrator, or other official or to a public body, as defined in the CEPA (N.J.S.A. 34:19-1 et seq.) an activity, policy or practice that the employee reasonably believes is in violation of a law, a rule or regulation promulgated pursuant to law;
 - Providing information to or testifying before any public body conducting an investigation, hearing, or inquiry into any violation of law, or a rule or regulation promulgated pursuant to law; or
 - Objecting to, or refusing to participate in any activity, policy, or practice that the employee reasonably believes is a violation of a law, rule or regulation promulgated pursuant to law; is fraudulent or criminal; or is incompatible with a clear public policy mandate concerning the public health, safety, or welfare.
- C) In accordance with the statute, the employee must bring the violation to the attention of the Business Administrator, Director of Human Relations, and/or their designee. 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. Employees are encouraged to complain in writing using the Employee Complaint Form, **but may make a verbal complaint at the employee’s discretion.** (See Employee Complaint Policy.) Under the law, the employee must give the Township of Toms River a reasonable opportunity to correct the activity, policy or practice. The administration of whistle blower complaints is not subject to the limitations in the Grievance Policy.

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VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
ADMINISTRATION	June 1, 2010					V1
	# Pages					Chapter
SUBJECT:	1					C11
*Employee Complaint Policy	Reference					
	V1 C11					
ISSUING AUTHORITY:	Evaluation Date:	March 2014				
Township Administration						

• Employee Complaint Policy

- A) Employees who observe actions the employee believe to constitute harassment, sexual harassment, or any other workplace wrongdoing should immediately report the matter to the employee's supervisor, or, if they prefer, or if they do not think that the matter can be discussed with the supervisor, the employee should contact the Department Head, the Business Administrator, the Division Manager of Human Resources or the Township Attorney. Reporting of such incidents is encouraged both 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, but may make a verbal complaint at the employee's discretion, which the Department Head or Business Administrator must document in writing. If the employee has any questions about what constitutes harassment, sexual harassment, or any other workplace wrongdoing, the employee may address the question to a 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.
- B) 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.
- C) If the investigation substantiates the complaint, appropriate corrective and/or disciplinary action will be pursued. Disciplinary action, up to and including termination of employment 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 may 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 reported incident.

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VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Employee Rights and Obligations	June 1, 2010					V1
	# Pages					Chapter
SUBJECT:	1					C12
• Grievance Policy	Reference					
	V1 C12					
ISSUING AUTHORITY:	Evaluation Date:	March 2014				
Township Administration						

• Grievance Policy

A) A grievance is any formal dispute concerning the interpretation, application and enforcement of any personnel policy or procedure of the Township. 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 days 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 or department head who will discuss the matter with the Business Administrator and the Director of Human Resources. The supervisor or department head will communicate the verbal/written 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 with the Director of Human Resources and township council, as appropriate, the Business Administrator will render a written decision to the employee within five working days after receipt of the written grievance, this decision shall be final.

The limitations do not apply to employee complaints made under the General Anti-Harassment Policy, the Anti-Sexual Harassment Policy or the Whistle Blower Policy. Employees aggrieved under the American with Disabilities Act are required to follow the grievance procedures set forth in this handbook.

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VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Employee Rights and Obligations	June 1, 2010					V1
	# Pages					Chapter
SUBJECT:	1					C13
*Access to Personnel Files Policy	Reference					
	V1 C13					
ISSUING AUTHORITY:	Evaluation Date:	March 2014				
Township Administration						

- **Access to Personnel Files**

- A) The official personnel file for each employee shall be maintained by the Division Manager of Human Resources. Personnel files are confidential records that must be secured in a locked cabinet and will only be available to authorized managerial and supervisory personnel on a need-to-know basis. 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 view their file in the presence of the Division Manager of Human Resources, or designee upon reasonable notice.
- B) **Exception to this policy:** All personnel files of sworn officers and civilian employees of the Police Department shall be maintained by the Chief of Police, in accordance to the same standards set forth above.

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VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Employee Rights and Obligations	June 1, 2010					V1
	# Pages					Chapter
SUBJECT:	1					C14
*Conflict of Interest Policy	Reference					
	V1 C14					
ISSUING AUTHORITY:	Evaluation Date:	March 2014				
Township Administration						

• Conflict of Interest Policy

- A) Employees including Township officials must conduct business according to the highest ethical standards of public service. Employees are expected to devote their best efforts to the interest of the Township. Violations of this policy will result in appropriate discipline including termination.
- B) The Township recognizes the right of employee to engage in outside activities that are private nature and unrelated to Township of Toms River business. However, business dealings that appear to create a conflict between the employee and the Township's interests are unlawful under the New Jersey Local Government Ethics Law (LGEL). Under the LGEL, certain employees and officials are required to annually file with the Township Clerk a state mandated disclosure form (Financial Disclosure Statement Form). The Township Clerk will notify employees and Township officials subject to the filing requirements of this law.
- C) A potential or actual conflict of interest occurs whenever an employee including a Township official is in a position to influence a Township decision that may result in a personal gain for the employee or an immediate family member, which includes 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 Township may access 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 his/her designee for clarification.
- D) Employees are allowed to hold outside employment as long as it does not interfere with their Township responsibilities. *(Refer to Policy V4 C1.3 Outside Employment)* Employees are prohibited from engaging in outside employment activities while on the job or using Township time, supplies or equipment in the outside employment activities. The Business Administrator may request employees to restrict outside employment if the quality of Township work diminishes. Any employee who hold an interest in, or is employed by, a business doing business with the Township must submit a **written notice** of this outside interest to the Business Administrator.
- E) Employees may not accept donations, gratuities, contributions or gifts that could be interpreted to affect their Township of Toms River duties. Under no circumstances accept donations, gratuities, contributions or gifts from a vendor doing business with or seeking to do business with the Township or any person or firm seeking to influence Township's decisions. 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.

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VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Employee Rights and Obligations	June 1, 2010					V1
	# Pages					Chapter
SUBJECT:	1					C15
*Political Activity Policy	Reference					
	V1 C15					
ISSUING AUTHORITY:	Evaluation Date:	March 2014				
Township Administration						

- 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 affiliation. Employees are prohibited from engaging in political activities while performing their public duties and from using Township time, supplies or equipment in any political activity. Any violations of this policy must be reported to the employee's supervisor, Department Head, Director of Human Resources, or the Business Administrator.

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VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Employee Rights and Obligations	June 1, 2010					V1
	# Pages					Chapter
SUBJECT:	1					C16
*Employee Evaluation Policy	Reference					
	V1 C16					
ISSUING AUTHORITY:	Evaluation Date:	March 2014				
Township Administration						

- Employee Evaluation Policy:**

The Department Head shall annually complete a written evaluation and appraisal form for every employee to measure progress and to encourage self-improvement. The evaluation shall also record additional duties performed, educational courses completed, and a plan to correct any weak points using the Employee Counseling form. After completing the evaluation, the supervisor or Department Head will review the results with the employee and return the forms with the signed acknowledgement to the Business Administrator. After review by the Business Administrator, the forms are to be forwarded to the Director of Human Resources for inclusion 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 or Director of Human Resources.

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
ADMINISTRATION	June 1, 2010					V1
	# Pages					Chapter
SUBJECT:	5					C17
*Employee Discipline Policy	Reference					
	V1 C17					
ISSUING AUTHORITY:	Evaluation Date:	March 2014				
Township Administration						

● **Employee Discipline Policy**

The Township has a duty and responsibility to take disciplinary action against Township employees who violate federal and state laws as well as Township policies, rules, regulations and procedures. Disciplinary action shall only be administered when the measure is in the best interests of the Township. Such action shall never be utilized as a retaliatory measure by the Township or any of its employees. The Business Administrator is the only Township official authorized to take final disciplinary action. Department Heads may make recommendations to the Business Administrator regarding disciplinary action, but may only take such action that is approved by the Business Administrator.

All disciplinary action shall be in writing and employees shall be required to sign a form acknowledging receipt of the action. Union representation of the employee shall be in accordance with the applicable bargaining agreements.

Disciplinary action may be imposed in one or more of the following ways:

- A. Oral reprimand
- B. Written reprimand
- C. Suspension With pay pending an investigation
- D. Suspension without pay
- E. Forfeiture of leave time
- F. Demotion in Classification and/or Rank
- G. Withholding of rate increase or raise
- H. Dismissal or termination of employment

At the discretion of the Township, 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 township guidelines, policies or practices create an employment contract. Employment with Township may be terminated at any time with or without cause or reason by the employee or the Township.

An employee may be subject to discipline for any of the following reasons. **The infractions listed below are illustrative but are not all-inclusive of the types of conduct warranting some form of disciplinary action.**

1. Insubordination
2. Theft or attempted theft of Township funds, Township property or personal property from another employee, volunteer or visitors
3. Violation of Department Head's privacy
4. Harassment of co-workers and/or volunteers and visitors.
5. Falsification of public records, including attendance and other personnel records.
6. Consumption of alcoholic beverages or controlled substances while on duty and/or being under the influence of intoxicants (e.g., liquor) or illegal drugs (e.g., cocaine or marijuana) on Township property and at any time during work hours.
7. Violation of the Township's Drug Free Work Place Policy
8. Accepting money or material gifts from a vendor or from the public for the performance of any act on behalf of the Township or while on duty
9. Commission of a misdemeanor or other criminal offense while on duty
10. Damaging Township equipment or property as a result of personal negligence
11. Loss of a driver's license for those who are required to drive or operate Township equipment as part of their job
12. Conviction of a crime regardless of whether or not the act occurred while on duty or not
13. Operating Township equipment without the use of the proper gear and/or safety equipment
14. Fighting on Township property at any time
15. Willful destruction of property
16. Failure to report to work without proper notification
17. Failure of the inability to complete required training

18. Failure to obtain or maintain a current license or certification required by law or Township policy as a condition of employment
19. Committing any act which endangers the safety, health or well-being of another person or the general public or which is sufficient in magnitude that has consequences
20. Sleeping on the job
21. Falsification of a time sheet or time/pay record
22. Working at another job while receiving workers compensation benefits or performing physical labor or activities inconsistent with limitations imposed by the workers compensation physician
23. Traveling on a vacation while receiving workers compensation benefits without written approval from the Township Administrator
24. The use of racial, religious, ethnic, or sexual slurs when dealing with the public or other Township employees while on duty
25. Leaving a work site or work station before the proper time
26. Abuse of sick leave
27. Improper or unauthorized use of a Township vehicle
28. Failure to report to work on time or to report an absence
29. Failure to be dressed properly for work including failure to wear the uniform provided by the township
30. Failure to carry out a work assignment
31. Using loud or profane language while on duty
32. Smoking in an unauthorized area.
33. Accepting goods or services at a discounted rate by an individual or vender in exchange for preferential treatment in connection with any governmental function, discretionary or mandatory
34. 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
35. Possession, sale, transfer or use of intoxicants or illegal drugs on Township property and at any time during work hours
36. Being under the influence of intoxicants (e.g. liquor) or illegal drugs (e.g. cocaine or marijuana) on Township property and at any time during work hours

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37. Entering the building without permission during non-scheduled work hours and/or entering or attempting to enter a section of the building where access has been restricted either during working hours or during non-scheduled working hours
38. Careless waste of materials or abuse of tools, equipment or supplies
39. Deliberate destruction or damage to Township or suppliers' property
40. Carrying weapons of any kind on township premises and/or during work hours, unless carrying a weapon is a function of the employee's job duties
41. Violation of established safety and fire regulations
42. Unscheduled absence, and chronic or excessive absence and/or chronic tardiness.
43. Unauthorized absence from work area, and/or roaming or loitering on the premises, during scheduled work hours
44. Defacing walls, bulletin boards or any other Township or supplier property
45. Failure to perform duties, inefficiency or substandard performance
46. Unauthorized disclosure of confidential township information
47. Gambling on Township premises
48. Horseplay, disorderly conduct and use of abusive and/or obscene language on township premises.
49. Deliberate delay or restriction of your work effort, and/or incitement of others to delay or restrict their work effort
50. Violating any Township rules, policies, procedures.
51. Violation of Federal, State or Township regulations concerning drug and alcohol use and possession
52. Misuse of public property, including motor vehicles
53. Failure to report absence
54. Entering any Township building without permission during non-scheduled work hours. Employees who are absent from work due to an injury or illness beyond three working days shall have their access privileges revoked until such time as the employee is deemed fit for work
55. Soliciting on Township 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

- 56. Conviction of a crime or disorderly persons offense
- 57. Conduct unbecoming of a public employee
- 58. Unauthorized use of computers, internet, telephones, fax and email
- 59. 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. 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 Township believes in corrective action for the purpose of correcting undesirable behavior and preventing 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 the undesirable behavior, supervisors and managers may utilize the following corrective tools: verbal reprimand; Business Administrator review, written reprimand; suspension; fines, or dismissal. At the discretion of the Township, 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 Township guidelines, policies or practices create an employment contract. Employment with the Township may be terminated at any time with or without cause or reason by the employee or Township. Suspected violations of the law shall be reported to the appropriate law enforcement agency.

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Employee Rights and Obligations	June 1, 2010					V1
	# Pages					Chapter
SUBJECT:	2					C18
Separation from Employment	Reference					
	V1 C18					
ISSUING AUTHORITY:	Evaluation Date:	March 2014				
Township Administration						

Separation from Employment:

A) Resignation Policy:

1. An employee who intends to resign in good standing must notify the department head 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 department head will prepare an Employee Action Form showing any pay or other money owed the employee. The Division Manager of Human Resources will conduct a confidential exit interview to discuss benefits including COBRA options, appropriate retirement issues and pay due. A COBRA notification letter will be sent to the employee's home address. The exit interview will also include an open discussion with the employee. On the last day of work, and prior to receiving his/her final paycheck, the employee must return their Employee Identification Card, all keys and equipment. At this time, the employee will sign the termination memo designating all money owed to the employee. This memo will be retained in the employee's official personnel file.
2. A voluntary termination occurs when an employee resigns from his or her position. A resignation in good standing shall occur when an employee gives the Township at least two weeks notification, in writing, that he or she is terminating employment. All management positions shall require at least four weeks notification, in writing, unless extenuating circumstances prevail, with the approval of the Mayor and Council. The resignation notice shall give the effective date and should state the reason for resignation. **If an employee opts not to give the requisite notice, the Township will not recognize the employee as having left in good standing.**

B) Retirement

1. Retirement is also considered a voluntary separation, and except as noted shall receive all due benefits. The Township shall comply with the 1978 Amendment to the Age Discrimination Act. No employee may be forced to retire before the age of 70, unless he or she becomes physically incapable of performing the required job. Any employee is eligible to retire voluntarily as determined in the Public Employee Retirement System (PERS) or the Police & Fire Retirement System (PFRS). The Township shall provide pre-retirement orientation sessions, as needed, to discuss any personnel and/or financial issues the employee may have. These sessions, shall be prearranged with the Department of Human Resources, and will be at a convenient time for both, the Department of Human Resources and the employee.

An employee absent from work without notification, or in the case of an illness requiring production of an adequate physician's slip upon return, for three consecutive days will be considered as having resigned from his/her position, not in good standing.

C) Involuntary Termination

Involuntary terminations may take place, for any or all of the following reasons:

A) LAYOFF:

A reduction in the work force. (Refer to "Work Force Reduction Policy" V1 C19)

B) DISCHARGE:

Separation from the Township with or without cause.

C) MEDICAL DISABILITY TERMINATION:

Substantial medical evidence demonstrating that an employee cannot perform his/her job in a satisfactory manner, and cannot be placed in a similar position. Examination by a Township doctor shall also be required. Upon Medical Disability Termination, employee may be eligible for disability insurance benefits.

Upon separation of employment, whether voluntary or involuntary, the employee must return all Township owned, leased, and/or rented equipment, including but not limited to Township uniforms.

RULES AND REGULATIONS / POLICIES AND PROCEDURES

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
ADMINISTRATION	June 1, 2010					V1
	# Pages					Chapter
SUBJECT:	1					C19
*Work Force Reduction Policy	Reference					
	V1 C19					
ISSUING AUTHORITY:	Evaluation Date:	March 2014				
Township Administration						

- Work Force Reduction Policy:**

The Township may institute reduction in force actions for economy, efficiency or other related reasons, but will first consider voluntary alternatives. Seniority, lateral or other re-employment rights for employees will be considered by the Business Administrator.

RULES AND REGULATIONS / POLICIES AND PROCEDURES

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Employee Rights and Obligations	June 1, 2010					V1
	# Pages					Chapter
SUBJECT:	1					C20
*Driver's License Policy	Reference					
	V1 C20					
ISSUING AUTHORITY:	Evaluation Date:	March 2014				
Township Administration						

• Driver's License Policy:

- A) Any employee whose work requires that the operation of Township vehicles must hold a valid New Jersey State Driver's License.
- B) All new employees who will be assigned work entailing the operation of a Township vehicle or are provided access to a Township vehicle for official business use will be required to submit to a Department of Motor Vehicles driving records check as a condition of employment. A record indicating a suspended or revoked license status may be cause to deny or terminate employment.
- C) Periodic checks of employee's driver's licenses through visual and formal Department of Motor Vehicles review checks shall be made by Department Heads or Division Supervisors. Any employee who does not hold a valid driver's license will not be allowed to operate a Township of Toms River vehicle until such time as a valid license is obtained.
- D) Any employee performing work which requires the operation of a Township of Toms River vehicle must notify his/her 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. This information shall then be forwarded to the attention of the Director of the Department of Human Resources. An employee who 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 Township of Toms River vehicle shall be subject to possible termination.
- E) An employee who operates any Township vehicle without a valid New Jersey State driver's license shall be subject to the applicable provisions of the New Jersey Motor Vehicle Code in addition to disciplinary action including termination.
- F) Any information obtained by the Township in accordance with this section shall be used by the Township only for carrying out its lawful functions and for other lawful purposes in accordance with the Driver's Privacy Protection Act (18 U.S.C. §2721 et seq.)
- G) The Department of Human Resources shall maintain a copy of all employee current drivers' licenses who operate a Township vehicle. Employees shall be responsible to forward to the attention of the Director of the Department of Human Resources any driver's license re-issued due to a date expiration and/or address change.

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Employee Rights and Obligations	March 2014					V1
	# Pages					Chapter
SUBJECT:	2					C21
Pregnancy Policy	Reference					
	V1 C21					
ISSUING AUTHORITY:	Evaluation Date:	September 2016				
Township Administration						

• **PREGNANCY POLICY**

1. In accordance with state and federal law, the Township will not discriminate against female employees or job applicants, based on pregnancy, childbirth, or related medical conditions. Pregnant employees and job applicants who can perform the essential functions of their jobs are entitled to equal treatment in the conditions, benefits, and privileges of employment.
2. Decisions concerning a pregnant employee's ability to perform the essential functions of her position, or the nature and extent of reasonable accommodations necessitated by her condition, will be based on evaluations by the appropriate Township officials and the employee's attending physician. Physician-recommended restrictions on certain activities will be respected.
3. Employees who, because of pregnancy, childbirth or related medical conditions, are temporarily unable to perform the essential duties of their positions will, as other similarly-situated employees, be eligible for reasonable accommodations provided such accommodations are available and do not present an undue hardship to the Township and provided that the employee is medically-cleared to perform any modified duties. The Director of Human Resources shall engage in an interactive dialogue with pregnant employees and prospective pregnant employees to identify reasonable accommodations. All decisions with regard to reasonable accommodation shall be made by the Director of Human Resources. Employees who are assigned to a new position as a reasonable accommodation will receive the salary for their new position.
4. Employees cannot be terminated because of pregnancy, and are entitled to all wage-replacement and job-protection benefits conferred by state and federal law; to the extent they are eligible.
5. So that the Township can make the appropriate arrangements, and ensure maximum eligibility for any applicable benefits and to ensure that all legal obligations are fulfilled, pregnant employees should notify their respective Department Heads or the Division of Human Resources of the pregnancy and expected due date as soon as reasonably practicable.
6. Maternity leave is necessary when the pregnant employee is physically incapable of performing her duties regardless of job assignments.

7. Employees on maternity leave must use accumulated leave time as administered pursuant to Township policy. Maternity leave time runs concurrently with state and federal leave laws.

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Employee Rights and Obligations	June 1, 2010					V1
	# Pages					Chapter
SUBJECT:	3					C22
DEFINITIONS	Reference					
	V1 C22					
ISSUING AUTHORITY:	Evaluation Date:	March 2014				
Township Administration						

• **DEFINITIONS**

The following terms, when used in this manual, have the following meanings, unless clearly indicated otherwise, or as defined in the applicable collective bargaining agreement:

ABSENCE

The failure to report to work during required scheduled hours.

ANNIVERSARY DATE

The date of hire in which employee commences employment with the Township.

APPOINTMENT

The offer and acceptance of a position.

BREAK IN SERVICE

An interruption in continuous service other than absence on an approved leave.

CONVICTION

Finding of guilt or imposition of a sentence, by any judicial body charged with the responsibility to determine violations of federal and state statutes.

DEPARTMENT HEAD

Person charged with the direct responsibility of supervising the operations of a department.

DRUG

Controlled substance as contained in Schedules I through V of Section 202 of the Controlled Substance Act, 21 U.S.C. 812, and as listed in Schedules I through V of the New Jersey Controlled Dangerous Substances Act, N.J.S.A. 24:21-1 et seq., but does not include tobacco, tobacco products or distilled spirits, wine or malt beverages, as defined in N.J.S.A. 33:1-1 et seq.

EDUCATIONAL ASSISTANCE PROGRAM

A program of tuition and/or training reimbursement for employees who attend approved courses of study at recognized/accredited institutions.

EMPLOYEE

All individuals who are employed by the Township in any department or office thereof, whether full or part-time.

EMPLOYEE SKILLS AND MANAGERIAL PROGRAMS

Training aimed at increasing the skills and knowledge through technical and managerial programs offered by recognized/accredited institutions.

EMPLOYEE BENEFITS

Benefits and policies made available to employees of the Township, including sick leave, vacation, pensions, and others described herein.

EMPLOYMENT YEAR

The year in which employment begins.

EXCUSED ABSENCE

When an employee notifies his/her Department Head of an absence for an acceptable reason such as illness, personal or family emergency.

EXEMPT and NON-EXEMPT

Exempt employees are those whom the Township pays on a salary basis and who are not entitled to overtime pay. Non-exempt employees are those to whom the Township pays wages and overtime pay.

IMMEDIATE FAMILY MEMBER

An employee's spouse or significant other, civil union partner, children, parent, stepchild, sibling, grandparents, daughter-in-law, son-in-law, grandchild, niece, nephew, uncle, aunt, or any person related by blood or marriage.

IMMEDIATE SUPERVISOR

Department Head, Division Manager, or other employee with supervisory authority depending upon the departmental structure.

INVOLUNTARY TERMINATION

Layoff, release, or discharge.

LATENESS

When an employee arrives later than his/her scheduled time to begin work, repeated offenses may result in termination.

LEAVE OF ABSENCE

Any amount of time the employee is absent from his/her job including vacation, sick, personal, jury duty, military leave, bereavement, disability, and any other s describes herein. Leaves may be with or without pay as determined by the Business Administrator.

RECOGNIZED / ACCREDITED INSTITUTIONS

High schools, vocational and technical schools, junior and community colleges, four-year undergraduate colleges and universities, and graduate colleges and universities.

UNEXCUSED ABSENCE

An employee's failure to notify the Department Head of an absence prior to the scheduled work time, or an employee's decision to be absent after permission was denied, which may result in termination by the Mayor.

RULES AND REGULATIONS / POLICIES AND PROCEDURES

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
WorkPlace Policies	June 1, 2010					V2
	# Pages					Chapter
SUBJECT:	1					C1
Job Descriptions / Licenses	Reference					
	V2 C1					
ISSUING AUTHORITY:	Evaluation Date:	March 2014				
Township Administration						

- **Job Description / Licenses:**

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

- A) The Township shall ensure each employee that they are working in a clearly defined position at all times. The Township, along with each Department Head, establishes job descriptions that are consistent and describe the duties and responsibilities of each position. As each job description is created and/or modified, it becomes an official Township practice to supply the employee with the updated information. It is the ultimate responsibility of each Department Head to update all new and existing employees, on the specific duties of the required positions.
- B) Certain positions may require specific licenses and/or certifications, as outlined in each respective job description. It is the sole responsibility of each employee to maintain all necessary licenses and certifications. Upon renewal of a certification and/or license, the employee shall immediately provide the eligibility documents to his/her Department Head and the Division of Human Resources. In the event that any employee allows his/her license or certification to lapse, the employee shall be disciplined immediately. The penalty may include termination.
- C) Department Heads prepare job descriptions for all new and existing positions in their specified areas of responsibilities. Each new or revised job description must be reviewed by the Director of Human Resources and approved by the Business Administrator prior to any position being filled. The Director of Human Resources shall ensure Township-wide consistency for maintaining current lists of all approved job descriptions and revisions.
- D) Any employee who has a question concerning any duties and/or responsibilities contained in their job description, must address those questions to their respective Department Head or immediate Supervisor.

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
WorkPlace Policies	June 1, 2010					V2
	# Pages					Chapter
SUBJECT:	2					C2
ATTENDANCE	Reference					
	V2 C2					
ISSUING AUTHORITY:	Evaluation Date:	March 2014				
Township Administration						

- **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 15 minutes prior to the start of the normal workday. The normal working hours for administrative departments are 8:30 a.m. to 4:30 p.m. The working hours for other departments are established by departmental procedures and bargaining unit agreements.

- 1. Attendance Records:**

Each Department Head is responsible for recording, maintaining and approving the attendance for employees under his/her supervision. Department Heads shall also keep records for their own attendance; however, the Business Administrator **must** be informed of **all absences and/or lateness** pertaining to Department Heads. In the event the Department Head does not contact the Business Administrator, it may result in disciplinary action, up to and including termination.

- 2. Reporting Absence or Lateness:**

Employees who are unable to report to work at the scheduled time, whether absent or late, **must** notify their immediate supervisor prior to the scheduled start time. Upon returning from sick leave of three days or more, a physician's note may be required, or the employee may not be allowed to return to work. All vacation, personal, or compensatory absences require prior approval, at least two weeks prior to the requested time off. Each Department Head is to acknowledge the approval or denial of this form and forwards it, with his/her decision, to the Department of Human Resources.

- 3. Charging Absence or Lateness:**

In all cases of absenteeism or lateness, the Department Head shall examine the circumstances surrounding the absence or lateness, and will then determine the charge to the employee. In the event an employee qualifies for a leave of absence, the Business Administrator in his discretion may approve an unpaid leave of absence.

4. Disciplinary Action: Unexcused Absences

In regard to unexcused absences, the Department Head shall immediately inform the Business Administrator or designee. Upon review of the circumstances, the Department Head, with the direction of the Business Administrator, shall identify whether or not disciplinary action is required, and to what extent.

All unexcused absences may result in major disciplinary action, up to and including termination.

Any employee absent for three consecutive days without an excuse will be considered as having voluntarily resigned, not in good standing.

5. Disciplinary Action: Lateness

Upon notification to the immediate supervisor of lateness, an excuse may be allowed for extenuating circumstances. Unexcused, chronic, or excessive lateness will not be tolerated, and is subject to disciplinary action. The Department Head is responsible for monitoring the lateness of each employee in violation, and shall immediately reprimand him/her, with the follow-up to the Business Administrator. **Three instances of unexcused lateness in any 12-month period will result in disciplinary action, up to and including termination.**

6. Disciplinary Action: Falsification of Time Records

Disciplinary action will be taken up to and possibly including termination of employment against any Township employee who falsifies his/her time record or another employee's time record for the purpose of receiving compensation for time he/she did not work. The Township shall also report any such activity to the Ocean County Prosecutor's Office.

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Workplace Policies	June 1, 2010					V2
	# Pages	March 2014	1	(F)		Chapter
SUBJECT:	1					C3
Early Closing and Delayed Opening Policy	Reference					
	V2 C3					
ISSUING AUTHORITY:	Evaluation Date:	March 2014				
Township Administration						

- **Early Closing and Delayed Opening Policy:**

- A) Certain Township Departments operate around-the-clock each day of the year.
- B) Each Department Head, in consultation with the Business Administrator, determines the required staffing levels to provide services to the public during inclement weather. In the event of unsafe conditions, the Business Administrator may authorize Department Heads to close operations earlier than the normal working hours.
- C) If conditions exist prior to scheduled openings, the Business Administrator shall notify Department Heads of a delayed opening and a new opening time.
- D) Each Department will have a calling system in place and through local radio broadcast on WOBN-FM (92.7), and WJRZ-FM (100.1), as soon as known.
- E) If the employee chooses not to report to work, a full vacation day or personal day will be charged. Sick time will only be charged for a legitimate illness.
- F) If the Township is closed at the discretion of the Business Administrator or Mayor, no time will be charged for the day. This provision does not apply to those employees designated as essential personnel by the Business Administrator, who are required to report to work.

Employee safety is a major concern of the Township, and no one is expected to travel when he/she feels at risk, however, a serious attempt is expected from each employee. In the event that employee cannot make it to work, he/she is required to contact his/her immediate supervisor, to request permission to utilize a personal or vacation day.

RULES AND REGULATIONS / POLICIES AND PROCEDURES

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
WorkPlace Policies	June 1, 2010					V2
	# Pages					Chapter
SUBJECT:	1					C4
BREAKS	Reference					
	V2 C4					
ISSUING AUTHORITY:	Evaluation Date:	March 2014				
Township Administration						

- **Breaks:**

- A) Administrative personnel are entitled to a one-hour (unpaid) lunch that is to be arranged by the supervisor so that offices continue to function.
- B) All employees are entitled to a 15-minute break in the morning and in the afternoon.
- C) Administrative personnel must arrange breaks so that offices continue to function.
- D) With prior Department Head approval, an employee may request not to take lunch so they may leave the office one-hour earlier. This request shall not become a general practice, rather considered an isolated request, granted on an "as needed" basis, and only if it does not conflict with the overall function and / or duties of the department.
- E) Employees shall not be allowed to combine morning and afternoon break time for the purpose for allowing for a one half-hour break or to use this time to leave the office before his/her scheduled time.
- F) Foregoing a lunch or breaks does not result in the accumulation of compensatory time.

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Workplace Policies	June 1, 2010					V2
	# Pages					Chapter
SUBJECT:	2					C5
Dress Code Policy	Reference					
	V2 C5					
ISSUING AUTHORITY:	Evaluation Date:	March 2014				
Township Administration						

• **Dress Code Policy:**

Township employees are the first contact with the public in many if not all cases. Employees interact with the public on a frequent basis, and it is the desire of the governing body to present a professional image to the public at all times. To that end, the Township is implementing an employee dress code for all Township employees consistent with the following:

1. Employees are reminded that they are to report to work in a neat and clean manner. Employees must maintain a reasonable standard of personal hygiene so as not to create a problem for any co-workers or for any member of the public.
2. Employees required to wear uniforms shall be responsible to make certain that uniforms are worn and that the uniforms assigned to them are kept clean in accordance with the established departmental procedures pertaining to the cleaning of uniforms. Employees experiencing problems are required to report those problems immediately to their department head.
3. In furtherance of the Township policy to project a professional business-like image, all employees are required to dress in a manner that is normally acceptable in similar business establishments and consistent with applicable safety standards.
4. Employees shall not wear suggestive attire, jeans, athletic clothing, shorts, "flip-flops", sandals, sneakers, T-shirts, novelty buttons, baseball hats and similar items of casual attire that do not present a businesslike appearance.
5. Dress, grooming and personal hygiene must be appropriate for the position. Hair, sideburns, mustaches and beards must be clean, combed and neatly trimmed. Shaggy, unkempt hair is not permissible regardless of length. Body piercings, other than earrings, may not be visible.
6. With the advance approval of the Business Administrator, the township will make reasonable religious accommodations that do not violate safety standards.
7. Other guidelines may be imposed through the adoption of department rules and regulations.
8. It is the ultimate responsibility of each Department Head to enforce the proper dress code in his/her respective departments.
9. Employees violating this policy shall be required to take corrective action or will be sent home without pay. If the employee is sent home and does not return to work in a reasonable amount of time, the employee shall be considered absent without approval and subject to further disciplinary action.

GENERAL GUIDELINES and ENFORCEMENT of POLICY

10. The Township of Toms River will not discriminate in the administration of this policy and has the right to change or modify this dress code at any time.
11. The Township of Toms River does not support a “Dress-Down Friday” policy.
12. Employees who are not provided uniforms may seek the approval of their Department Heads to request altering their dress code in order to accommodate their temporary assignment. (Example: Archiving files, physical moves to new office space, periodic rearranging of closets or storage spaces, etc.)
13. If a Department Head determines that an employee’s dress or personal grooming is unsuitable or offensive, the following are guidelines in correcting the situation:
 - A) Department Heads should address the issues involved in private, not in the presence of other employees.
 - B) Department Heads should explain what is inappropriate and coach employee(s) on acceptable attire and grooming.
 - C) If an employee violates the Dress Code Policy, unless appearance is totally unacceptable, the employee may remain at work for that day, but should be counseled not to violate the policy again.
 - D) If the appearance is unacceptable, the employee will be sent home to change.
 - E) Employees who do not adhere to these guidelines will be subject to “progressive discipline”, which may end in suspension and possible termination.

RULES AND REGULATIONS / POLICIES AND PROCEDURES

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Workplace Policies	June 1, 2010					V2
	# Pages					Chapter
SUBJECT:	1					C6
No Smoking Policy	Reference					
	V2 C6					
ISSUING AUTHORITY:	Evaluation Date:	March 20214				
Township Administration						

- No Smoking Policy:**

- 1) The New Jersey Legislature has declared that in all government buildings the rights of non-smokers to breathe clean air supersedes the rights of smokers. In accordance with State Law, the Township of Toms River has adopted a smoke free policy for all buildings and the grounds surrounding all public buildings.
- 2) Township of Toms River facilities shall be smoke-free and no employee or visitor will be permitted to smoke anywhere in Township buildings.
- 3) Employees are permitted to smoke only in designated areas outside of Township buildings and such locations as not to allow the re-entry of smoke into building entrances.
- 4) Smoking inside vehicles owned by the Township of Toms River and near equipment is also prohibited.
- 5) Smoking should be done on employees scheduled 15-minute breaks as employees are not entitled to any additional breaks specifically for smoking.
- 6) This policy shall be strictly enforced. Any employee found in violation will be subject to progressive disciplinary action.

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Workplace Policies	June 1, 2010	November 28, 2018			<i>Small Signature</i>	V2
	# Pages					Chapter
SUBJECT:	1					C7
Use of Vehicle Policy	Reference					
	V2 C7					
ISSUING AUTHORITY:	Evaluation Date:					
Township Administration						

• **Use of Vehicles Policy:**

- 1) Township owned vehicles shall be used only on official business and all passengers must be on Township business. (An employee who is also employed by another government entity may use a Township vehicle for that employment only if the employment is pursuant to a shared services agreement between the Township and the other jurisdiction.)
- 2) Employees with vehicles assignments shall be responsible for the safe operation and scheduled maintenance of his or her assigned vehicle. Any damage, mechanical malfunction, or accident must be reported to the Business Administrator or designee **immediately or as soon as practicable**.
- 3) Vehicles may be taken home only with the advanced approval of the Business Administrator except a department head may also grant temporary approval to facilitate responses to after hours, emergency calls, however the department head must report that approval to the Business Administrator within 24 hours. When an employee takes home a Township vehicle, it is to be used only for official Township business; any other use is not permitted. Employees are specifically advised that they cannot transport family members in Township vehicles unless the family member is a Toms River Township employee. Employees who are assigned a take-home vehicle that does not meet the IRS' definition of a "qualified nonpersonal-use vehicle" shall be required to report the value of the commute (as defined by IRS) as income on their W-2. Any violation of this policy constitutes cause for disciplinary action. Employees shall also comply in all respects with the Township's Driver's License Policy as set forth in this handbook.
- 4) Employees seeking to utilize their own personal vehicles for a township use must submit a current Certificate of Insurance and a copy of current driver's license to the Department of Human Resources.
- 5) Except in the case of police, fire and first aid emergencies, no Township vehicle shall be driven, operated or used outside the geographical boundaries of the Township except:
 - a. As necessary to efficiently travel between Township locales on the barrier island and the rest of the Township, and
 - b. For official business. Traveling to and from work shall not be considered "official business".

RULES AND REGULATIONS / POLICIES AND PROCEDURES

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
WorkPlace Policies	June 1, 2010					V2
	# Pages					Chapter
SUBJECT:	1					C8
Telephone Usage Policy Township / Personal	Reference					
	V2 C8					
ISSUING AUTHORITY:	Evaluation Date:	March 2014				
Township Administration						

- **Telephone Usage Policy:**

- 1) Township telephones are made available only for official business and employees emergent or exceptional circumstances. The duration of these calls must be kept to a minimum (i.e., 2 minutes or less) and should not be abused. (V2 C9 / Electronic Communications Policy)
- 2) Telephone calls made from Township telephones must be limited to the local calling area, unless official prior authorization granted.
- 3) Charges for all other personal calls must be reimbursed to the Township.
- 4) In accordance with NJ State law, the use of hand-held cell phones while driving Township vehicles or while driving on Township business is prohibited.
- 5) Employees utilizing their own personal cellular/mobile phones to place calls during business hours, shall be limited to the same time duration as described in section A above.
- 6) ALL personal calls, utilizing the employees own telephone, are restricted to the break or lunch period. Personal use of the telephone shall not interfere with the conducting of Township business.
- 7) Township employees must answer telephone calls in a friendly and professional way, identifying themselves by their proper name and division/department.
- 8) Employees who do not adhere to these guidelines will be subject to “progressive discipline”, which may end in suspension and possible termination.
- 9) Employees are advised that cellular phone records are subject to ongoing review and any abuse of this policy will be subject to disciplinary action.

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Workplace Policies	June 1, 2010					V2
	# Pages					Chapter
SUBJECT:	6					C9
*Electronic Communications Policy	Reference					
	V2 C9					
ISSUING AUTHORITY:	Evaluation Date:	March 2014				
Township Administration		September 2016				

• **Electronic Communications Policy**

Overall Statement:

E-mail, voice mail, cellular phones, fax machines and access to the Internet are made available to staff members of the Township of Toms River for the purpose of conducting work-related business. Employees provided with these tools are expected to use them in a responsible and productive manner. By receiving a copy of the Employee Handbook, employees is acknowledging that all messages and files created, stored, sent or received will remain the property of the Township of Toms River. Against this background, the following guidelines have been established to assist employees in the use of these tools:

Scope: This policy applies to all offices, departments, employees and support personnel who use or administer the Township e-mail system, telephone system, fax machines and Internet Service.

A. E-Mail, Voice Mail, Fax Messages and Telephone Usage:

- A. The content of e-mail, voice mail message or any file may not contain anything that would reasonably be considered offensive or disruptive to any employee. Offensive content would include, but not limited to, sexually explicit material or racial slurs, or any comments that would offend someone on the basis of their age, sex, race, sexually explicit materials, religious or political beliefs, national origin, or disability. E-mail or faxed messages may not be used to solicit or to advocate personal interests. E-mail and faxed messages may be sent only for valid business or work-related reasons.
- B. The Township of Toms River reserves the right to access and monitor any message or file on the computer or telephone systems as deemed necessary and appropriate. **Messages are public communications and are not private.** All communications including text and images may be subject to disclosure to law enforcement or other third parties without prior consent of the sender or the receiver. The confidentiality of any message should **not** be assumed. Even when a message is erased, it is still possible to retrieve and review said message. All employees must understand that they do not have a personal privacy right in any matter created, received or sent from the e-mail system or fax machine.
- C. Notwithstanding the Township's right to retrieve and read any electronic voice, fax message or e-mail message, such messages should be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to retrieve messages that are not sent to them except when granted electronic proxy rights.

4. The Township reserves and will exercise the right to access, review and audit, telephone bills, e-mail system, fax machines and/or internet service at any time, with or without employee notice, and that such access may occur during or after working hours.
5. All e-mail and user files will be purged periodically. All official correspondence and documents must be stored in designated departmental folders for proper archiving. However, the folders will be readable by all users of the system.
6. The same policy as stated herein pertaining to electronic e-mail transmissions shall apply to “paper” correspondence as well. All policy and monitoring requirements stated herein shall apply to paper documents generated by employees during working hours.

B. The Internet:

1. The internet can be an extremely valuable search and retrieval tool that offers a rich tapestry of information and research material to employees from their desk top computers. Internet usage, however, is strictly limited to business only use. Access to the Internet is provided to employees based on need. Employees who need such access are required to provide justification by sending a memo requesting access to the Township Administrator.
2. The Township has a firewall that provides security to our system from unauthorized Internet users. This service also categorizes and blocks out access to websites considered unsecured, unacceptable or distracting. The Township Information Technology Manager manages this service and periodic reports may be produced and used as a monitoring tool. These reports can provide considerable details, including but not limited to, identifying users who attempt to visit blocked sites and listing of visitors or unblocked sites.
3. Employees granted access to the Internet are representing the Township. Employees are responsible for seeing that the Internet is used in an effective, ethical and lawful manner. The Township Internet connection should not be used for personal gain or advancement of individual views. Use of the Internet must not be disruptive to the workplace or interfere with productivity.
4. Each employee is responsible for the content of all text, audio or images that they place or send over the Internet via the Township’s connection. Fraudulent, harassing or obscene messages are prohibited. No messages should be transmitted under an assumed name. Users should not attempt to obscure the origin of any message. Information published on the Internet should not violate or infringe upon the rights of others.
5. No information should be released via the Township Internet or Internet without approval from the Township Administrator unless such information is already officially released or prior approval is obtained from the appropriate keeper of such information.
6. To prevent computer viruses from being transmitted through the system, there will be no unauthorized downloading of any software. All software downloads should be done through the Township Information Technology Manager or with his/her prior written approval.
- 7.

C. Employee Responsibilities:

1. Usage

- a. Standards of ethical conduct and appropriate behavior apply to the use of Township information systems. All employees shall conduct activities on the Township e-mail system, telephone systems and Internet Service with the same integrity as in face-to-face business transactions.
- b. To be knowledgeable of and adhere to the Township Information System Policy.

2. Security

- a. To preclude security violations contact the Township Information Technology Manager prior to opening any e-mail messages which are delivered at odd hours of the day or from addresses unfamiliar to you.
- b. Software downloads are prohibited unless the specific approval of the Township Information Technology Manager has been obtained prior to the download.
 - 1. Incidental downloads should occur from a secure site only. If unsure of the security of a web-site contact the Township Information Technology Manager prior to downloading.

3. Examples of Unauthorized Use (Note: The following are shown as examples and are not all-inclusive of all types of unauthorized usage):

- a. Improper use of the Township Information Systems includes:
 - 1. Using the Township's information systems for any purpose that violates the law;
 - 2. Concealing or misrepresenting user identity or affiliation in electronic messages or telephone calls;
 - 3. Accessing or altering source or destination address of E-mail;
 - 4. Intentionally propagating chain letters, broadcasting inappropriate or unsolicited messages (e.g., non-business matters) to lists or individuals and comparable resource-intensive unofficial activity;
 - 5. Using the Township information systems for any commercial purpose, for financial gain (including gambling), or in support of outside individuals or entities;
 - 6. Intentionally seeking, viewing, transmitting, collecting or storing vulgar, abusive, discriminatory, obscene (including sexually explicit or pornographic materials), harassing messages or material;
 - 7. Attempting to libel, slander, or harass other users;
 - 8. Posting to external newsgroups, bulletin boards, or other public forums unless it is a business-related requirement, closely related to the employee's area of expertise, and appropriate approvals have been obtained.
 - 9. Engaging in matters directed toward any unauthorized fundraising, lobbying or partisan political activities;
 - 10. Interfering with legitimate information systems of any authorized Township employee; and
 - 11. Representing the agency in an official capacity when not authorized to do so.
 - 12. Employees shall not disable anti-virus and other implemented security software for any reason.
 - 13. Employees shall not install or modify ANY hardware device, software application, program code, either active or passive, or a portion thereof, without the express written permission from the Township. Employees may not upload, download, or otherwise transmit commercial software or

any copyrighted materials belonging to parties outside of the Township, or licensed to the Township. Employees shall observe the copyright and licensing restrictions of all software applications and shall not copy software from internal or external sources unless legally authorized.

14. 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.
4. Only those Employees directly authorized by the Business Administrator or his designee may engage in social media activity during work time through the use of the Township's communication media, as is directly relates to their work and it is in compliance with this policy.
5. No Township 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 or his designee. 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's communication media to any person, entity, business or media or Internet outlet whether on or off duty without express written permission of the Business Administrator or his designee.
6. Under no circumstances may information of a confidential, sensitive or otherwise proprietary nature be Placed or posted on the Internet or otherwise disclosed to anyone outside the Township.
7. Misrepresenting, obscuring, suppressing, or replacing a user's identity on Township 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 (CEO)) is prohibited.

D. Privacy/Security of Electronic Data/Communications:

1. Employee communications transmitted through the Township's electronic 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. The Township reserves the absolute right to access, review, audit and disclose all matters entered into, sent over, placed in storage in the electronic communication media. By using the Township's equipment and/or electronic communication media, employees consent to have such use monitored at any time, with or without notice, by Township personnel. The existence of passwords does not restrict or eliminate the Township's ability or right to access electronic communications. However, the Township cannot require the employee to provide its password to his/her personal account.
2. 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 et seq. (OPRA)). Employees of the Township are required to use the assigned municipal email account for ALL Township

business and correspondence. The use of private email accounts for ANY Township business or during business hours is strictly prohibited. To the extent that private emails or other communications or documents occurred from Township computers, they too may be subject to public disclosure under OPRA.

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

E. Photographs

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

F. Personal Website

Employees that maintain personal web pages and web sites, including but not limited to Facebook, YouTube, Myspace, Twitter, etc., shall not post information on such sites that would constitute a violation of the personnel policies of the Township if expressed or published using any other medium or in any other manner. The posting of words, phrases, photographs, images or any kind of information on a personal web site may be grounds for the imposition of disciplinary action against the employee if the words, phrases, photographs, images or information adversely reflects on the employee’s fitness for duty or constitutes a violation of the personnel policies of the Township of Toms River.

G. Social Media:

1. Township employees are strictly prohibited from posting and Township information (including photographs) on any social media site without the expressed written consent of the Business Administrator.
2. Only those Employees directly authorized by the Business Administrator or his designee may engage in social media activity during work time through the use of the Township's communication media, as it directly relates to their work and it is in compliance with this policy.
3. No Township 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 or his designee. 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's communication media to any person, entity, business or media or Internet outlet whether on or off duty without the express written permission of the Business Administrator or his designee.
4. Under no circumstances may information of a confidential, sensitive or otherwise proprietary nature be placed or posted on the Internet or otherwise disclosed to anyone outside the Township.
5. Misrepresenting, obscuring, suppressing, or replacing a user's identity on any Township 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 (BA)) is prohibited.

H. Violations of the electronic communications policy will result in disciplinary action, which can include termination.

RULES AND REGULATIONS / POLICIES AND PROCEDURES

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Workplace Policies	June 1, 2010					V2
	# Pages					Chapter
SUBJECT:	1					C10
*Bulletin Board Policy	Reference					
	V2 C10					
ISSUING AUTHORITY:	Evaluation Date:	March 2014				
Township Administration						

- Bulletin Board Policy:**

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

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Workplace Policies	September 29, 2011					V2
	# Pages					Chapter
SUBJECT:	3					C11
EMPLOYEE SOCIAL MEDIA POLICY	Reference					
	V2 C11					
ISSUING AUTHORITY:	Evaluation Date:	March 2014				
Township Administration						

SOCIAL MEDIA POLICY

1. Policy Statement

Social media may be used by authorized Toms River employees for Township-related purposes subject to the restrictions set forth in this policy. These restrictions are intended to ensure compliance with law and regulations protecting individual and institutional privacy, confidentiality, and copyright privileges.

2. Purpose

The purposes of this policy are to (1) establish guidelines for the use of social media by Township employees; (2) protect the assets, reputation, and productivity of the Township and its employees; (3) protect the privacy of individuals and employees; and (4) to ensure compliance with state and federal laws and regulations protecting personal privacy, reputations, and copyright.

3. Scope/Coverage

- a. This policy applies to all Township employees and applies to both Township-hosted and non-Township hosted social media sites.
- b. This policy does not in any way limit an employee's right to disclose to a department head, supervisor, or other Township official any activity, policy, or practice, which the employee reasonably believes is illegal, fraudulent, or criminal.
- c. This policy does not apply to personal social media content that does not identify the originator as an employee of the Township of Toms River or does not involve the Township, its activities, or employees.

4. **Definitions**

- a. **Blog.** Short for “Web blog,” a site that allows an individual or group of individuals to share a running log of events and personal insights with online audiences.
- b. **Electronic Media.** Non-computing devices, e.g., floppy diskettes, flash memory drives, CDs, DVDs, tapes, hard disks, internal memory, and any other interchangeable, reusable, and/or portable electronic storage media (1) on which electronic information is stored, or (2) which are used to move data among computing systems/devices.
- c. **Township of Toms River Information.** Information in any form or media created by or on behalf of the Township in the course and scope of Township business, regardless of whether that information is maintained or stored by the Township or by others on the Township’s behalf not otherwise deemed publicly available by law.
- d. **Podcast.** A collection of digital media files distributed over the Internet, often using syndicating feeds, for playback on portable media players and personal computers.
- e. **RSS Fees or Syndication feeds.** A family of different formats used to publish updated content such as blog entries, news headlines or podcasts and “feed” this information to subscribers via e-mail or by an RSS reader, thereby enabling users to keep up with favorite websites in an automated manner that is easier than checking them manually (colloquially known as “really simple syndication”).
- f. **Social Media.** Includes, but is not limited to, blogs and microblogs (e.g., “Twitter”), podcasts, discussion forums, on-line collaborative information and publishing systems that are accessible to external and internal audiences (e.g., “Wikis”), RSS feeds, video sharing, social networking sites (e.g., “Facebook” and “MySpace”), content-sharing websites (e.g., “Flick” and “You Tube”), and any other interactive Web-based communication technology that enables users to interact and post or share content via text, video, images, and audio.
- g. **Wiki.** An on-line forum that enables users to create, edit, and link Web pages easily, often used to create collaborative Web sites (“Wikis”) and to power community Web sites.

5. **Restrictions.**

- a. **Township-hosted Sites.**
 - 1. Content may be posted on Township-hosted sites only by authorized employees.
 - 2. No content shall be posted on Township-hosted sites that is obscene, defamatory, profane, libelous, threatening, harassing, abusive, hateful, or embarrassing to another person, entity, or institution.
 - 3. Content posted on Township-hosted sites shall observe all applicable state and federal law and regulations, especially those protecting intellectual property (including copyrights and trademarks) and personal privacy.
- b. **Non-Township Hosted Sites**
 - 1. On non-Township hosted sites, employees may not disclose any confidential or proprietary information of or about the Township of Toms River or any agency or instrumentality thereof,

represent that they are communicating the views or communicating or acting on behalf of the Township of Toms River.

2. On non-Township hosted sites, employees may not use or disclose any content, including personal identifying information (e.g., name, age, sex, location, or medical, physical or mental condition) and photographs, that violates or intrudes upon the reasonable expectations of privacy of any person receiving Township services or involved in Township business.
3. No Township employees shall post defamatory, libelous, derogatory, profane, obscene, violent or otherwise offensive content on a non-Township hosted site while identifying themselves as an employee of the Township of Toms River or any agency or instrumentality thereof.
4. The use of social media to defame, libel, or slander the Township or any of its employees or volunteers is strictly prohibited.
5. The use of social media to communicate any audio or visual details of a police, fire, medical, or other emergency response is strictly prohibited, unless authorized by the appropriate Township officials.

c. Use of Electronic Devices.

1. The use of personal electronic devices (including cell phones, smart phones, PDAs, notebooks and MP3 players) is prohibited while an employee is on duty, unless such use relates to the service provided, becomes necessary because of an emergency, or is authorized by a department head or supervisor.
2. The use of personal film/digital cameras, cell phone-based cameras, and other imaging devices is strictly prohibited, unless authorized by a department head or supervisor.

6. Violations/Penalties.

Township employees who violate this policy will be disciplined in accordance with the procedures set forth in this handbook or in any applicable collective bargaining agreement. Discipline can, where appropriate, result in termination.

RULES AND REGULATIONS / POLICIES AND PROCEDURES

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Paid and Unpaid Time Off Policies	June 1, 2010					V3
	# Pages					Chapter
SUBJECT:	1					C1
Official Holiday	Reference					
	V3 C1					
ISSUING AUTHORITY:	Evaluation Date:	March 2014				
Township Administration		September 2016				

- **Official Holidays:**

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.

The following official holidays shall be observed by the Township of Toms River, with pay:

- New Year's Day
- Martin Luther King's Birthday
- Lincoln's Birthday (Township remains open. To be used as a floating holiday.)
- President's Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Election Day
- Columbus Day
- Veteran's Day
- Thanksgiving Day
- Friday following Thanksgiving Day
- Christmas Day

If an official holiday falls during an employee's vacation leave or sick leave, the holiday will not be charged against the vacation or sick leave. If the above holiday falls on a Saturday, then the above holiday will be recognized on the Friday immediately before the holiday. If a holiday falls on a Sunday, then the above holiday will be recognized on the Monday immediately after the holiday. *(These Holidays may be subject to change.)*

RULES AND REGULATIONS / POLICIES AND PROCEDURES

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Paid and Unpaid Time Off Policies	June 1, 2010					V3
	# Pages	March 2014	1			Chapter
SUBJECT:	2	June 26, 2014	2	3		C2
Vacation Leave Policy	Reference					
	V3 C2					
ISSUING AUTHORITY:	Evaluation Date:					
Township Administration						

- Vacation Leave Policy**

After the probationary period, full-time Township employees are entitled to vacation leave with pay. The Department Head must pre-approve all vacation leave. Vacation taken by Department Heads **must** be approved by the Business Administrator. No vacation leave shall be granted without at **least** two weeks notification, in writing, unless approved by the Business Administrator. Paid vacation leave is as follows:

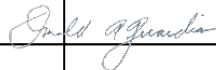
Each permanent full-time employee hired on or before December 31, 2013 who had the length of continuous service specified in the table following shall be entitled to the working time shown as a vacation with pay at his regular hourly rate of pay as of the week immediately prior to the start of such vacation.

<u>Years of Employment</u>	<u>Weeks of Vacation</u>
1 but less than 5	2
5 but less than 10	3
10 but less than 15	4
15 but less than 25	5
25 or more	6

Each permanent full-time employee hired on or after January 1, 2014, who has had the length of continuous service specified in the table following shall be entitled to the working time shown as a vacation with pay at his regular hourly rate of pay as of the week immediately prior to the start of such vacation:

<u>Years of Employment</u>	<u>Weeks of Vacation</u>
1 but less than 5	2
5 but less than 10	3
10 or more	4

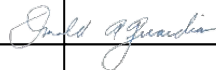
1. "Qualified Government Service" is defined as employed (paid wages from the governmental entity) with the State of New Jersey or a county or municipal government in the State of New Jersey.
2. Vacation time is authorized on the first day of the calendar year and shall be taken between January 1st and December 31.
3. Eligibility for vacations shall be computed on the first day of the month in which the employee was hired. Department Heads shall receive an allotment of vacation days the equivalent of the 5-year employee. As determined by the Business Administrator on a case-by-case basis, employees not covered by a collective bargaining agreement may receive additional vacation time based on "qualified government service," defined as prior full-time employment with the government of any state or the United States, or any municipality or county.
4. All other non-contractual employees with at least one year of "qualified governmental service", shall receive a credit equal to 50% of their length of service in other "qualified governmental service", and shall start at the appropriate level. (For example: an employee who has 12 years of other qualified governmental service shall be considered to have a length of service equal to 6 years as of the date of commencement of employment and shall progress forward from that level.)
 - For new employees in the first calendar year of service, vacation leave shall be pro-rated on a monthly basis.
 - Vacation leave shall be deemed to have been earned during the calendar year during which the length of service anniversary date falls. The increased vacation leave may be taken at any time during that calendar year; provided however, if any employee is terminated, retires, resigns or otherwise becomes separated from employment with the Township prior to the anniversary date, the increased vacation leave shall not be deemed to have been earned, and the employee's per diem rate of pay shall be deducted from his/her final pay if the increased vacation pay was utilized by the employee prior to separation from the Township.
 - Upon separation, for any reason, of employment with the Township, any vacation leave due shall be pro-rated on a monthly basis. If more vacation leave has been taken than authorized based upon said pro-ration, the employee's per diem rate of pay shall be deducted from his/her final pay.

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Paid and Unpaid Time Off Policies	June 1, 2010	November 28, 2018				V3
	# Pages					Chapter
SUBJECT:	1					C3
Personal Leave Policy	Reference					
	V3 C3					
ISSUING AUTHORITY:	Evaluation Date:					
Township Administration						

- **PERSONAL LEAVE POLICY:**

After the probation period, all full-time employees earn three days leave with pay for personal business. The three personal days must be taken in the year that they are earned, otherwise the personal days will be considered forfeited by the employee. The employee shall request, in writing, at least two weeks in advance to his/her Department Head for personal leave. In the event that the personal leave is denied, and the employee does not report to work on the requested leave time, the employee shall be considered as having resigned, not in good standing. Personal leave shall be used in no less than half-hour increments. For new employees in the first calendar year of service, personal leave shall be prorated.

RULES AND REGULATIONS / POLICIES AND PROCEDURES

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Paid and Unpaid Time Off Policies	June 1, 2010	November 28, 2018				V3
	# Pages					Chapter
SUBJECT:	2					C4
Sick Leave	Reference					
	V3 C4					
ISSUING AUTHORITY:	Evaluation Date:					
Township Administration						

V3 C4 -- SICK LEAVE POLICIES

- A. Eligibility/Amount.** All permanent full-time employees shall be granted sick leave with pay for one working day for each month of service during the remainder of the first calendar year of service. Thereafter, employees hired on or before December 31, 2013, shall receive 15 sick days for every calendar year of service, and employees hired on or after January 1, 2014, shall receive 12 sick days for every calendar year of service. Employees employed on a part-time or seasonable basis may be eligible for sick leave based on the NJ Earned Sick Leave Law depending on number of days worked. More information may be obtained from the Department of Human Resources.
- B. Accrual.** The amount of sick leave not taken shall accumulate from year to year and employees shall be entitled to such accumulated sick leave when needed. Part-time employees not covered under a collective bargaining agreement will accrue sick leave pursuant to the NJ Earned Sick Leave Law.
- C. Permissible Use of Sick Leave.** The term "sick leave with pay" is hereby defined to mean a necessary absence from duty due to illness, injury or exposure to contagious disease and may include absence due to illness in the immediate family of the employee or necessary attendance upon a member of the family who is ill.
- D. Doctor's Note Required.** Acceptable medical documentation substantiating an employee's illness is required in the following circumstances before the employee resumes work. If the required documentation is not provided, the employee will not be permitted to return to work and will not be paid for the additional time missed.
 1. Absence due to illness for three or more consecutive days
 2. Absent due to illness the day before or after an official holiday
 3. Absent due to illness the day before or day after a scheduled leave
 4. Absent due to illness on three consecutive Mondays or Fridays
 5. Any absence which, as determined by the Business Administrator or Department Head, gives the appearance that sick leave is being misused.
- E. Abuse of Sick Leave.** Abuse or misuse of sick leave is grounds for discipline up to and including termination.
- F. Notification.** An employee who does not expect to report to work on any working day because of personal illness or for any of the permissible reasons set forth above must notify his or her immediate supervisor or Department Head with as much advance notice as reasonably practical under the circumstances.
- G. Medical Examination/Certification of Fitness.** The Township reserves the right to have any employee reported or reporting as ill or sick to be examined by a physician designated by the Township. The Township may require any employee who has been off duty for a longer continuous period than 10 days to furnish the Township with a

physician's certificate that the employee is physically fit and able to resume his or her duties, and the Township shall also have the right to have such employee examined physically by a physician of his or her own choice to determine whether not he or she may resume duties and employment.

- H. Sick Leave Bank.** The Township maintains a sick leave bank, administered by the Department of Human Resources, to which employees may donate a maximum of 10 sick days annually for use by other employees who, because of catastrophic or prolonged illness, have exhausted their own accrued sick leave and require additional time. Employees seeking to donate to or draw from this sick leave bank should submit a written request to the Director of Human Resources. Employees who draw from the sick leave bank are not required to pay back the loaned days from future accrued time.
- I. Sick Leave Buy Back.** Employee's eligibility to participate in this program shall be calculated as of December 31st of the previous year and each succeeding December 31st thereafter through the life of the applicable bargaining agreement. In order to participate in this program, an employee must fill out a form and return it to the Division of Human Resources no later than March 31st of the current year. Payment for sick days sold back to the Township will be made by July 31st of the current year

Union employees are governed by their collective bargaining agreements and should refer to their contract for further information.

CONFIDENTIAL EMPLOYEES

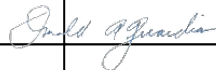
Full time permanent employees shall have an option to sell back accumulated sick leave to the Township provided the employee has maintained a sick leave bank of 100 days.

Days Accrued	Days to Sell Back	Percent of Wage
100 – 169	up to 25	80.0%
170 +	up to 30	82.5%
200 +	up to 35	82.5%

- J. Payment Upon Retirement.** Employees hired on or after January 1, 2014, are not permitted to receive payment upon retirement for accumulated, unused sick leave. Employees employed before that date may be eligible depending on their date of hire, position, length of service, and other legal restrictions to receive payment upon retirement for accumulated, unused sick leave. Payment will be for the amount of unused sick leave or \$15,000, whichever is less. Confidential employees should refer to Township Policy for eligibility; all other employees should consult Section 104(5) (J) (3) of the Township Code for more information on this subject. Questions regarding this issue can also be submitted to the Department of Human Resources.
- K. Separation from Employment.** No employee who voluntarily resigns without proper notification (see V1C18) or whose services are terminated shall receive payment for any accumulated, unused sick leave.

Employees covered by union contracts will abide by their individual collective bargaining agreements.

RULES AND REGULATIONS / POLICIES AND PROCEDURES

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Paid and Unpaid Time Off Policies	June 2, 2010	November 28, 2018				V3
	# Pages					Chapter
SUBJECT:	1					C5
Bereavement Policy	Reference					
	V3 C5					
ISSUING AUTHORITY:	Evaluation Date:					
Township Administration						

- **Bereavement Policy:**

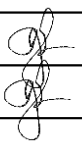
In the event of death of an immediate family member, employees may be granted three days of leave in order to attend services. Granting of leave is subject to approval by the Department Head. Immediate family include a spouse or significant other, civil union partner, children, parent, stepchild, sibling, 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. If the funeral is more than 100 miles outside the State of New Jersey, the employee may be granted up to five days bereavement leave, subject to the approval from the Business Administrator.

RULES AND REGULATIONS / POLICIES AND PROCEDURES

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Paid and Unpaid Time Off Policies	June 1, 2010					V3
	# Pages					Chapter
SUBJECT:	1					C6
Jury Duty Policy	Reference					
	V3 C6					
ISSUING AUTHORITY:	Evaluation Date:	March 2014				
Township Administration						

- Jury Duty Policy**

Jury Duty: The Township understands that it is the employee's civic responsibility to serve on a Grand or Petit Jury when called for such service. Each employee shall be paid for time served as a juror, in such amount as will compensate the employee for any loss sustained by the employee, being the difference between the amount of salary and the juror's compensation paid for service as a juror. Any travel allowance paid to the employee for jury service outside of Ocean County shall not be deducted from the compensation paid to the employee. Upon notification to report to Jury Duty, the employee must **immediately** notify his/her Department Head, who will in turn contact the Division of Human Resources (Personnel Office). If for any reason the employee is dismissed from jury duty, for any amount of time, the employee is required to report to work. If the employee does not report to work, he/she will not receive any pay for that day, and upon completion of Jury Duty if the employee does not return to work, he/she will not receive any pay for that time, and the employee may be considered as having resigned not in good standing.

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Paid and Unpaid Time Off Policies	June 1, 2010					V3
	# Pages	March 2014				Chapter
SUBJECT:	1					C7
*Leave of Absence Policy	Reference					
	V3 C7					
ISSUING AUTHORITY:	Evaluation Date:					
Township Administration						

• **Leave of Absence Policy**

- 1) A permanent employee may be granted a leave of absence without pay for a period not to exceed 30 days. The employer will not unreasonably deny an employee's request for such leave of absence. This leave is subject to renewal for reasons of personal illness or disability or for other reasons deemed proper and approved by the employer.
- 2) At the expiration of such leave, the employee shall be returned to the position from which he is on leave with all increases granted for his job classification during his leave.
- 3) Seniority shall be retained and shall accumulate during all leaves.
- 4) When an employee has a break in service (as distinguished from a leave of absence) neither seniority nor any benefits shall be retained or accumulated, provided that if any employee is rehired for the position from which he retired within six months of his retirement, he shall be restored to such position and retain all previously accumulated seniority benefits for that position.
- 5) Leaves of absence and any renewal leave must be approved by the Business Administrator.
- 6) Leaves of absence must include the use of accrued, vacation, sick, or personal time. If such time is exhausted, then the balance of the leave will be unpaid.
- 7) Personal leaves are not granted for the purpose of seeking or accepting employment with another employer, or for extended vacation time.
- 8) 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 Township Health Benefits Policy.)
- 9) Leaves of absences are granted with the understanding that the employee intends to return to work for the Township. If the employee fails to return to within five business days after the expiration of the leave, the employee shall be considered to have resigned, not in good standing.

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Paid and Unpaid Time Off Policies	June 1, 2010	November 28, 2018			<i>Paul J. Guardia</i>	V3
	# Pages					Chapter
SUBJECT:	9					C8
*Family and Medical Leave Act Policy	Reference					
	V3 C8					
ISSUING AUTHORITY:	Evaluation Date:					
Township Administration						

V3 C.8 – Family and Medical Leave Policy

A. Federal Family and Medical Leave (FMLA).

1. General Provisions.

- a. In accordance with federal law, the Township will grant up to 12 weeks (or up to 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness) during a 12-month period to eligible employees. The leave may be paid, unpaid or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy.
- b. It is the Township's managerial prerogative to designate an extended leave period, whether paid or unpaid, as FMLA leave, if the employee so qualifies.

2. Eligibility. To qualify to take family or medical leave under this policy, the employee must meet all of the following conditions:

- a. The employee must have worked for the Township for 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven years. Separate periods of employment will be counted if the break in service exceeds seven years due to National Guard or Reserve military service obligations. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week.
- b. The employee must have worked at least 1,250 hours during the 12-month period immediately before the date when the leave is requested to commence. Time spent on paid or unpaid leave does not count toward this requirement.

3. Circumstances Covered. FMLA covers the following circumstances:
 - a. The birth of a child and in order to care for that child.
 - b. The placement of a child for adoption or foster care and to care for the newly placed child.
 - c. The care of a **spouse, civil union partner, child, or parent** with a serious health condition (defined below).
 - d. The serious health condition (defined below) of the employee.
4. "Serious Health Condition" Defined. Employees may take FMLA leave to attend two his or own serious health condition, or that of a **spouse, civil union partner, child, or parent**.
 - a. A serious health condition is a condition that requires inpatient care at a hospital, hospice, or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or a condition that requires continuing care by a licensed health care provider.
 - b. This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that would result in a period of three consecutive days of incapacity with the first visit to the health care provider within seven days of the onset of the incapacity and a second visit within 30 days of the incapacity would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year.
5. Military-Related Family Leave.
 - a. Deployment-Related Leave. An employee whose spouse, son, daughter, or parent either has been notified of an impending call or order to covered active military duty or who is already on covered active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following:
 - (1) short-notice deployment;
 - (2) military events and activities;
 - (3) child care and school activities;
 - (4) financial and legal arrangements;
 - (5) counseling
 - (6) rest and recuperation;
 - (7) post-deployment activities

- (8) additional activities that arise out of active duty, provided that the Township and employee agree, including agreement on timing and duration of leave.
- b. Eligible employees are entitled to FMLA leave to care for a current member of the Armed Forces, including a member of the National Guard or Reserves, or a member of the Armed Forces, the National Guard, or Reserves who is on the temporary disability retired list, who has a serious injury or illness incurred in the line of duty on active duty for which he or she is undergoing medical treatment, recuperation, or therapy; or otherwise in outpatient status; or otherwise on the temporary disability retired list. Eligible employees may not take leave under this provision to care for former members of the Armed Forces, former members of the National Guard and Reserves, and members on the permanent disability retired list.
- c. Military-related family leave is available only to employees who the spouse, son, daughter, or parent, or next of kin of a covered service member. These relationships are defined as follows:
- (1) Son or Daughter: the covered service member's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered service member stood in loco parentis, of any age.
 - (2) Parent: the covered service member's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered service member, but not including parents "in law."
 - (3) Next of Kin: the nearest blood relative, other than the covered service member's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered service member, all such family members shall be considered the covered service member's next of kin and may take FMLA leave to provide care to the covered service member, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered service member's only next of kin. (For example, if a covered service member has three siblings and has not designated a blood relative to provide care, all three siblings would be considered the covered service member's next of kin. Alternatively, where a covered service member has a sibling(s) and designates a cousin as his or her next of kin for FMLA purposes, then only the designated cousin is eligible as the covered service member's next of kin. The Township requires an employee to provide confirmation of covered family relationship.
- d. Covered Active Duty Defined.
- (2) "Covered active duty" for members of a regular component of the Armed Forces means duty during deployment of the member with the Armed Forces to a foreign country.

- (3) "Covered active duty" for members of the **reserve** components of the Armed Forces (members of the U.S. National Guard and Reserves) means duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in a contingency operation as defined under federal law. This type of leave would be counts toward the employee's 12-week maximum of FMLA leave in a 12-month period.
- e. Military caregiver leave. An employee whose son, daughter, parent or next of kin is a covered service member may take up to 26 weeks in a single 12-month period to take care of leave to care for that service member.
- (1) Next of Kin: the closest blood relative of the injured or recovering service member.
- (2) Covered Service member: (a) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or (b) a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.
- (3) Serious Injury or Illness: (a) in the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and (b) in the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period when the person was a covered service member, means a qualifying (as defined by the Secretary of Labor) injury or illness incurred by a covered service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank or rating.
- (4) Outpatient Status: means, with respect to a covered service member, the status of a member of the Armed Forces assigned to either a military medical treatment facility as an outpatient; or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

B. Amount and Computation of Leave.

1. An eligible employee can take up to 12 weeks for the FMLA during any 12-month period, measured as a rolling 12-month period backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the Township will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.

2. An eligible employee can take up to 26 weeks for military caregiver leave during a single 12-month period. This type of leave will be computed as a rolling 12-month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

Employee Status and Benefits During Leave.

- a. If an employee on leave under this policy remains on the Township payroll (i.e., using accrued paid leave time), then paid leave time (sick, vacation, personal) accruals, pension contributions, premiums for health benefits (medical, dental, prescription), and other benefits will continue in the usual manner. Employees on unpaid leave are ineligible to accrue any of those benefits, except that health benefits, life insurance, and disability coverage may continue under the terms conditions set forth below.
- b. To continue health benefits coverage while on unpaid leave, the employee must remit, by check or money order, his or her share of the premium cost. The employee will have 30 business days following their last day paid in which they do not have to contribute. Following the 30th business day period, they will be required to contribute each pay period, the amount that would have been deducted for medical, dental and prescription if they were receiving a paycheck. Payment will be due effective each pay period. Employees will have a 15-day grace period for late payments. Failure to remit payment within that grace period will result in loss of coverage. Employees will receive notification from the Department of Human Resources indicating the amount due, due date, and mailing address for payment.
- c. To maintain coverage under a life insurance or disability plan while on unpaid leave, an employee may be required to pay his or her share of the premiums. Please inquire with the Division of Human Resources for more information

4. Employee Status After Leave.

- a. An employee who takes leave under this policy may be asked to provide a fitness for duty (FFD) clearance from the health care provider. This required document will be included in the Township's response to the FMLA request.
- b. Generally, an employee returning from FMLA leave will resume the same position or a position with equivalent status, pay, benefits and other employment terms. The position will be the same or one which is virtually identical in terms of pay, benefits and working conditions, unless, for reasons unrelated to the employee's leave, his or her position is eliminated or he or she would have been terminated. The Township may choose to exempt certain key employees from this requirement and not return them to the same or similar position.

5. Use of Paid and Unpaid Leave. Accrued paid leave (sick, vacation, personal, and compensatory time) must be used concurrently with FMLA leave, including all military-related family leave. If accrued paid leave is exhausted before FMLA leave period expires, then the balance will be unpaid leave.

6. Intermittent Leave/Reduced Work Schedule.

- a. An employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced hour schedule. Reduced workweek/workday leave is available when the employee's or employee family member's condition is foreseeable and requires planned medical treatment, including recovery from a serious health condition or to care for a child after birth, or placement for adoption or foster care.
- b. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service member over a 12-month period).
- c. Employees must reasonably attempt to schedule the intermittent/reduced work schedule leave so that Township operations are not unduly disrupted.
- d. The Township may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule.
- e. For the birth, adoption, or foster care of a child, the Township and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour schedule.
- f. If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee must provide the Township with prior notice of the care, medical treatment, or continuing supervision by a healthcare provider that is necessary, based on which the Township and employee should collaboratively establish in advance the intermittent or reduced work schedule.

7. Certification of Serious Health Condition.

- a. An employee's serious health condition must be certified by the employee's treating physician or healthcare provider. The certification form must be submitted no later than 15 days following the leave request, unless there is a reasonable basis for the delay. Failure to provide the required certification will result in forfeiture of family/medical leave for this condition.
- b. The Township may directly contact the employee's health care provider for verification or clarification purposes using a health care professional, an HR professional, leave administrator or management official other than the employee's direct supervisor. Before the Township makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification.
- c. The Township may require a second opinion where there are reasonable questions concerning the validity of the certification. The Township will cover the employee's examination by a second doctor selected by the Township. If necessary to resolve a conflict between the original certification and the second opinion, the Township will require examination by a third doctor, covered by the Township, but mutually selected by the Township and the employee. The third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA.

pending the second and/or third opinion. FMLA leave will be denied to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion.

8. Certification of Family Member's Serious Health Condition.

- a. A family member's serious health condition must be certified by his or her treating physician or healthcare provider. The certification form must be submitted no later than 15 days following the leave request, unless there is a reasonable basis for the delay. Failure to provide the required certification will result in forfeiture of family/medical leave for this condition.
- b. The Township may directly contact the family member's healthcare provider for verification or clarification purposes using a health care professional, an HR professional, leave administrator or management official other than the employee's direct supervisor. Before the Township makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification.
- c. The Township may require a second opinion where there are reasonable questions concerning the validity of the certification. The Township will cover the family member's examination by a second doctor selected by the Township. If necessary to resolve a conflict between the original certification and the second opinion, the Township will require examination by a third doctor, covered by the Township, but mutually selected by the Township and the employee. The third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion. FMLA leave will be denied to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion.

9. Certification of Qualifying Exigency for Military Family Leave. Certification of a qualifying exigency for military family leave is required. The employee must provide the required certification no later than 15 days from the date of the leave request unless there is a reasonable basis for delay. Failure to provide certification will result in a denial of military family leave.

10. Certification for Serious Injury or Illness of Covered Service member for Military Caregiver Leave. Certification of a serious injury or illness of a covered service member is required. The required certification must be provided no later than 15 days from the date of the leave request, unless there is a reasonable basis for the delay. Failure to provide certification will result in a denial of military caregiver leave.

11. Recertification. The Township may request recertification of the serious health condition of the employee or the employee's family member no more frequently than in 30-day intervals when circumstances have changed significantly, the Township receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, the Township may request recertification for the serious health condition of the employee or the employee's family member every six months in connection with an FMLA absence. The Township may provide the employee's or family member's health care provider with the employee's attendance records and ask whether the need for leave is consistent with the employee's or family member's serious health condition.

12. Procedure for Requesting FMLA.

- d. Employees requesting FMLA leave must do so in writing, specifying the reasons for the leave and the anticipated duration of the leave, if known, to the Director of the Division of Human Resources. Within five business days after submission, the Division of Human Resources will process the request and provide the employee with the required documents. In emergency situations where a written request is impossible or impracticable, the employee may provide notice orally directly to the Director of the Division of Human Resources, or his or her immediate supervisor or Department Head, who shall promptly refer the request to the Director of the Division of Human Resources for processing.
- e. Where circumstances allow, the employee must provide 30 days' advance notice of the need for FMLA leave; otherwise, the employee must request leave as soon as practicable, following the Township's usual and customary notice, call-in, and other procedural requirements for requesting leave. The employee must also provide sufficient information for the Township to determine if the leave qualifies under the FMLA, the anticipated timing of the leave, and whether the leave is for a reason for which FMLA leave was previously taken.

13. Periodic Status Reports. On a non-discriminatory basis, the Township may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

B. New Jersey Family Leave (NJFLA). Family leave is also available under New Jersey law in certain circumstances. In some cases, the protections of the FMLA and the NJFLA overlap. In those cases, employees will receive the greater benefit, as required by law. Where both laws apply to a particular leave situation, with neither providing a greater benefit, the leave will run concurrently and count towards the employee's allotted time under both the FMLA and the NJFLA. It is the Township's managerial prerogative to designate an extended leave period, whether paid or unpaid, as NJFMLA leave, if the employee so qualifies.

- 1. Scope. The NJFLA does NOT provide leave for the employee's own medical reasons.

Leave for these circumstances are covered under the FMLA, as specified in the previous section.

- 2. Eligible Employees. Any individual employed by the Township for 12 months or longer and who has worked a minimum of 1000 base hours during the immediately preceding 12-month period.
- 3. Leave Entitlement: Unlike the FMLA, which allows up to a total of 12 weeks leave during a 12-month period, New Jersey allows eligible employees 12 weeks of leave within any 24-month period.
- 4. Covered Circumstances. Employees may request leave under the NJFLA for any of the following reasons:
 - a. Birth of the employee's child and care for the newborn child during the first 12 months after birth.
 - b. Placement of a child with the employee for adoption or foster care during the first 12 months after placement.

- c. Care for a child, parent, spouse, civil union partner, same-sex domestic partner, with a serious health condition
- 4. Terms Defined. For the purposes of determining eligibility for family leave under the NJFLA, the following terms are defined as follows:
 - a. Child: a child to whom the employee is a biological parent, adoptive parent, foster parent, step-parent, legal guardian, or as a “parent-child” relationship with a child as defined by law, or has sole joint or legal or physical custody, care, guardianship, or visitation.
 - b. Serious Health Condition: an illness, injury, impairment, or physical or mental condition which requires in-patient care in a medical care facility or continuing medical treatment or continuing supervision by a healthcare provider for a condition that prevents the qualified family member from participating in school, employment duties, or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy or incapacity due to a chronic condition.
- 5. Procedure to Request NJFLA Leave. Employees must follow the same procedure applicable to requests for FMLA leave, set forth above.
- 6. Certification of Serious Health Condition. The certification, verification, and recertification requirements applicable to FMLA leave, set forth above, also apply to requests for NJFLA leave.
- 7. Use of Paid and Unpaid Leave. Accrued paid leave (sick, vacation, personal, and compensatory time) must be used concurrently with NJFLA leave. If accrued paid leave is exhausted before the NJFLA leave period expires, then the balance will be unpaid leave.
- 8. Intermittent Leave/Reduced Work Schedule. Employees may take NJFLA leave intermittently or on a reduced work schedule, following the same protocols set forth above applicable to intermittent/reduced work schedule leave under the FMLA, except that:
 - a. The reduced leave schedule may not continue for more than 24 consecutive weeks; and
 - b. The reduced leave schedule is not available to care for a healthy child absent a specific agreement between the employee and the Township.
- 9. Benefit Status. The policies governing continuation of benefits for FMLA leave, set forth above, also apply to leave taken under the NJFLA.
- 10. Return from Leave. The policies governing an employee's return from FMLA leave, set forth above, also apply to leave taken under the NJFLA.

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Paid and Unpaid Time Off Policies	March 2014					V3
	# Pages					Chapter
SUBJECT:	1					C8.1
Medical and Family Work Accommodations	Reference					
	V3 C8.1					
ISSUING AUTHORITY:	Evaluation Date:					
Township Administration						

V3 C8.1 Medical and Family Work Accommodations.

B. Policy

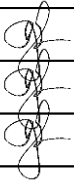
In limited instances when an employee encounters special circumstances involving medical and/or child care issues of a unique and temporary nature that require the employee to be with a child and/or family member for a limited period of time, and the employee and the Township jointly desire for the employee to work as opposed to applying for Family Leave, the Township will endeavor to make a short-term, temporary accommodation allowing an employee to work a limited amount of hours at home provided that all of the following conditions as met.

1. The employee's work responsibilities involve work that can be effectively and productively completed at home as verified by the employee's Department Head. Those specific duties and the work product expected shall be enumerated on the request form.
2. The employee shall record all hours worked through the normal system for review and approval of the employee's time by the Department Head.
3. The unique circumstances are of a limited duration defined as an initial period of up to 3 months with a maximum extension not to exceed an additional 3 months.
4. The unique and specific circumstances generating the need for the request are disclosed in a confidential manner to the employee's Department Head and subsequently to the Business Administrator, or his designee.
5. The employee must work at least 3 full days in the Township office per week.
6. All requests shall be in writing and shall be submitted to the employee's Department Head who must first approve or deny the request. If approved, the Department Head shall forward the request to the Director of Human Resources. If approved by the Director, the request shall be sent to the Business Administrator for final consideration. The Township is not obligated to approve the request or to approve any extension of the original request.
7. At any time, if the circumstances change and the employee is not able to fulfill his/her job responsibilities, the work from home accommodation shall be rescinded and further leave time will be managed under the Family Medical Leave Policy.

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Paid and Unpaid Time Off Policies	June 1, 2010					V3
	# Pages					Chapter
SUBJECT:	1					C9
*Military Leave Policy	Reference					
	V3 C9					
ISSUING AUTHORITY:	Evaluation Date:	March 2014				
Township Administration						

• **Military Leave:**

- A.) 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. Military leave is restricted to one (1) leave permitted within a 5 year time frame, not including call ups.
- B.) Employees on military service will also continue to receive paid health insurance coverage during the period of the paid leave plus an additional thirty calendar days after the paid leave is exhausted. After this period has expired, employees may continue coverage for themselves and their dependents under the Township insurance plan by taking advantage of the COBRA provision. Members of the State administered retirement systems (PERS and PFRS) will continue accruing service and salary credit in the system during the period of paid leave.
- C.) Pursuant to the Uniformed Services Employment and Re-employment 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, employees 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.

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Compensation & Employee Benefits	June 1, 2010					V4
	# Pages	March 2014	1	2 & 3		Chapter
SUBJECT:	3		1-2-3	A		C1
Payroll Policy Official Workweek	Reference					
	V4 C1					
ISSUING AUTHORITY:	Evaluation Date:					
Township Administration						

- **Payroll Policy**

A. General Procedures:

1. Salary ranges are established by ordinance, and the actual salary must be within the minimum and maximum ranges for the employee's title.
2. **Employees will be paid on a by-weekly basis on a day chosen by the Township.**
3. **Effective July 1, 2014, all employees except seasonal, temporary employees and employees without bank accounts, must have paychecks directly deposited into their designated financial institution. Any employee not subject to direct deposit may not cash or deposit their paycheck before 3 pm on the date of the check.**
4. The Township will not accept responsibility for any employee's personal finances. The Township will acknowledge judgments against an employee's pay, but will not act as a mediator between the employee and creditor.

B. Toms River Township Concerning Release of Payroll, Salary, and Benefit Information

Effective September 13, 2013

The Township of Toms River has a legal responsibility as an employer to properly safeguard employee information. Improper release of information may expose the township to liability and therefore all appropriate steps need to be taken to establish appropriate procedures that fully comport with the law.

The purpose of this policy is to establish the procedures for the proper, orderly, and lawful release of information pertaining to employees salaries, wages and benefits and to define what information can be released, under what circumstances and by whom.

This policy shall apply to all requests for employee payroll, salary and benefit information including but not limited to, requests from the general public, employees and union representatives.

1. **Requests from the general public** shall be processed as "Open Public Records Act" (OPRA) requests filed with the Township Clerk's Office. The Township Clerk will forward all such requests to the Department of Human Resources for a timely response with copies to the Division of Law and Business Administrator.

2. **Requests from Township Employees for information pertaining to ANOTHER EMPLOYEE'S** salary and benefit information shall be processed as "Open Public Records Act" (OPRA) requests filed with the Township Clerk's office. The Township Clerk will forward all such requests to the Department of Human Resources for a timely response with copies to the Chief Financial Officer, Division of Law, and Business Administrator.
3. **Requests from Township Employees for information pertaining to their own salary** and benefit information shall be filed in writing directly with the Department of Human Resources, with a copy to the Chief Financial Officer. An email shall be considered acceptable.
4. **Requests from Union Representatives** seeking information pertaining to employees' salary and benefit information shall be filed in writing with the Department of Human Resources with a copy to the Chief Financial Officer. An email shall be considered acceptable.
5. **ONLY** requests from (1) banks and/or lending institutions attempting to verify an employee's salary and compensation for credit purposes, (2) requests from the Township's Workers Compensation Insurance Carrier, (3) requests from AFLAC agent or (4) requests from PERS/PFRS shall be process by the Finance Department through the payroll office and the disclosure shall be limited to the insurance carrier, claims administrator, bank, lending institution, or credit agency formally requesting the information. All other requests shall follow the procedure outlined herein.

Notwithstanding the fact that an employee's salary and compensation is classified as a "public records" by law, and available to the public **upon request**, the Township views this information as personal and considers it to be confidential in nature. Therefore, the discussion of an employee's salary, compensation and/or benefit information by employees with access to that information is considered inappropriate, and therefore no official or employee who, through their position, has access to payroll and benefit information shall in any way disclose or disseminate that information except as authorized by this policy. Any employee violating this restriction will be subject to disciplinary action in accordance with the Employee Handbook for violation of Section V1-C17-46.

The following information is considered part of the public record and is therefore **available upon requests**:

- 1) Employee's job title
- 2) Employees annual salary, longevity and overtime
- 3) Employee's date of hire
- 4) Type and cost of health insurance selected by the employee

The following information is **NOT** considered part of the public record and is therefore **NOT** available upon request:

1. Address of an employee
2. Contact information including telephone numbers or personal email address
3. Deductions and exemptions claimed for taxation purposes, whether voluntary or involuntary
4. Date of birth of employee
5. Social Security Number of an Employee

6. Dependents claimed by the employee on their health insurance coverage and any information pertaining to dependents who are not employees of the Township
7. Copies of employee's W-2 or W-4

Employees entrusted with employee salary and benefit information including but not limited to personal information such as an employee's address, social security number, contact information, payroll deductions (voluntary or involuntary) or similar information pertaining to an employee's dependents shall take all appropriate action to safeguard that information and shall not download that information to a media source without proper authorization from the Chief Financial Officer and/or the Director of Human Resources.

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Compensation & Employee Benefits	June 1, 2010					V4
	# Pages					Chapter
SUBJECT:	1					C1.1
Payroll Policy Work Week	Reference					
	V4 C1.1					
ISSUING AUTHORITY:	Evaluation Date:	March 2014				
Township Administration						

• **OFFICIAL WORKWEEK – WORKDAY - WORKHOURS**

- 1) Regular business hours for the Township are 8:30 am to 4:30 pm, Monday through Friday. Employees shall follow this schedule unless different work hours are designated by an applicable collective bargaining agreement, the nature of assigned duties, or other circumstances.
- 2) Employees shall receive a one (1) hour unpaid lunch break unless otherwise designated.
- 3) Some departments may have staggered hours of operations, depending on the need of employees for job efficiency.
- 4) During hours of operation, all departments must have sufficient staff coverage.
- 5) As recognized by the Fair Labor Standards (FLSA), management, professionals, and any exempt staff members may work different hours than non-exempt staff members, as determined by the Business Administrator. These employees are not eligible for overtime benefits.
- 6) Unless otherwise designated, employees work a 35 or 40 hour work week as assigned.

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Compensation & Employee Benefits	June 1, 2010					V4
	# Pages					Chapter
SUBJECT:	1					C1.2
Payroll Policy DEDUCTIONS	Reference					
	V4 C1.2					
ISSUING AUTHORITY:	Evaluation Date:	March 2014				
Township Administration						

- **Payroll Policy - DEDUCTIONS**

Township employees are subject to payroll deductions for:

- Federal Income Taxes;
- State Income Taxes;
- Social Security;
- State Unemployment Insurance;
- Medicare;
- Garnishment (if applicable);
- Public Employees' Retirement System (PERS);
- Police and Firemen's Retirement System (PFRS);
- Family Leave Insurance;
- All other deductions required by law; **including but not limited to health benefits premium contributions mandated by statute.**

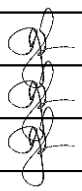
Upon authorization by employee, the Township may make voluntary bi-weekly deductions relating to:

- Contributory Life Insurance;
- Public Employees' Charitable Contributions Campaign;
- Deferred Compensation Plan;
- Supplemental Annuity;
- Contributory Health Benefits;
- Pension Loans;
- Other authorized deductions.

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Compensation & Employee Benefits	June 1, 2010					V4
	# Pages					Chapter
SUBJECT:	1					C1.3
OUTSIDE EMPLOYMENT	Reference					
	V4 C1.3					
ISSUING AUTHORITY:	Evaluation Date:	March 2014				
Township Administration						

• **OUTSIDE EMPLOYMENT**

- 1) Township employees may accept outside employment provided their employee's Department Head has granted pre-approval and has determined that such outside employment will not interfere with the Township's requirements or an employee's performance, or that the outside employment does not compromise the employee's position with the Township through a conflict of interest. Upon pre-approval, the request shall be forwarded to the Business Administrator for final approval.
- 2) **Failure to receive approval for outside employment from the Business Administrator may result in the employee's termination. Moreover, after approval has been granted, it is later determined that such outside employment interferes with the employees duties and responsibilities with the Township, the Township shall have the right to demand that the employee terminate such outside employment upon 21 days notice.**
- 3) A Department Head shall not be employed outside of the Township, or in addition to the position(s) the employee holds with the Township without prior written permission of the Mayor and resolution of the Township Council.
- 4) Any employees who holds an interest in, or is employed by a business doing business with the Township must submit a **written notice** of these outside interests to the Business Administrator. *(Refer to Policy V1 C14 Conflict of Interest)*
- 5) Any outside employment requests pertaining to the employees in the Municipal Clerk's Office shall be approved by the Township Council.
- 6) **All approved outside employment must comply with local Government Ethics Law.**

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Compensation & Employee Benefits	June 1, 2010					V4
	# Pages	February 23, 2012	1	7		Chapter
SUBJECT:	2	February 26, 2014	All	All		C1.4
Overtime and Compensatory Time	Reference					
	V4 C1.4					
ISSUING AUTHORITY:	Evaluation Date:					
Township Administration						

- **OVERTIME AND COMPENSATORY TIME**

A. Overtime

- (1) Overtime is time worked in addition to an employee's regularly scheduled hours during a workweek.
- (2) Overtime in the amount of time and one-half shall be paid to all employees eligible therefore for time worked in excess of 40 hours in the standard workweek.
- (3) Employees with a 35-hour workweek shall be paid as straight time for hours worked above 35 and up to and including 40 in the workweek. Hours worked above 40 shall be paid as time and on-half in accordance with the preceding subsection.
- (4) Overtime is not payable unless authorized by a supervisor.
- (5) To the extent reasonably practical, overtime shall be equally distributed among employees in their respective departments capable of performing the additional work.
- (6) Pyramiding of overtime is prohibited.

B. COMPENSATORY TIME

- (1) The following, non-union, executive-level employees may accrue and use compensatory time:
 - (a) Director of Public Works
 - (b) Director of Parks, Buildings and Grounds
 - (c) Director of Recreation
 - (d) Director of Engineering, Construction Services, Code Enforcement and Community Development
 - (e) Chief Financial Officer

- (f) Township Engineer
 - (g) Construction Official
 - (h) Municipal Clerk
 - (i) Municipal Court Administrator
- (2) In addition to the employees listed in the preceding subsection, other non-union, executive level employees who in unique or extraordinary circumstances must work beyond the normal workday or workweek may receive compensatory time as determined by the Business Administrator.
- (3) The Business Administrator shall develop and implement policies and procedures consistent with this subsection governing the accrual and use of compensatory time which shall be incorporated into the Employee Handbook. Additionally, the Business Administrator shall provide, on an annual basis, a report to the Township Council detailing the amount of compensatory time awarded to and used by eligible employees.
- (4) Eligible employees may accrue and use a maximum of 1 workweek (35 hours or 40 hours, depending on the particular employees' designated workweek) of compensatory time annually; except that the Business Administrator may increase this allotment to a maximum of 2 weeks (70 hours or 80 hours, depending on the particular employee's workweek) in extraordinary circumstances.
- (5) Compensatory time must be used within the calendar year in which it is earned, or if earned within the last four months of the calendar year, by the succeeding April 30; otherwise, it is forfeited.
- (6) Accrued, unused compensatory time is not compensable upon retirement, resignation, or discharge, cannot be used to extend an employee's termination date, and cannot be converted into any other form of leave time.
- (7) Eligible employees may accrue compensatory time only upon the written request to, and written approval of, the Business Administrator or his designee.
- (8) Accrual and use of compensatory time shall be recorded in the electronic time and attendance system.
- (9) Compensatory time may be scheduled in the same manner a vacation and sick time.

RULES AND REGULATIONS / POLICIES AND PROCEDURES

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Compensation & Employee Benefits	June 1, 2010					V4
	# Pages					Chapter
SUBJECT:	1					C1.5
CALL-IN-PAY	Reference					
	V4 C1.5					
ISSUING AUTHORITY:	Evaluation Date:	March 2014				
Township Administration						

- **CALL - IN - PAY**

Unless otherwise provided by contractual agreement, the following shall apply:

- A) An employee who is called in to do work in emergencies outside of his/her regular hours shall be entitled to "call-in-pay" as hereinafter set forth.
- B) An employee called in to do work shall be guaranteed a minimum of 2.5 hours of pay, payable and credited at the rate of time and one-half, and such employee shall be entitled to payment at the appropriate overtime rate for all hours actually worked in excess of 2.5 hours.
- C) This call-in guaranty shall not apply if hours worked are prior to or immediately following an employee's regular hours. In addition, this call-in guaranty shall not apply to scheduled overtime, including but not limited to, scheduled meetings of all public bodies, boards or commissions, in which event the regular overtime provisions of this agreement shall apply.

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Compensation & Employee Benefits	June 1, 2010					V4
	# Pages	September 29, 2011	1	A - Correction		Chapter
SUBJECT:	1					C1.6
LONGEVITY	Reference					
	V4 C1.6					
ISSUING AUTHORITY:	Evaluation Date:	March 2014				
Township Administration						

• **LONGEVITY**

Each full time employee shall be paid, in addition to his/her current annual wage, a longevity increment based upon continuous years of employment with Township, in accordance with the following schedule shall be utilized:

• **Hired Prior to November 29, 1990**

Years of Service:

Upon completion of 3 years	2%	of base salary
Upon completion of 5 years	4%	of base salary
Upon completion of 9 years	6%	of base salary
Upon completion of 12 years	8%	of base salary
Upon completion of 15 years	10%	of base salary

• **Hired After November 29, 1990**

Years of Service:

Upon completion of <u>5 years</u>	2%	of base salary
Upon completion of <u>9 years</u>	4%	of base salary
Upon completion of 12 years	6%	of base salary
Upon completion of 15 years	8%	of base salary

• **Hired After January 1, 1998**

Years of Service:

Upon completion of 9 years	4%	of base salary
Upon completion of 12 years	6%	of base salary
Upon completion of 15 years	8%	of base salary

• **Hired on or after January 1, 2014 No Longevity**

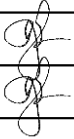
- A) Each employee shall qualify for the longevity increment on the date of the anniversary of his/her employment, and such increment shall be paid from and after such date.
- B) Continuous service shall be defined as not having a break in service, from the employee's date of hire, such as a suspension, with or without pay, **excluding any medically approved leave lasting less than 6 months.**

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Compensation & Employee Benefits	June 1, 2010					V4
	# Pages					Chapter
SUBJECT:	1					C1.7
PAYROLL RECORD-KEEPING	Reference					
	V4 C1.7					
ISSUING AUTHORITY:	Evaluation Date:	March 2014				
Township Administration		September 2016				

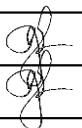
• **PAYROLL RECORD-KEEPING**

- 1) Records of employees' hours worked will be maintained in an electronic time and attendance system. Each Department Head is responsible for reviewing and approving electronic time records for their employees.
- 2) All completed time records must be approved and approval email submitted to the payroll office no later than 10 am on the Monday prior to the pay day. Should a holiday fall on the Monday, all completed time records are due on the Tuesday prior to the pay day no later than 9 am.
- 3) Time records must be completed and approved as designated by the Division of Payroll.
- 4) The Division of Payroll shall review and process the payroll. If there are any discrepancies, the Department Head will be notified immediately, and corrections will be made. It is the responsibility of the Department Head to notify the employee **immediately** of any changes being made.
- 5) The Township will not tolerate any falsification of records. In the event of a violation, the employee is subject to termination of employment.

RULES AND REGULATIONS / POLICIES AND PROCEDURES

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Compensation & Employee Benefits	June 1, 2010					V4
	# Pages	March 2014				Chapter
SUBJECT:	1					C1.8
RESERVED	Reference					
	V4 C1.8					
ISSUING AUTHORITY:	Evaluation Date:					
Township Administration						

- Reserved

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Compensation & Employee Benefits	June 1, 2010					V4
	# Pages	March 2014	1	(2)		Chapter
SUBJECT:	1					C1.9
WAGE AND SALARY	Reference					
	V4 C1.9					
ISSUING AUTHORITY:	Evaluation Date:					
Township Administration						

•

WAGE AND SALARY

- 1) All Township positions are classified and assigned a minimum and maximum wage or salary range. Non-contractual employees may be granted increases in pay, within these ranges, with the approval of the Mayor. Contractual employees may be granted increases in pay, within these ranges, with the approval of the contract approved by the governing body.
- 2) Performance Reviews / Evaluations may be utilized in determining the relative wage and salary increase for such employees. The Mayor must approve increases, with consideration to attendance, discipline or behavior, length of service, training, initiative, and increased responsibility.

RULES AND REGULATIONS / POLICIES AND PROCEDURES

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Compensation & Employee Benefits	June 1, 2010					V4
	# Pages					Chapter
SUBJECT:	1					C1.10
RESERVED	Reference					
	V4 C1.10					
ISSUING AUTHORITY:	Evaluation Date:	March 2014				
Township Administration						

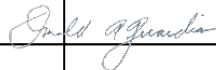
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VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Compensation & Employee Benefits	June 1, 2010					V4
	# Pages	September 29, 2011	1	A & C		Chapter
SUBJECT:	1	March 2014	1	D		C1.11
BIRTHDAY OFF POLICY	Reference					
	V4 C1.11					
ISSUING AUTHORITY:	Evaluation Date:					
Township Administration						

• **BIRTHDAY OFF POLICY**

As part of the Township's Safety Awareness Program and as an incentive to continue to be aware of providing a safe, healthy and hazard free workplace, employees will be awarded their birthday off if the following is strictly conformed:

- A) An employee must work a complete year without involvement in any type of preventable accident involving lost time off from work and/or damage to any property or equipment during working hours; i.e., motor vehicle, worker's compensation, etc., or sustaining any on-the-job-injuries.
- B) Employees are not "entitled" to their birthday off. The idea and impetus behind this program is for employees to "earn" their birthday through proper safety procedures throughout the year.
- C) In order to "earn" their birthday off, employees must have a full calendar year free of any on-the-job injury that would be classified as "preventable" by the Township Safety Committee which involves lost time off from work and/or damage to any property during working hours. If an employee is injured on the job and the Safety Committee determines that that injury was "non-preventable", or if the Safety committee determines that the injury "was preventable" but there was no lost time from work by the employee and/or no damage to any property (i.e. township or private property or equipment), then the employee would be entitled to their birthday off.
- D) If an employee is on an approved military leave of absence, this would not count against the employee receiving or having earned their birthday off. Therefore, for the purposes of calculating whether or not they have earned their birthday off, the employee's military leave time is counted toward the twelve month calculation.
- E) Note: This policy applies to only FULL Time employees.
- F) **The Birthday Off benefit for Township employees will terminate for all new employees hired after June 30, 2010.**

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Compensation & Employee Benefits	June 1, 2010	November 28, 2018				V4
	# Pages					Chapter
SUBJECT:	2					C2
BENEFITS & BENEFITS AFTER RETIREMENT	Reference					
	V4 C2					
ISSUING AUTHORITY:	Evaluation Date:					
Township Administration						

• **EMPLOYEE BENEFITS**

1. Health benefits, including major medical, prescription, and dental insurance, are available to full- time, permanent employees and eligible dependents. Part-time, seasonal, and temporary employees are not eligible for benefits.
2. The types of plans and levels of available vary depending on the employee's date of hire. The various options will be discussed with the employee at the time employment commences and at annual open enrollment periods. Questions regarding health coverage can also be submitted at any time to the Department of Human Resources.
3. Township-provided health benefit plans are qualified under Section 125 of the Internal Revenue Code.
4. The Township also offers Flexible Spending Accounts and Dependent Care Accounts for health-care related expenses.
5. Benefit plans, coverage levels, co-payments, and premium contributions may be withdrawn or modified at any time. Employees will receive reasonable advance notice of any such changes.
6. New employees are subject to a 60-day probationary period before being eligible for benefits. Benefits will become effective on the 1st of the month following the probationary period.
7. Permanent Part-time employees with at least one year of employment with the Township, who accept a full time position within the Township, will be eligible for benefits upon their hire date to full time employment.
8. Pursuant to P.L. 2010, C.2 and P.L. 2011, C.78, all employees are required to contribute the percentage of the combined premium cost for the medical, prescription and dental coverage selected. Contribution amount will depend on the statutory formula and are subject to change as provided by state law. Contribution will be deducted in installments from employees' regular pay checks.
9. Employees on approved, paid leave are eligible to continue their benefits. Benefits will be discontinued for employees on unpaid leave, except as follows:
 - a. To continue health benefits coverage while on unpaid leave, the employee must remit, by check or money order, his or her share of the premium cost. The employee will have 30 business days following their last day paid in which they do not have to contribute. Following the 30 business day period, they will be required to contribute each pay period, the amount that would have been deducted for medical, dental and prescription if they were receiving a paycheck. Payment will be due effective each pay period. Employee's will have a 15 day grace period for late payments. Failure to remit the payment within that grace period will result in loss of coverage. Employees will receive notification from the Human Resources Department indicating the amount due, due date, and mailing address for payment.
 - b. To maintain under a life insurance or disability plan while on unpaid leave, the employee must pay the full premium. If the employee fails to do so, coverage under these plans will be discontinued. Payments must be remitted as required under the preceding subsection.

- **EMPLOYEE BENEFITS AFTER RETIREMENT**

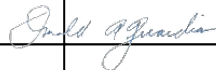
1. Employees who have 25 or more years of service credit with PERS, 20 years or more of which were with the Township of Toms River, and who were employed by the Township prior to September 2, 1999, and who are of age 55 years or more shall have the entire cost of health benefits assumed by the Township, subject to co-pay provisions pursuant to NJ Chapter 78, P.L. 2001 and in the employment contract of the respective bargaining units and non-union employees.
2. All retirees who have 25 or more years of service credit with PFRS, PERS, SPRS or TAPF retirement systems, 20 years or more of which were with the Township of Toms River and who were employed by the Township prior to September 2, 1999, shall have the entire cost of health benefits assumed by the Township subject to co-pay provisions pursuant to NJ Chapter 78, P.L. 2011 and in the employment contract of the respective bargaining units and non-union employees.

Employees who fall under these guidelines should refer to Township Ordinance for further information. Questions can also be submitted to the Department of Human Resources.

RULES AND REGULATIONS / POLICIES AND PROCEDURES

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Compensation & Employee Benefits	June 1, 2010					V4
	# Pages					Chapter
SUBJECT:	1					C3
RESERVED	Reference					
	V4 C3					
ISSUING AUTHORITY:	Evaluation Date:					
Township Administration						

- **Reserved**

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Compensation & Employee Benefits	June 1, 2010	November 28, 2018				V4
	# Pages					Chapter
SUBJECT:	1					C4
Opt Out of Health Benefits or Changes	Reference					
	V4 C4					
ISSUING AUTHORITY:	Evaluation Date:					
Township Administration						

Opt Out of Health Benefits or Changes

1. Full time employees who are eligible for medical, prescription, and dental benefits with the Township plan, may elect to waive coverage for a cash payment.
2. The cash payment will be based annually for the plan year beginning on January 1, of each year and will be administered through regular pay. Payment for this 12-month plan year will be paid no later than January 15th of each year.
3. The amount of the waiver payment shall be established by the Business Administrator based on budgetary Considerations but, in accordance with N.J.S.A. 40A10:-17.1, shall not exceed the lesser of either (1) 25% of the amount saved by the Township as a result of the waiver; or (2) \$5,000. For employees hired mid-year or who revoke their waiver, the amount of the waiver payment will be pro-rated accordingly.
4. The choice for the Opt-Out must be based on the fact that the employee is covered under another health plan. Proof of outside coverage is required to be eligible for Opt Out payment.
5. Note: It is important to note that the Township does not encourage an employee to receive cash in lieu of adequate health coverage. As such, it is highly recommended that each employee consult with his/her spouse or family prior to making a decision.
6. Questions regarding the Opt-Out process can be referred to the Department of Human Resources.

RULES AND REGULATIONS / POLICIES AND PROCEDURES

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Compensation & Employee Benefits	June 1, 2010					V4
	# Pages					Chapter
SUBJECT:	1					C5
Deferred Compensation Policy	Reference					
	V4 C5					
ISSUING AUTHORITY:	Evaluation Date:	March 2014				
Township Administration						

DEFERRED COMPENSATION POLICY

- 1) The Township offers a voluntary deferred compensation program benefit to all employees. Enrollment is voluntary and the level of contribution is selected by the employee in accordance with IRS guidelines.

For questions and additional information regarding deferred compensation programs available to employees, contact should be made with the Township Division of Payroll.

RULES AND REGULATIONS / POLICIES AND PROCEDURES

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Compensation & Employee Benefits	June 1, 2010					V4
	# Pages					Chapter
SUBJECT:	1					C6
RESERVED	Reference					
	V4 C6					
ISSUING AUTHORITY:	Evaluation Date:	March 2014				
Township Administration						

- Reserved

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Compensation & Employee Benefits	June 1, 2010	November 28, 2018			<i>Paul J. Guardia</i>	V4
	# Pages					Chapter
SUBJECT:	1					C7
Retirement Policy	Reference					
	V4 C7					
ISSUING AUTHORITY:	Evaluation Date:					
Township Administration						

- **Retirement Policy**

- 1) Under State Law, all eligible 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, as determined by the State, will be deducted from the employee's pay.
- 2) 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 employee's department head in writing. The State retirement plans request six months advance notice to process the application.
- 3) After giving notice of retirement, employees are expected to assist their supervisors and co-employees by providing information concerning their current projects and help in the training of a replacement. The department head will arrange through the Payroll Department, an Employee Action form showing any pay or other money owed the employee for review and final approval by the Director of Human Resources and Business Administrator.
- 4) A confidential exit interview to discuss benefits, including COBRA options, appropriate retirement issues and pay due, will be conducted by the Director of Human Resources and the Township Benefits Manager. A COBRA notification letter will be sent to the employee's home address. The exit interview will also include an open discussion with the employee.
- 5) On the last day of work, and prior to receiving the final paycheck, the employee must return the Employee Identification Card, all keys and equipment. At this time, the employee will sign the termination memo designating all money owed and this memo will be retained in the official personnel file.

***Retirement Cancellation Requests**

The Township understands and appreciates the fact that personal circumstances in an employee's life may change which results in the need to cancel/withdraw their request for retirement. For that reason, the Township has been willing to accept the cancellation based on what is perceived to be "unique circumstances". However, in order to minimize the impact on manpower and department needs, the Township reserves the right limit this to one cancellation/ withdrawal of notice of retirement. Once this occurs, any future requests to cancel retirement notice after initial cancellation must be in writing via email or letter to both the Business Administrator and Director of Human Resources for written approval. Submittal by request in writing does not guarantee approval by the Township. Additionally, employees who have already been permitted to cancel their retirement notification must now submit all future requests in writing.

Lastly, and most importantly, the Township retains the discretion to approve any and all retirement requests beyond the one cancellation noted above.

RULES AND REGULATIONS / POLICIES AND PROCEDURES

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Compensation & Employee Benefits	June 1, 2010					V4
	# Pages					Chapter
SUBJECT:	1					C8
RESERVED	Reference					
	V4 C8					
ISSUING AUTHORITY:	Evaluation Date:					
Township Administration						

- Reserved

RULES AND REGULATIONS / POLICIES AND PROCEDURES

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Compensation & Employee Benefits	June 1, 2010					V4
	# Pages					Chapter
SUBJECT:	1					C9
Employee Assistance Program / Policy	Reference					
	V4 C9					
ISSUING AUTHORITY:	Evaluation Date:	March 2014				
Township Administration						

- Employee Assistance Program / Policy**

- 1) The Township provides an Employee Assistance Program to its employees and their family members. This service provides employees and their family members access to assessment and counseling services by trained professionals. The basic service is *free of charge to employees, and designed to assist employees in problem-solving personal or professional issues that arise. Information and referrals for community providers and services are also provided when needed. All services are completely confidential.

** In the event that an employee or family member requires services beyond the Township contracted number of sessions allowed, they may arrange with EAP staff and their health insurer to locate other appropriate providers.*

- 2) The EAP service also provides supervisory consultations as needed, particularly to management staff who may refer employees for performance concerns.
- 3) EAP offers day and evening appointments with more than one office location, convenient to the employee and their family members.

Additional information may be obtained through the Department of Human Resources.

PROGRAM SERVICES

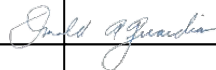
Individual Counseling
Family Counseling
Marital /Couples Counseling
Stress Management
Trauma Debriefing
Workplace Conflict Resolution
Employee Educational Seminars
Supervisory Training
Treatment Referrals
Problem Consultation

RULES AND REGULATIONS / POLICIES AND PROCEDURES

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Compensation & Employee Benefits	March 2014					V4
	# Pages					Chapter
SUBJECT:	1					C10
RESERVED	Reference					
	V4 C10					
ISSUING AUTHORITY:	Evaluation Date:					
Township Administration						

- Reserved

RULES AND REGULATIONS / POLICIES AND PROCEDURES

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Managerial / Supervisory Procedures	June 1, 2010	November 28, 2018				V4
	# Pages					Chapter
SUBJECT:	2					C11
ATTENDANCE AT CONFERENCES AND SEMINARS	Reference					
	V4 C11					
ISSUING AUTHORITY:	Evaluation Date:					
Township Administration						

• ATTENDANCE AT CONFERENCES AND SEMINARS

- 1) All conferences and seminars must be related to the specific job responsibilities of the employee. Department Heads must submit a written recommendation for the employee to the Director of Human Resources for attendance at any conference or seminar.
- 2) If the cost for an employee to travel to a training, conference, convention, seminar, meeting, etc., exceeds one hundred dollars (\$100) and/or the distance exceeds one hundred (100) miles, advance approval of the Business Administrator is also required. All conferences and seminars must be paid through the requisition process. If the requisition amount is over \$100, be sure to have your Administrative Approval signed and attached to the requisition in advance. Employees will not be reimbursed for personal payments for a conference or seminar.
- 3) The Township will reimburse the employee for expenses incurred at the approved conference and seminars or job related required travel with the appropriate receipts, provided that the Business Administrator, or his designee, has given approval. Reimbursement for meals while attending a conference or seminar out of state is \$60 per day. (Amounts are based on an average of the Federal Government Guidelines). When reimbursement involves airfare, the Township will not reimburse for seating or other airline upgrades. Only basic economy airfare will be reimbursed.
- 4) **No reimbursement will be considered without receipts.**
- 5) Upon completion of the approved conference or seminar, a copy of any certificate or documentation awarded **must** be forwarded to the Business Administrator to receive credit for attending. If the Business Administrator does not receive a copy of the certificate or documentation, the employee shall be charged with vacation or personal leave time, for the time spent out of the workplace. In the event that no such time is available, the employee shall be charged for time spent out of the workplace, without pay.
- 6) **Employees must submit the required forms.**

**A) EMPLOYEE REQUEST TO TRAVEL AND ATTEND TRAINING, CONFERENCE, SEMINAR, MEETING FORM
V6 C1.10**

Submitted PRIOR to attending event.

To be completed by the employee, submitted to his/her Department Head for advance approval and forwarded to the Director of Human Resources. (Requests which exceed \$100 or 100 miles will be forwarded by the Director of Human Resources to the Business Administrator for final approval.)

B) EMPLOYEE TRAVEL AND ATTENDANCE FORM V6 C1.11

Submitted within one week upon return from event.

To be completed by the employee, submitted to his/her Department Head for approval and forwarded to the attention of the Director of Human Resources.

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Managerial / Supervisory Procedures	June 1, 2010					V5
	# Pages					Chapter
SUBJECT:	2					C1
Hiring Procedures	Reference					
	V5 C1					
ISSUING AUTHORITY:	Evaluation Date:	March 2014				
Township Administration						

• **HIRING PROCEDURES**

The Township is committed to selecting and employing the most qualified candidate for all available positions without discrimination of any kind. Once the applicant is selected and has accepted the offer of employment, the Township will provide a new-hire orientation to introduce him/her to the Township and its operations.

During an employee's probationary period, the Township may terminate with or without cause, an employee's employment and compensation at any time. No Department Head, or Township representative, may enter into any agreement for employment for any specified period of time, or to make any agreement contrary to this paragraph.

The following represents the hiring practices of the Township of Toms River:

- 1) **Recruitment:** The Business Administrator and his designee will coordinate the employment recruitment process for all vacancies to ensure compliance with contractual, legal, and equal opportunity requirements. When a vacancy occurs, it is the responsibility of the Department Head to notify the Business Administrator and Director of Human Resources who will distribute notification of the vacancy to all departments. The Director of Human Resources will undertake to recruit qualified applicants in accordance with applicable federal and state law. Where positions are advertised, the media or other periodical utilized must have a wide circulation as possible to encourage applications from candidates from diverse backgrounds and must prominently state that the township is an equal opportunity employer.
- 2) **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.

The Department of Human Resources is responsible for accepting and processing all applications for appointment to vacancies and new positions.

- 3) **Interviews:** The Director of Human Resources or Department Head will coordinate the interview process including the scheduling of applicants, development of interview questions and standards to measure candidate responses. All questions must be in accordance with the New Jersey Division of Civil Rights Guidelines for Pre-Employment Inquires. The Township will make reasonable accommodations to known physical and mental limitations of all applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided the accommodation does not impose an unreasonable hardship on the Township.
- 4) **Physical Examination:** Pursuant to the Americans with Disabilities Act, after an offer of employment is made and prior to commencing employment, the township 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 or Director of Human Resources may require periodic physical examinations to determine the employee's continued ability to perform the duties of the position. All physical examinations must be performed by a physician chosen by the Township at the expense of the township. All medical records of employees and prospective employees are confidential and maintained by the Department of Humana Resources, separate from the employee's official personnel file. Medical exams may include tests for drug and alcohol use.
- 5) **Criminal Background Checks:** Criminal background checks are required of all candidates, whether paid or volunteer, and independent contractors whether paid or volunteering, pursuant to Chapter 88 of the Township Code.
- 6) **Job Offers:** The final decision will be made by the 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 township. The employee 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.
- 7) **Acceptance and Rejections:** If the first offer is rejected, the 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.
- 8) **Record Retention:** All applicants, notes made during interviews and reference checks, job offers and other documents created during the hiring process must be returned to the Department of Human Resources. Documents related to the successful candidate will be placed in the employee's official personnel file except medical records including physical examinations must be maintained in a separate file. All records documents related to other candidates must be retained for at least one year. Records and documents created during the hiring process are confidential and must be retained in a locked cabinet.

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Managerial / Supervisory Procedures	June 1, 2010					V5
	# Pages					Chapter
SUBJECT:	3					C2
BACKGROUND CHECKS REQUIRED	Reference					
	V5 C2					
ISSUING AUTHORITY:	Evaluation Date:	March 2014				
Township Administration		September 2016				

Background Checks and Procedures for Candidates, Employees and Volunteers:

A. CONDITIONS OF EMPLOYMENT

1. The Director of Human Resources shall require all those whose ages are 18 or over seeking employment with the Township to submit to a physical examination, fingerprinting and to provide a criminal history record as a condition of employment, pursuant to N.J.S.A. 40:48-1.4.
2. 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.

B. EXEMPTIONS

1. Any person who has undergone a federal and state criminal history record check similar in nature to the requirements contained herein, and who can provide proof of the results of such background check with two years, is exempt from the requirements hereunder. Any person who is employed as a full-time staff member by any New Jersey public school district shall be exempt from the requirements hereunder.

C. FINGERPRINTING

1. The prospective employee shall submit to being fingerprinted in accordance with applicable state and federal laws, rules and regulations, and shall submit sufficient information on forms supplied by the New Jersey State Police.

D. EXCHANGE OF DATA

1. The Chief of Police of Toms River is authorized to exchange fingerprint data with and receive criminal history record information from the State Bureau of Identification in the Division of State Police, the Federal Bureau of Investigation or other authorized information providers. Upon receiving the criminal check history, the same shall be provided to the Director of Human Resources.

E. EMPLOYMENT PRIOR TO CRIMINAL HISTORY RECORD CHECK

1. If the Township requires the services of a prospective employee prior to receiving a criminal history record, the Director of Human Resources may allow the prospective employee to sign a certification that the signatory has not been convicted of an offense, except for a petty disorderly offense, in this or any other state which will be in effect until a criminal history records is received by the Township.

F. LACK OF FITNESS

1. Conviction of a crime or offense, excluding petty disorderly offense as described in Title 2C of the New Jersey Code of Criminal Justice, N.J.S.A. 2C:11-1, et seq., shall constitute a presumptive lack of fitness as a public employee of the Township. In any other state or jurisdiction, conduct which, if committed in New Jersey, would constitute a crime or offense, excluding petty disorderly offenses shall constitute a presumptive lack of fitness.

G. REFUSAL TO CONSTITUTE AUTOMATIC DISMISSAL

1. Refusal to submit to a criminal history record check and/or physical examination shall constitute an automatic dismissal in prospective employment or employment.

H. APPEALS

1. Should an applicant be disqualified by the Director of Human Resources due to a criminal history check, an appeal may be filed within 30 days of receiving notice of the disqualification with the Toms River Township Business Administrator. The appeal shall be heard within 45 days. The applicant by filing his appeal waives his right to privacy as to hearing personnel.
2. The Appeals Board shall have three members consisting of the Business Administrator, the Chief of Police and Township Attorney, or their designees.
3. The Director of Human Resources shall present his or her findings to the Board and any and all criminal history records. The appellant may provide additional factors such as the minor nature of any convictions, when the offense occurred, the employment position being sought in relationship to any conviction and whether rehabilitation has successfully occurred.

I. RECORDKEEPING

1. Any and all criminal records supplied to the Director of Human Resources shall be filed and maintained in a secure and locked cabinet or room and shall not be available to the public pursuant to state, federal and local law. The Director of Human Resources shall take appropriate steps to safeguard such records. The records shall only be retained for such period of time as is necessary to serve their intended authorized purpose.

J. COSTS

1. The Township of Toms River shall pay for any cost associated with any physical examination and criminal history records as set forth in this chapter for prospective full-time employees. Prospective part-time employees shall pay all costs to a physical examination and criminal history records.

K. BACKGROUND CHECKS

1. All Township employees shall be subject to periodic background checks with the State of New Jersey Sexual Offender Registry.

L. VIOLATIONS AND PENALTIES

1. Any person who violates any provision of this chapter shall be subject to the penalties as set forth in § 1-15 of the Toms River Code.

RULES AND REGULATIONS / POLICIES AND PROCEDURES

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Managerial / Supervisory Procedures	June 1, 2010					V5
	# Pages					Chapter
SUBJECT:	1					C3
NEPOTISM PROCEDURES	Reference					
	V5 C3					
ISSUING AUTHORITY:	Evaluation Date:	March 2014				
Township Administration						

- **NEPOTISM PROCEDURES (Chapter 23 of Township Code – Ordinance New Section 23-13 Entitled “Employment of Relatives of Elected Officials”)**

[Added 3-11-2008 by Ord. No. 4130-08]

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

IMMEDIATE FAMILY

Spouse, child, stepchild, parent, stepparent, brother, stepbrother, sister, stepsister, grandparent, father-in-law, mother-in-law, sister-in-law, brother-in-law, half-brother, half-sister, nephew or niece.

B. Prohibited actions. The Township shall not hire to any permanent, non-seasonal position any immediate family members of the Mayor or Township Council. If, in the opinion of the Mayor, or any member of Council, extenuating circumstances necessitate the waiver of the policy within this section, a written recommendation delineating the extenuating circumstances shall be submitted to the Mayor and Township Council. If the Mayor and Township Council concur that there are extenuating circumstances, this policy may be waived by resolution adopted by an affirmative vote of at least 2/3 of the majority of the full Township Council as to the particular hiring at issue only.

C. Effective date; exception. This section is not intended to apply to immediate family member relationships between or among employees which were created or existed prior to the effective date of this section.

RULES AND REGULATIONS / POLICIES AND PROCEDURES

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Managerial / Supervisory Procedures	June 1, 2010					V5
	# Pages					Chapter
SUBJECT:	1					C4
OPEN PUBLIC MEETINGS ACT / PERSONNEL MATTERS	Reference					
	V5 C4					
ISSUING AUTHORITY:	Evaluation Date:	March 2014				
Township Administration		September 2016				

- OPEN PUBLIC MEETINGS ACT 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, with the right of the employee to be present, unless the individual requests in writing that the discussion be held in open session. Such request must be granted. Prior to the discussion by the governing body or any body of the Township concerning such matters, the Clerk shall notify the affected person(s) of the meeting date, time and place, the matters to be discussed and the person's right to request that the discussion occur in open session. In the event more than one person is affected by the discussion and one of the affected persons does not request that the discussion be in open session, then the discussion shall be in closed session.

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Managerial / Supervisory Procedures	June 1, 2010					V5
	# Pages					Chapter
SUBJECT:	1					C5
*Processing and Orientation of New Employees	Reference					
	V5 C5					
ISSUING AUTHORITY:	Evaluation Date:	March 2014				
Township Administration						

• **PROCESSING AND ORIENTATION OF NEW EMPLOYEE PROCEDURES:**

To enable new employees to become acquainted with their new positions as quickly as possible, the Township provides an orientation program. Coordination of this program is the responsibility of the Department of Human Resources.

All new regular full-time and regular part-time employees will be scheduled to meet with the Department Head and, if necessary, the Township Administrator on their first day for a general orientation. Copies of all forms and acknowledgments must be return to the Department of Human Resources and/ or Director of Human Resources for inclusion in the employee's official personnel file. The orientation will include:

- A tour of the appropriate facility 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 acknowledgment 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 PEOSHA safety training.
- Orientation with the Township's Benefits Manager.

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VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Managerial / Supervisory Procedures	June 1, 2010					V5
	# Pages					Chapter
SUBJECT:	1					C6
Probationary Employment Period Procedures	Reference					
	V5 C6					
ISSUING AUTHORITY:	Evaluation Date:	March 2014				
Township Administration						

- PROBATIONARY EMPLOYMENT PERIOD PROCEDURE:**

Except where State requirements direct otherwise, new employees (or present employees transferring to new positions) will be hired subject to a probationary employment period of not less than 90 days, up to 180 days, as determined by the Business Administrator or his designee. During this initial employment period, the new employee or transferee will be provided with training and guidance from the supervisor. At the end of the initial employment period, the supervisor will conduct an employee evaluation. New employees may be discharged at any time during this period if the Business Administrator or designee concludes that the employee is not progressing or performing satisfactorily. Under appropriate circumstances, the Business Administrator or designee may extend the initial employment period.

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

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Managerial / Supervisory Procedures	June 1, 2010	November 28, 2018			<i>Scott J. Gaudin</i>	V5
	# Pages					Chapter
SUBJECT:	1					C6.1
Employment Classifications	Reference					
	V5 C6.1					
ISSUING AUTHORITY:	Evaluation Date:					
Township Administration						

EMPLOYMENT CLASSIFICATION

- A. Employee defined: The term “employee” refers to all nonelected officials and employees of the Township of Toms River not otherwise covered by any other provision of this Code, Township ordinance, collective bargaining agreement, or individual employment contract. In instances where those instruments overlap with or conflict with any provision to which this definition applies, the more specific provision shall control.
- B. Classifications of employment: Unless dictated otherwise by another provision of this Code, Township ordinance, collective bargaining agreement, or individual employment contract, Township employees shall be assigned to, and paid and scheduled in accordance with, the following classifications of employment:
 - (1) Full-time employment: Employment on a permanent basis following completion of the probationary period required pursuant to §§104-16B for a minimum thirty-five-hour workweek, except for hourly employees, police and detective forces, Public Works employees, or employees in positions regularly assigned a different number of hours, whose workweek hours may vary, but who maintain full-time status. During an emergency, department heads may vary full-time working hours as necessity dictates. Full-time employees are eligible for all of the benefits and protections so conferred by this chapter.
 - (2) Part-time employment: Employment on a continue basis, paid hourly, without expectation of a permanent position, at less than 19 ½ hours per week. Part-time employees are not eligible for sick or vacation leave, or health benefits, but subject to state regulations, may qualify for enrollment in a state-administered pension system.
 - (3) Seasonal employment: Occasional employment, with no expectation of a permanent position, which shall not exceed six consecutive months and must be followed by a break-in-service greater than 6 months. Seasonal employees are paid on an hourly basis and are not eligible for sick or vacation leave, health benefits, or pension enrollment. Weekly hours are assigned based on staffing needs and budgetary constraints.
 - (4) Temporary employment: Short-term employment in a particular position, with no expectation of permanent position. Temporary employment is not to exceed 90 days without the express written consent of the Business Administrator or his designee, and is paid on an hourly basis. Temporary employees are not eligible for sick or vacation leave, health benefits, or pension enrollment. Weekly hours are based on staffing needs and budgetary constraints.

RULES AND REGULATIONS / POLICIES AND PROCEDURES

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Managerial / Supervisory Procedures	June 1, 2010					V5
	# Pages					Chapter
SUBJECT:	1					C7
*Employee Handbook Procedure	Reference					
	V5 C7					
ISSUING AUTHORITY:	Evaluation Date:	March 2014				
Township Administration						

- EMPLOYEE HANDBOOK PROCEDURE:**

This manual may be updated or revised at the direction of the Business Administrator from time to time. Employee will be advised of any revisions in advance in either paper or electronic format and expected to comply therewith.

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Managerial / Supervisory Procedures	June 1, 2010					V5
	# Pages					
SUBJECT:	2					C8
*Performance Evaluation Procedures	Reference					
	V5 C8					
ISSUING AUTHORITY:	Evaluation Date:	March 2014				
Township Administration						

• **PERFORMANCE EVALUATION PROCEDURES**

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 or Department Heads 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 the employee's understanding of job requirements. Refer to the job description as appropriate.
- **Rating:** Continue the discussion by giving the employee's rating to 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 area has been discussed, close the discussion by summarizing all of rating 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. Needs immediate improvement.

After completing the evaluation, the reviewer will return the forms with the signed acknowledgement to the Department of Human Resources. The evaluations will be reviewed by the Business Administrator and Director of Human Resources. Upon final review the employee evaluation will then be filed into the employee’s official personnel file. As a part of the evaluation, employees have the right to request a conference with the Business Administrator or his designee.

RULES AND REGULATIONS / POLICIES AND PROCEDURES

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Managerial / Supervisory Procedures	June 1, 2010					V5
	# Pages					Chapter
SUBJECT:	1					C9
RESERVED	Reference					
	V5 C9					
ISSUING AUTHORITY:	Evaluation Date:					
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- Reserved

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VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Managerial / Supervisory Procedures	June 1, 2010					V5
	# Pages					Chapter
SUBJECT:	1					C10
*Personnel File Procedures	Reference					
	V5 C10					
ISSUING AUTHORITY:	Evaluation Date:	March 2014				
Township Administration						

• PERSONNEL FILE PROCEDURES

1. The official personnel files shall be maintained by the Township Department of Human Resources and employee medical information will be maintained in a separate file. At least annually, the Director of Human Resources or their designee will review files to make sure they are up-to-date and will follow-up with the Department Heads as necessary.
2. The official file shall include at least the following:
 - A. The original application signed by the employee;
 - B. Notes from any pre-employment interview and reference checks;
 - C. The original letter detailing an offer of employment and any additional correspondence concerning the employee's hiring;
 - D. A signed acknowledgment that the employee received a copy of the Employee Complaint Policy letter;
 - E. A signed acknowledgment that the employee has received the Employee Handbook;
 - F. A signed acknowledgement that the employee received the safety orientation;
 - G. Annual written performance evaluations including documentation that the evaluation was reviewed by the employee;
 - H. Counseling Action Plans;
 - I. Records relating to on-the-job accidents;
 - J. Disciplinary actions including an acknowledgement that the employee was notified of the proposed disciplinary action and was given an opportunity to respond;
 - K. Records relating to any other employment actions including promotions, demotions, transfers, resignations, leaves, etc.;
 - L. Any other pertinent information.
3. The Township may at its option define the hours during which personnel files can be reviewed, require a written request for duplication of portions of the personnel file.
4. **Exception to this policy:** All personnel files of sworn officers and civilian employees of the Police Department shall be maintained by the Chief of Police, in accordance to the same standards set forth above.

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Managerial / Supervisory Procedures	June 1, 2010					V5
	# Pages					Chapter
SUBJECT:	1					C10.1
EMPLOYEE PRIVACY	Reference					
	V5 C10.1					
ISSUING AUTHORITY:	Evaluation Date:	March 2014				
Township Administration						

• **EMPLOYEE PRIVACY**

The Township shall firmly respect the rights and dignity of each employee. Township business shall be conducted in such a way that the rights and privacy of all employees will be protected. To achieve this goal, the Township will:

- A) Request, use, and retain only personal information about employees that is required for business or legal reasons.
- B) Protect and preserve the confidentiality of all personal information in its records and files.
- C) Provide employees with adequate access to personal information in its files, (refer to V5 C10 – Personnel File Procedures) and guarantee the rights of each employee to correct inaccurate information or express disagreement with information, which the Township maintains in its files.
- D) Refuse, except where required by law, to release information to outside sources without the employee's written approval. Exceptions are limited to simple employment verification and as legal requirements. (Refer to V5 C12 – Requests for Employment Verification and Reference Procedures)
- E) Recognize its duty to protect the privacy of sources of information contained in employee personal records.
- F) Require each employee to adhere to the policies concerning the confidentiality of any personal information about other employees in the Township's possession. Violation of this principle may be cause for dismissal.
- G) Security inspections shall be administered at the discretion of the Business Administrator or designee, in order to maintain a work environment that is free of illegal drugs, firearms, explosives, or other improper materials. The Township prohibits the possession, transfer, sale, or use of any such materials on its properties.
- H) Desks, lockers, and any other storage devices may be provided for the convenience of employees, however, said storage areas are the sole property of the Township. Accordingly, the Business Administrator, as permitted by law, with or without prior notice, may inspect storage areas, as well as articles found within them, at any time, without Court documents. Employees have no expectation of privacy in storage areas provided by the Township.

RULES AND REGULATIONS / POLICIES AND PROCEDURES

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Managerial / Supervisory Procedures	June 1, 2010					V5
	# Pages					Chapter
SUBJECT:	2					C11
*Employee Complaint Investigation Procedure	Reference					
	V5 C11					
ISSUING AUTHORITY:	Evaluation Date:	March 2014				
Township Administration						

• 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 and/or Department Head 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 designee appointed by the Business Administrator will interview the employee. If the employee is reluctant to sign a written complaint, the Business Administrator or designee 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 or designee will seek the advice of the Township Labor Counsel when planning the investigation. The investigation should be conducted by the Township Legal Counsel 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 or designee will discuss the conclusions with the Township Labor Counsel or Township Attorney, and render a decision within fourteen days after the investigation is complete. If the validity of the complaint cannot be determined or the complaint is groundless, the complaining employee should be notified in writing. If the investigation reveals that the complaint 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 - Correction Action Required:** If the investigation reveals that the complaint is justified and substantiated, the Business Administrator will formulate with the advice of Township Labor Counsel 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.

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VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Managerial / Supervisory Procedures	June 1, 2010					V5
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SUBJECT:	1					C12
*Requests for Employment Verification and Reference Procedures	Reference					
	V5 C12					
ISSUING AUTHORITY:	Evaluation Date:	March 2014				
Township Administration						

- REQUESTS FOR EMPLOYMENT VERIFICATION AND REFERENCE PROCEDURES:**

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 telephone.

In response to a request for information, the Business Administrator or designee will 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 Township is required to release the information by law, or
- 2) The employee or former employee authorizes the Township in writing to furnish this information and releases the Township from liability.

RULES AND REGULATIONS / POLICIES AND PROCEDURES

VOLUME TITLE:	Effective Date:	Revision Date	Page #	Section	Approved	Volume
Managerial / Supervisory Procedures	June 1, 2010					V5
	# Pages					Chapter
SUBJECT:	1					C13
*Education and Training	Reference					
	V5 C13					
ISSUING AUTHORITY:	Evaluation Date:	March 2014				
Township Administration						

- EDUCATION AND TRAINING:**

The Township will periodically sponsor training sessions concerning the employment practices, procedures and protections set forth in this manual and imposed by the state and federal law.

Attendance at these seminars may be mandatory. Failure to attend a mandatory training seminar is grounds for discipline up to and including dismissal.

Records of attendance at these seminars or any other seminars offered by and outside organization will be kept in the employee personnel file.