

BOROUGH OF SEA GIRT
PERSONNEL POLICIES AND PROCEDURES MANUAL

DISCLAIMER

THE CONTENTS OF THIS MANUAL ARE PRESENTED AS A MATTER OF INFORMATION ONLY. THE PLANS, POLICIES AND PROCEDURES DESCRIBED ARE NOT CONDITIONS OF EMPLOYMENT. THE BOROUGH RESERVES THE RIGHT TO MODIFY, REVOKE, SUSPEND, TERMINATE OR CHANGE ANY OR ALL SUCH PLANS, POLICIES, OR PROCEDURES, IN WHOLE OR IN PART, AT ANY TIME WITH OR WITHOUT NOTICE.

THE LANGUAGE WHICH APPEARS IN THIS MANUAL IS NOT INTENDED TO CREATE NOR IS IT TO BE CONSTRUED TO CONSTITUTE A CONTRACT BETWEEN THE BOROUGH AND ANY ONE OR ALL OF ITS EMPLOYEES, EXCEPT AS PROVIDED BY A COLLECTIVE BARGAINING AGREEMENT OR APPLICABLE LAW. ALL EMPLOYEES ARE EMPLOYEES AT-WILL. THIS MEANS THAT ANY EMPLOYEE MAY VOLUNTARILY TERMINATE HIS OR HER EMPLOYMENT AT ANY TIME, FOR ANY REASON. IT ALSO MEANS THAT THE BOROUGH MAY TERMINATE ANY EMPLOYEE'S EMPLOYMENT AT ANY TIME WITH OR WITHOUT GOOD CAUSE.

SOME OF THE BOROUGH'S EMPLOYEES BELONG TO A UNION OR ASSOCIATION. THE PERSONNEL POLICIES AND PROCEDURES CONTAINED IN THIS MANUAL ARE NOT INTENDED TO VOID, REPLACE, OR CONFLICT WITH NEGOTIATED UNION OR ASSOCIATION CONTRACTS. AS TO UNIONIZED EMPLOYEES, TO THE EXTENT A COLLECTIVE BARGAINING AGREEMENT CONFLICTS WITH THESE PERSONNEL POLICIES AND PROCEDURES, THE COLLECTIVE BARGAINING AGREEMENT SHALL SUPERSEDE AND/OR MODIFY THESE PERSONNEL POLICIES AND PROCEDURES.

**ACKNOWLEDGMENT OF RECEIPT OF
BOROUGH OF SEA GIRT
PERSONNEL POLICY AND PROCEDURES MANUAL**

Employee's Name: _____

Department: _____

This personnel policy manual is the property of the Borough of Sea Girt (the "Borough"). I, _____, acknowledge receipt of this Personnel Policy and Procedures Manual on _____, 20____. I understand that this manual explains the Borough's policies and procedures, and that it is furnished to me for my information. I also understand that this manual supersedes any prior understandings I may have had regarding the Borough's employment policies. I acknowledge my responsibility to read and become familiar with the contents of this manual. I agree that if there is any policy or provision in the manual that I do not understand, I will seek clarification from my Department Head or the Borough Administrator.

I understand that the Borough may amend, supplement, or terminate the policies stated in this manual at any time without advance notice to me. I further understand that no one is authorized to provide any employee with an employment contract or special arrangement concerning terms or conditions of employment unless the contract or arrangement is in writing and signed by the Mayor on behalf of the governing body. I also understand that, except as provided by a collective bargaining agreement or applicable law, all employees are employees' at-will. This means that either the Borough or I may terminate my employment at any time for any reason, with or without cause, and with or without notice.

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

Upon separation from employment with the Borough, this personnel policy manual and any updates shall be returned to the Borough.

[Signature of Employee]

Date

[Signature of Employer Representative]

Date

EMPLOYEE COMPLAINT POLICY ACKNOWLEDGMENT

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

You also have the right to:

- Disclose to a supervisor, other official or to a public body, as defined in the Employee Conscientious Protection Act (N.J.S.A. § 34:19-1 et seq.) an activity, policy or practice that you reasonably believe is in violation of a law, rule or regulation promulgated pursuant to law;
- Provide information to, or testify 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
- Object to, or refuse to participate in any activity, policy, or practice that you reasonably believe is a violation of a law, rule or regulation promulgated pursuant to law; is fraudulent or criminal; or is incompatible with a clear public policy mandate concerning the public health, safety, or welfare.
- Participate in political activities or join political organizations, as long as you do so on your own time and maintain a clear separation between your official responsibilities and your political affiliations.

Immediately report any wrongdoing to the Administrator or the Chairman of the Personnel Committee. No retaliatory measures will be taken against any employee who complains of wrongdoing or harassment. To the maximum extent feasible, the confidentiality of all such complaints will be maintained on a need-to-know basis. Investigation of such complaints, however, may require disclosure to the accused party and other witnesses to gather pertinent facts.

I acknowledge receipt of a copy of this letter. I have read this letter and understand its content.

Name _____

Date _____

Signature _____

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

TABLE OF CONTENTS

	<u>PAGE</u>
INTRODUCTION.....	1
EQUAL EMPLOYMENT OPPORTUNITY	3
ACCOMMODATIONS IN THE WORKPLACE	4
NEPOTISM.....	7
APPLICANT RELATIVE DISCLOSURE FORM	9
EMPLOYEE DATING POLICY	11
IMMIGRATION	12
ETHICS GUIDELINES	13
PERSONNEL RECRUITMENT	22
PROHIBITION OF HARASSMENT IN THE WORKPLACE	25
CONTACT INFORMATION FOR BOROUGH OF SEAGIRT – PROHIBITION OF HARASSMENT IN THE WORKPLACE POLICY	31
EMPLOYEE COMPLAINT PROCEDURE	32
EMPLOYEE COMPLAINT FORM.....	33
WITNESS STATEMENT FORM	38
PROHIBITION OF WORKPLACE VIOLENCE.....	40
WHISTLEBLOWER AND REPORTING OF IMPROPER ACTIVITY POLICY	46
CONSCIENTIOUS EMPLOYEE PROTECTION ACT – “WHISTLEBLOWER ACT”	50
BOROUGH COMMUNICATIONS ON RELIGIOUS AND POLITICAL MATTERS.....	52
CONTAGIOUS/LIFE THREATENING ILLNESS POLICY	53

DRIVER’S LICENSE POLICY	54
INTRODUCTORY PERIOD.....	55
INTRODUCTORY PERIOD PERFORMANCE REPORT	56
PERSONNEL RECORDS	58
EMPLOYMENT REFERENCES.....	59
AUTHORIZATION TO RELEASE INFORMATION	60
INFORMATION ON EMPLOYEES.....	61
CREDIT INFORMATION	62
AUTHORIZATION TO RELEASE INFORMATION FOR CREDIT INQUIRIES.....	63
IDENTITY THEFT PREVENTION POLICY	64
POSTING OF NOTICES.....	65
EMPLOYMENT CATEGORIES	66
WORK SCHEDULE	68
TIMEKEEPING.....	69
OVERTIME	70
OVERTIME APPROVAL FORM.....	73
PAY PERIODS AND PAYROLL DEDUCTIONS.....	74
CHANGING VITAL INFORMATION.....	76
CHANGE IN VITAL INFORMATION REPORT.....	77
ATTENDANCE AND TARDINESS	78
LUNCH BREAK	80

EMERGENCY CLOSURES	81
MEDICAL BENEFITS	82
HIPAA COMPLIANCE.....	84
CONTINUATION OF GROUP HEALTH INSURANCE COVERAGE FOR EMPLOYEES AND DEPENDENTS.....	85
LIFE INSURANCE	88
HOLIDAYS	90
VACATIONS.....	92
PERSONAL DAYS	95
SICK LEAVE	96
BEREAVEMENT LEAVE.....	99
JURY DUTY AND WITNESS DUTY	100
SHORT TERM DISABILITY BENEFITS.....	101
FAMILY MEDICAL LEAVE	102
MILITARY FAMILY AND MEDICAL LEAVE	107
EMPLOYEE RIGHTS UNDER THE FAMILY MEDICAL LEAVE ACT	113
NEW JERSEY FAMILY LEAVE	116
APPLICATION FOR FAMILY AND/OR MEDICAL LEAVE EMPLOYEE REQUEST FOR FAMILY AND/OR MEDICAL LEAVE (FMLA) AND/OR NEW JERSEY FAMILY LEAVE (NJFLA)	117
VERIFICATION OF FMLA/NJFLA AVAILABILITY REQUEST FORM	120
NOTICE OF ELIGIBILITY AND RIGHTS AND RESPONSIBILITIES (FMLA/NJFLA).....	121
DESIGNATION NOTICE (FMLA/NJFLA)	126

FAMILY AND/OR MEDICAL LEAVE RETURN TO WORK MEDICAL CERTIFICATION.....	128
PAID FAMILY LEAVE UNDER THE NEW JERSEY TEMPORARY DISABILITY BENEFITS LAW	130
LEAVE OF ABSENCE POLICY	132
MILITARY LEAVE	134
EMERGENCY SERVICES VOLUNTEERS.....	136
SAFETY	137
REPORT OF UNSAFE CONDITIONS	139
MILEAGE REIMBURSEMENT.....	140
TRAINING COURSES	141
SMOKING	142
POLITICAL ACTIVITY.....	143
SOLICITATION	145
SECURITY	146
INCIDENT REPORT	148
CONDUCT	150
OUTSIDE CONDUCT	151
APPEARANCE	152
ALCOHOL AND DRUG-FREE WORKPLACE POLICY	153
ALCOHOL AND DRUG-FREE WORKPLACE – EMPLOYEES WITH CDL	158

NOTICE OF BOROUGH OF SEA GIRT ALCOHOL AND DRUG-FREE WORKPLACE POLICY-EMPLOYEES WITH CDL AND CERTIFICATE OF RECEIPT	187
BOROUGH OF SEA GIRT PREVIOUS PRE-EMPLOYMENT EMPLOYEE ALCOHOL AND DRUG TEST STATEMENT	189
BOROUGH OF SEA GIRT RELEASE OF INFORMATION FORM 49 CFR PART 40 DRUG AND ALCOHOL TESTING	191
COMMUNICATION MEDIA POLICY	193
SOCIAL MEDIA POLICY	199
VIDEO SURVEILLANCE	202
TELEPHONE AND CELLULAR TELEPHONE USAGE	203
USE OF MUNICIPAL VEHICLES.....	206
USE OF MUNICIPAL PROPERTY	212
EMPLOYEE POSITION DESCRIPTION, PERFORMANCE STANDARDS, APPRAISAL AND FEEDBACK PROGRAM POLICY	213
EMPLOYEE POSITION DESCRIPTION, PERFORMANCE STANDARDS AND APPRAISAL FORM.....	215
OUTSIDE EMPLOYMENT	219
OUTSIDE EMPLOYMENT ADVISEMENT FORM.....	220
PROBLEM RESOLUTION.....	221
DISCIPLINE	223
WORKERS COMPENSATION INSURANCE	225
ACCIDENT REPORT	228
TEMPORARY LAYOFFS AND REDUCTION IN FORCE.....	230
UNEMPLOYMENT INSURANCE	232

RESIGNATION	233
RETIREMENT	234
EXIT INTERVIEWS	236
DOMESTIC VIOLENCE LEAVE	237
TIMESHEETS/PAYMENT FOR ACCUMULATED LEAVE	238

INTRODUCTION

STATEMENT OF POLICY

The objectives of the Mayor and Council of the Borough of Sea Girt in the management of personnel matters are as follows:

- (1) To provide equal employment opportunity for all people and to obtain well-qualified persons for all positions without regard to an employee's actual or perceived protected group status, including race, creed, color, national origin, ancestry, religion, age, marital status, civil union status, domestic partnership status, affectional or sexual orientation, familial status, genetic information, sex, pregnancy (including childbirth and related medical conditions), gender identity or expression, disability (including perceived disability, physical, mental, and/or intellectual disabilities, AIDS or HIV infection), political affiliation (to the extent protected by law), atypical hereditary cellular or blood trait, or because of the liability for service in the Armed Forces of the United States, veteran status, citizenship status, or any other group status protected by law. Employment shall be based on merit and fitness, free of personal and political considerations.
- (2) To maintain the high reputation of the government as an employer and to contribute to constructive community relations.
- (3) To maintain a public service of high competence and character.
- (4) To provide employees with proper supervision, instruction, and working conditions so that they may render the best possible service.
- (5) To foster in managers, supervisor, and employees an attitude of responsive service to the public.
- (6) To treat employees, individually and in groups, equitably and fairly; to help them achieve personal satisfaction and pride in their work; and to enhance their opportunities for career advancement through training and maximum use of their abilities.
- (7) To base promotion solely upon the qualifications of the individual candidates to meet the total requirements of the position.
- (8) To give first consideration in filling vacancies to qualified Borough employees.
- (9) To use all personnel wisely and economically.

- (10) To expect and require employees to do the best work of which they are capable; to be loyal and conscientious; to present and conduct themselves in a proper manner; and to treat all with whom they come in contact with consideration and courtesy.
- (11) To provide employees competitive salaries and benefits.
- (12) To carry out public policy as expressed laws, regulations, or otherwise, and to conduct the affairs of government with courtesy, honesty, and integrity.

It is important to note that not all policies are applicable to all employees depending upon a number of factors including but not limited to the employee's status (i.e., full-time, part-time, seasonal, temporary); if the employee is a member of a recognized bargaining unit with a collective bargaining agreement; as well as the employee's specific position with the Borough (i.e., police and fire department employees). As indicated throughout the Manual, the policies contained within are applicable to all employees, unless indicated otherwise. If any employee has any questions concerning the applicability of a particular policy contained in the Manual, the employee should consult with the Borough Administrator.

EQUAL EMPLOYMENT OPPORTUNITY

The Borough maintains a strong policy of equal employment for all employees and applicants for employment. The Borough hires, trains, promotes and compensates employees on the basis of personal competence, qualifications, performance and potential for advancement without regard for race, creed, color, national origin, ancestry, religion, age, marital status, civil union status, domestic partnership status, affectional or sexual orientation, familial status, genetic information, sex, pregnancy (including childbirth and related medical conditions), breastfeeding, gender identity or expression, disability (including perceived disability, physical, mental, and/or intellectual disabilities, AIDS or HIV infection), political affiliation (to the extent protected by law), atypical hereditary cellular or blood trait, or because of the liability for service in the Armed Forces of the United States, veteran status, citizenship status, or any other group status protected by law, unless required by a bona fide occupational qualification.

This policy is applicable to all phases of employment, such as recruitment, selection, placement, promotion, demotion, transfer, training, wages, benefits, working conditions, recreational programs and such personnel actions as layoff, recall, discharge, disciplinary action, performance evaluation and use of all facilities. Decisions regarding all phases of employment are based solely on the qualifications and performance of the employee or prospective employee.

Reasonable efforts will be made to accommodate the religious observances and practices of an employee, unless it is unreasonable to accommodate such observances and practices and accommodation would result in an undue hardship to the conduct of business. The Borough will consider factors such as business necessity, financial cost and expense and resulting personnel issues to reach a reasonable accommodation.

If any employee or prospective employee feels that he or she has been treated unfairly, he or she should and has the right to address the concern with the Department Head or Administrator.

ACCOMMODATIONS IN THE WORKPLACE

In compliance with the Americans with Disabilities Act (the “ADA”), the ADA Amendments Act and the New Jersey Law Against Discrimination as amended by the New Jersey Pregnant Worker’s Fairness Act, the Borough does not discriminate based on disability, pregnancy (including childbirth and related medical conditions) or breastfeeding activities. The Borough will not discriminate against any qualified employee or job applicant with respect to any terms, privileges, or conditions of employment because of a person’s known or perceived disability, pregnancy (including childbirth or related medical conditions) or breastfeeding activities.

The Borough will 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 provided that accommodations do not impose an undue hardship on the Borough.

The Borough will also provide reasonable accommodations to pregnant employees, who request accommodation based on the advice of the employee’s physician, provided that the individual is qualified to safely perform the essential functions of the job and provided that the requested accommodation does not pose an undue hardship on the Borough.

In the case of an employee who is breastfeeding, the Borough shall provide a reasonable break time each day in a private location (other than a toilet stall) in close proximity to the employee’s work area to express milk.

The Borough's nondiscrimination policy applies to all aspects of the employer-employee relationship, including recruitment, hiring, upgrading, training, promotion, transfer, discipline, layoff, recall, and termination.

In compliance with the Americans with Disabilities Act, the ADA Amendments and the New Jersey Law Against Discrimination the Borough will endeavor to make every work environment handicap accessible and all future construction and renovations of facilities will be in accordance with applicable barrier-free Federal and State regulations and the Americans with Disabilities Act Accessibility Guidelines.

To further the Borough's anti-discrimination policy, the Borough will:

- A. Identify the essential functions of a job;
- B. Determine whether a person with a disability, with or without accommodation, is qualified to perform the duties; and
- C. Determine whether a reasonable accommodation can be made for a qualified individual.

Reasonable accommodations that the Borough may provide in connection with modifications to

the work environment or adjustments in how and when a job is performed may include the following:

1. Making existing facilities accessible and usable;
2. Job restructuring;
3. Part-time or modified work schedules;
4. Acquiring or modifying equipment or devices;
5. Appropriate adjustment or modifications of testing materials, training materials, and/or policies;
6. Reassignment to a vacant position.

In the case of an employee breastfeeding her infant child, the accommodation shall include reasonable break time each day to the employee and a suitable room or other location with privacy, other than a toilet stall, in close proximity to the employee's work area for the employee to express breast milk for the child.

The law does not require the Borough to offer permanent "light duty," relocate essential job functions, or provide personal use items such as eyeglasses, hearing aids, wheelchairs, etc.

PROCEDURE UPON REQUEST FOR REASONABLE ACCOMMODATION

When a qualified individual with a disability has requested a reasonable accommodation to assist in the performance of a job, the Administrator or his designee will:

- A. Engage in an interactive dialogue with the disable employee or prospective employee to identify reasonable accommodations;
- B. Analyze the particular job involved and determine its purpose and function;
- C. Consult with the individual with the disability to ascertain the precise job-related limitations imposed by the individual's disability and how those limitations could be overcome with a reasonable accommodation;
- D. Identify, in consultation with the individual to be accommodated, potential accommodations, and assess the effectiveness each would have in enabling the individual to perform the essential functions of the position;
- E. Consider the preference of the individual to be accommodated and select and implement the accommodation that is most appropriate for both the individual and the Borough.

All decisions with regard to reasonable accommodation will be made by the Administrator.

Employees who are assigned to a new position as a reasonable accommodation will receive the salary of the new position.

If any applicant or employee has questions concerning the Borough's disabilities policy, he or she should contact the Administrator.

NEPOTISM

The hiring, promoting, transferring, demoting or reassigning of relatives is prohibited if the employment of such an individual would result in the creation of a prohibited employment relationship. A prohibited relationship is created when:

1. One relative would have the authority to directly supervise, appoint, remove, discipline, evaluate or otherwise affect the work or employment of another relative. This precludes the acceptance of applications for employment from relatives for positions in the same department.
2. The relative would be responsible for auditing the work of the other.
3. Other circumstances exist which would place the relatives in a situation of actual or reasonably foreseeable conflict between the Borough's interest and their own.

Employees who marry or become related by marriage may continue in their employment if the marriage does not result in the creation of a prohibited relationship. Where the marriage results in the creation of a prohibited relationship, the Borough will explore potential accommodations including the reassignment of one or both employees to available positions for which the employees are qualified.

If the Borough determines that an acceptable accommodation cannot be made, the Borough will notify the individuals that one of the employees must separate their employment with the Borough within 60 calendar days. In the event the employees do not agree as to which one shall resign, the Borough will terminate the employee with the lesser seniority.

Relative includes spouse, civil union partner, domestic partnership partner, parent, step-parent, child, step-child, sibling, step sibling, half-sibling, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, grandparent, grandchild, aunt, uncle, niece, nephew, and first cousins.

RESTRICTIONS IN HIRING AND PROMOTING EMPLOYEES

The Borough will not hire the relative of a member of the Borough's governing body. This prohibition does not apply to seasonal part-time employment.

The Borough will not hire a relative to a position of employment with the Borough if that relative will be the supervisor of or be supervised by another related person who is an existing employee within the same department. This prohibition does not apply to seasonal part-time employment.

The Borough will not hire a relative to a position of employment with the Borough if that relative will be employed in the same department as a related existing employee within the same

department. This prohibition does not apply to seasonal part-time employment.

No supervisor in a department may participate in the promotion process or hiring process in that department of any existing employee who is related to that supervisor. The supervisor shall abstain from participation in such personnel action as it applies to the related person.

SCOPE

This policy applies to all regular full-time and part-time positions with the Borough and to the potential creation of prohibited relationships on or after September 1, 2008.

REQUIRED DISCLOSURE

Prior to employment or appointment, all persons shall disclose, in writing, the names of relatives who work for the Borough or who are elected or appointed Borough officials. The written disclosure shall be maintained in the individual's application folder or personnel folder.

When, in the normal selection process, relatives of Borough employees are considered for promotion, that information should be made known to the Mayor and Council prior to the promotion being made.

When two Borough employees marry or a marriage otherwise potentially creates a prohibited relationship, employees must disclose the marriage to the Administrator as soon as practicable, but in no event later than thirty calendar days before the marriage.

An individual's failure to disclose may result in rejection of the employment application or the termination of employment.

APPLICANT RELATIVE DISCLOSURE FORM

Name of Applicant: _____

The Borough of Sea Girt prohibits the hiring of relatives if the employment of such an individual would result in the creation of a prohibited employment relationship. A prohibited relationship is created when:

1. One relative would have the authority to directly supervise, appoint, remove, discipline, evaluate or otherwise affect the work or employment of another relative.
2. The relative would be responsible for auditing the work of the other.
3. Other circumstances exist which would place the relatives in a situation of actual or reasonably foreseeable conflict between the Borough's interest and their own.

Relative includes spouse, civil union partner, domestic partnership partner, parent, step-parent, child, step-child, sibling, step sibling, half-sibling, father-in-law, mother-in-law, sister-in-law, brother-in-law, grandparent, grandchild, aunt, uncle, niece, nephew, and first cousins.

The Borough also complies with the following hiring and employment restrictions:

- The Borough will not hire the relative of a member of the Borough's governing body. This prohibition does not apply to seasonal part-time employment.
- The Borough will not hire a relative to a position of employment with the Borough if that relative will be the supervisor of or be supervised by another related person who is an existing employee within the same department. This prohibition does not apply to seasonal part-time employment.
- The Borough will not hire a relative to a position of employment with the Borough if that relative will be employed in the same department as a related existing employee within the same department. This prohibition does not apply to seasonal part-time employment.
- No supervisor in a department may participate in the promotion process or hiring process in that department of any existing employee who is a related person of such supervisor. Such supervisor shall abstain from participation in such personnel action as it applies to the related person.

Do any of your relatives currently work for the Borough or are any of your relatives an elected or appointed Borough official? ☐ Yes ☐ No

If you answered "yes" to the previous question, please disclose the name(s) of your relative(s) who work(s) for the Borough, his or her title, and his or her relationship to you.

Relative #1

Name: _____

Title: _____

Relationship: _____

Relative #2

Name: _____

Title: _____

Relationship: _____

Note: An applicant's failure to fully disclose his or her relationship to a Borough employee or elected or appointed official may result in rejection of the employment application or, if employed, the termination of employment.

I acknowledge that I have read and understand the above Disclosure Form and that I have disclosed all relatives who work for the Borough or serve as elected or appointed officials.

Signature of Applicant

Date

EMPLOYEE DATING POLICY

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

To achieve a balance between employee rights and workplace needs, the Borough has adopted the following policy on the subject of supervisor/subordinate dating.

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

If such a relationship exists or develops, both parties involved shall report this fact to 1) their immediate supervisor; or 2) the Administrator. The Borough will explore potential accommodations, including the reassignment of one or both employees to available positions for which the employees are qualified.

If the Borough determines that an acceptable accommodation cannot be made, the Borough will notify the individuals that one of the employees must separate their employment with the Borough within 60 calendar days. In the event the employees do not agree as to which one shall resign, the Borough will terminate the employee with the lesser seniority.

Any employee who violates this policy will be subject to disciplinary action, up to and including discharge. Nothing in this policy alters an employee's at-will status.

IMMIGRATION

In 1986, the Federal Government passed the Immigration Reform and Control Act. This act requires all individuals who accept employment after November 6, 1986, to provide official documented proof of their identity and eligibility to work in the United States.

In accordance with the Immigration Reform and Control Act, all individuals hired by the Borough are required to provide the necessary documentation to verify their identity and employment eligibility. This requirement applies to all employees, including citizens and nationals of the United States, who are automatically eligible for employment. The following procedure applies:

NEW EMPLOYEE REPORTS TO WORK

- (1) The Administrator or designee informs the new employee of the requirements of the Immigration Reform and Control Act upon acceptance of the position. The Borough may require applicants to provide documentation of eligibility to work in the United States at any time after an offer of employment has been extended and accepted up to and including the first day of employment. Law enforcement candidates will be required to produce documentation of citizenship as part of the background check.
- (2) The new employee provides the required documents the first day of employment.
- (3) The employee completes Part I (Employee Information and Verification) of the Employment Eligibility Verification (Form I-9).
- (4) The Administrator or designee reviews the documents to confirm the employee's acceptability and completes Part II (Employer Review and Verification) of the Employment Eligibility Verification (Form I-9).

NEW EMPLOYEE DOES NOT PRODUCE DOCUMENTS

- (1) If a new employee does not provide the documents on the first day of employment, the Borough will provide the person with three working days starting with the first day of employment. If the employee does not produce the documents or a receipt for replacement documents, in the case of lost, stolen or destroyed documents, within three business days of the date employment begins, the Borough will terminate the employee's employment for failure to comply with legal requirements.
- (2) If the new hire produces a receipt for replacement documents, he or she must produce the actual documents within ninety (90) days of the date employment begins.

ETHICS GUIDELINES

In our representative form of government, it is essential that public officials and employees uphold the respect and confidence of the people they serve. A position in Municipal government is a position of public trust, and as a result the standards of ethical behavior are higher than those in the private sector. To ensure that every citizen can have complete confidence in the integrity of local government every public official and employee of the Borough of Sea Girt must respect and adhere to the fundamental ethical principles and avoid conduct which violates the public trust or which creates a justifiable impression among the public that their trust is being violated.

As public officials and employees in the State of New Jersey, our behavior is governed by the "Local Government Ethics Law," *N.J.S.A. 40A:9-22.1* which precludes actions that might result in or create the appearance of misconduct or conflict of interest. As officials and employees in the local government, we are employed by the citizens of Sea Girt and are judged both by our official actions and conduct and our personal activities as they relate to our work for the Borough.

Because high ethical standards are critical to our credibility, all Borough officials and employees must be familiar with the ethic laws that regulate their behavior and must be concerned with how their behavior is viewed by the public. We all share the responsibility for ensuring that high standards of ethical conduct are maintained within the Borough government.

Therefore, everything we do as borough officials and employees must be motivated by ethical principles. These principles are the foundation of the high standard of conduct expected of Borough officials and employees. These principles are:

- **Honesty, integrity** – Comply with all laws, regulations, and policies while performing Borough duties. Be truthful and always strive to do what is right.
- **Caring for others, respect for others** – Follow the "Golden Rule," simply put, "*Treat others as you would like to be treated.*"
- **Responsible citizenship** – Respect and honor the rights of others. Set a good example by putting the public good above your own.
- **Loyalty** - Show commitment to our fundamental principles by working as a team player.
- **Pursuit of excellence** – Take pride in the job by approaching every task with the attitude – "if it is worth doing, it is worth doing right."
- **Fairness** - Treat all persons with equal courtesy and concern. Be objective and impartial in decision making.
- **Accountability** - Take responsibility for your actions.
- **Protection of public trust** - Make decisions and take actions that will not cause public harm or deteriorate the public's confidence in your ability to serve.
- **Fiscal responsibility** - Guard the purse-strings of the public.
- **Efficiency, effectiveness** - Provide the best possible service in the most cost-effective way.

- **Accessibility** – Always communicate openly and honestly with the public, while being prepared for public scrutiny at all times.
- **Responsiveness** - Answer each citizen's questions thoughtfully, honestly and as fully as possible without violating the Borough confidentiality policies or rules. Obtain answers from the appropriate person or assist citizens with obtaining information for any unanswerable questions. Always respond to complaints promptly.
- **Equity** - Provide quality service equally to all citizens of the community.
- **Proficiency** - Work constantly to improve your capability to serve the public by striving for the highest level of competency when performing your duties.

Amid an ever-increasing focus on ethical issues in the media and by the general public, officials and employees must understand what acceptable behavior is and what is not. The "Policy on Ethics" explicitly addresses the law that affects officials and employees and how they are required to comply with them. The following guidance expresses the high ethical standards that are critical to our government's credibility and that with which all Borough officials and employees must be familiar:

All Borough of Sea Girt officials and employees **must**:

- Uphold the Constitution, laws and regulations of the United States, and the State of New Jersey without equivocation.
- Uphold the charter, codes, and regulations of the Borough of Sea Girt without equivocation.
- Regard service to the public as their mission, always placing service to the public above service to self.
- Treat the public with respect, courtesy, concern, and responsiveness, and never discriminate by providing special favors or privileges.
- Put forth an earnest effort in the performance duties--give a full day's work for a full day's pay.
- Demonstrate the highest standards of personal integrity, honesty, and conduct in all activities, including accurate records maintenance and proprietary information protection, to inspire public confidence and trust in borough officials and employees.
- Remain nonpartisan while working.
- Strive to exercise their rights as citizens by casting their vote or expressing opinions except as prohibited by regulation.
- Expose corruption, misuse of official authority, or any action which harms the public interest.

As officials and employees of the Borough of Sea Girt our actions will communicate our principles to the public and our conduct will determine whether the government is perceived as an ethical one. For that reason, it is crucial that our fundamental principles be adhered to. More specifically, officials and employees must **not** take any action or make any decision (whether or not overtly prohibited) that might create the appearance of or actually result in:

- Using public office for private gain.
- Showing disrespect to any member of the public.
- Discriminating against or harassing anyone.
- Giving preferential treatment to anyone.
- Losing complete independence or impartiality.
- Impeding the efficiency or economy of the Borough government.
- Making a private promise or agreement which is binding on the Borough.
- Making a decision on Borough matters outside of official channels.
- Adversely affecting public confidence in the integrity of Borough government.
- Using Borough property, funds, or time for personal purposes.
- Using information gained confidentially in the performance of Borough duties as a means of making private profit.
- Soliciting or accepting favors or gifts offered by a person or business entity regulated by or doing business with the Borough, or seeking to do business with the Borough.
- Making an unauthorized commitment or private promise of any kind which is binding upon duties performed as an official or employee.
- Directly or indirectly coercing others to lend or contribute anything of value for political purposes.
- Violating the ethics provisions set forth in the Borough's Personnel and Policies and Procedures Manual including, but not limited to the policies addressing:
 - Equal Employment Opportunity
 - Americans with Disabilities
 - Use of Municipal Property
 - Open Door Policy
 - Prohibition of Harassment in the Workplace
 - Whistleblower Policy

It is also particularly important that officials and employees be careful that private interests and activities do not conflict with their public duties or adversely affect their ability to perform the responsibilities of their Borough position. To avoid the appearance of impropriety, officials and employees shall **not**:

- Engage in any business other than official Borough duties during working hours, including such activities as selling to fellow official and employees or Borough citizens, lending of money for profit, and any other similar activity.
- Conduct financial transactions using nonpublic government information or allow the improper use of such information to further any private interest.
- Engage in activity, either directly or indirectly, which is inconsistent with the conscientious performance of Borough duties.

- Engage in outside employment that appears to or results in a conflict of interest.
- Wear or display political party affiliation articles such as pins, stickers, etc. while working.
- Use official authority or influence for the purpose of interfering with or affecting the result of a nomination or election.
- Post political literature on Borough-owned property or campaign during work hours.
- Be a candidate for public elective office in a partisan election (Note: Candidacy for political party office is not prohibited).

The following list of activities, while not all-inclusive, provides specific examples of actions that may compromise an official or employee's ability to act in an ethical manner and in accordance with the "Local Government Ethics Law," **N.J.S.A. 40A:9-22.1**:

- Accepting any gifts or entertainment from any company, business, individual or agency that has had or is likely to have any professional or official transactions with the Borough. This precludes accepting any gifts whatsoever, other than standard giveaways of less than \$5.00 in value, including but not limited to holiday gifts and similar items.
- Borrowing money from individuals or firms, except recognized lending institutions, with which the Borough does business.
- Conducting Borough business with a firm in which the employee or an immediate family member has a substantial interest.
- Engaging in practices or procedures which violate any laws or regulations to which the Borough is subject.
- Holding a substantial interest in a firm or managing a firm with which the Borough regularly conducts business. For the purposes of this policy, "interest" is defined as the ownership or control of more than 10% of the profits, assets or stock of a business organization but does not include the control of assets in a nonprofit entity or labor union.
- Engaging in practices or procedures which violate any laws or regulations to which the Borough is subject.
- Holding an interest in a firm or managing a firm with which the Borough regularly conducts business.
- Misusing or revealing confidential information to unauthorized parties.

- Participating in civic or professional organizational activities in a way which results in the disclosure of confidential information.
- Simultaneous employment with a firm which is a Borough supplier.
- Speculating or dealing in materials, equipment, supplies or services purchased by the Borough.

All employees are responsible for implementing this policy by reporting circumstances which appear to violate legal, regulatory or ethical requirements.

CONFLICT OF INTEREST

Employees have an obligation to conduct Borough business within guidelines that prohibit actual or potential conflicts of general interest. The purpose of these guidelines is to provide general direction so that employees and elected or appointed officials can seek further clarification on issues related to the subject of acceptable standards of operation.

Under the Local Government Ethics Act, certain employees and officials are required to annually file with the Borough Clerk a state mandated disclosure form. The Borough Clerk will notify employees and Borough officials subject to the filing requirements of the Act.

A conflict of interest occurs when an official or employee is in a position to influence a decision that may result in personal gain for that official or employee, for an immediate family member, or for a business in which the employee or immediate family member has an interest. For the purpose of this policy, immediate family includes a spouse or dependent child residing in the official or employee's household.

No "presumption of guilt" is created by the mere existence of a relationship with outside firms. However, if an employee has any influence on transaction involving purchases, contracts, or leases, it is imperative that he or she disclose to his or her Department Head as soon as possible the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties.

Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which the Borough does business but also when an employee or relative receives any kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving the Borough.

Additionally, a potential or actual conflict of interest exists necessitating disclosure when the employee or official has a direct or indirect personal interest that is incompatible with the discharge of the official or employee's public duties.

If there are any questions whether an action or proposed course of conduct would create a conflict of interest, immediately contact the Administrator or Borough attorney to obtain clarification.

CONFIDENTIAL INFORMATION

Another area of vital importance for gaining and sustaining the public trust is the handling of confidential information. Therefore, an official or employee may not divulge any information, other than public information, that was obtained as a result of his or her Borough position to gain personal advantage for himself or anyone else. All information, data, or records filed, maintained, and/or stored within or by of the Borough is considered property of the Borough of Sea Girt and should never be given to an outside individual or business entity except through normal channels with appropriate authorization and as required by law.

Any improper disclosure of information, even though it is not apparent that an official or employee has personally gained by such action, constitutes unacceptable conduct. Any official or employee who takes part in such a practice will be subject to disciplinary action, up to and including termination of employment.

As with the other areas mentioned herein, all Borough officials and employees with access to information, which is not subject to disclosure pursuant to the Open Public Records Act, must conduct themselves in highly ethical manner. As such, officials and employees shall not take part in or attempt to influence in any way any activity in which their own best interests may conflict with the best interests of the Borough.

GRATUITIES, CONTRIBUTIONS OR GIFTS

The Borough intends to discourage the public from offering gratuities, contributions or gifts to Borough employees that could be interpreted to affect employees' Borough duties. Therefore, employees shall neither accept nor solicit gratuities, contributions or gifts and must discourage the practice wherever possible. Under no circumstances may an employee accept donations, gratuities, contributions or gifts from a vendor doing business with or seeking to do business with the Borough or any person or firm seeking to influence Borough decisions. When a particular situation makes the refusal or return of a gratuity, contribution or gift of minor value awkward or difficult, or where the gratuity, contribution or gift is of major value, the employee shall submit a written report on the matter to his or her supervisor. The supervisor shall file the report with the Administrator. This procedure is intended solely to protect the employee and any such report shall not be used in any way against the employee. Failure to file such report within seven days of occurrence of the incident shall be grounds for disciplinary action.

No employee **shall solicit** or receive any gift or gratuity from other employees junior in rank

without the express permission of the Administrator.

This policy does not prohibit the receipt of occasional or nominal non-cash gift items, such as holiday gifts, so long as the amount received by the employee over a calendar year does not exceed \$40.00.

PROCEDURE FOR RECUSAL

Recusal is the process by which an official or employee who makes decisions on behalf of the employer is excused from taking action in a certain situation because of a conflict.

Recusal by an official or employee must occur if he or she has:

- (1) Any financial interest, direct or indirect, that is incompatible with the discharge of the official or employee's public duties; or
- (2) Any personal interest, either direct or indirect, that is incompatible with the discharge of the official or employee's public duties.

An incompatible financial or personal interest includes, but is not limited to, outside employment; a debtor/creditor relationship; a fiduciary relationship; a source of income; any matter pertaining to a relative or cohabitant; a relationship with a person providing funds, goods or services without compensation; any matter pertaining to a business associate or business investment; and a leadership role in a professional or trade organization; which interest might reasonably be expected to impair an official or employee's objectivity and independence or judgment in the exercise of his or her official duties or might reasonably be expected to create an impression or suspicion among the public having knowledge of his or her acts that he or she may be engaged in conduct that violates his or her trust as an official or employee.

An incompatible financial or personal interest may exist in other situations which are not clearly within the provisions above, depending upon the totality of the circumstances.

If an official or employee finds that an incompatible financial or personal interest exists on a matter, the official or employee must recuse himself or herself from the matter. The recusal must be absolute, that is, the official or employee must not have any involvement with the matter from which he or she recused himself or herself.

All recusals, except as provided below, must be memorialized in writing. The writing must:

- Specify the reason for the recusal;
- Specify the date of the recusal;
- Specify the duration of the recusal (which may be expressed in terms related to the pendency of the matter);
- Specify the effect of the recusal on the official or employee (for example, that the official

- or employee is not to be contacted or involved or participate in any manner concerning the matter from which he or she has been recused);
- Name the person who is to assume responsibility and authority for the matter from which the official or employee has been recused (if applicable); and
- Be disseminated to all persons who might be affected by the recusal;
- Be retained by the Administrator, who shall retain the writing for as long as the official or employee remains an official or employee of the Borough;

In the case of a governing body, board, committee, commission or agency that maintains a public record of a proceeding, a formal written recusal is not required. The following procedure must be followed:

- To the extent feasible, meeting materials involving a matter from which the official must recuse himself or herself should not be distributed to the official;
- At the subject meeting, the official must place his or her recusal on the records prior to any discussion of the matter; and
- The official must leave the room during the non-public portion of the meeting while the matter in question is under discussion.

PROCEDURE FOR REPORTING A VIOLATION

The final area that officials and employees must contend with, which is perhaps the most difficult to act upon, is the reporting of an ethical violation, conflict of interest, or other wrongdoing of another official and employee. All officials who believe an ethical violation or a conflict of interest or other wrongdoing has occurred must report the violation to the Administrator. All employees who believe an ethical violation or a conflict of interest or other wrongdoing has occurred must report the violation to the appropriate Department Head. The Department Head must then forward the report to the Administrator.

If it is not practical for an employee to report an alleged violation to his or her Department Head, or if an employee is not satisfied with the Department Head's response, the employee shall file a written report with the Borough Administrator directly. Upon receipt, the Administrator or designee will initiate an investigation.

All records, including the official and employee's identity, shall be kept confidential except as needed to conduct and complete the investigation. The accused shall have a fair opportunity to respond to the allegations. No retaliation may be taken against an employee, who in good faith, reports suspected violations even if a subsequent investigation reveals no wrongdoing. However, any employee who knowingly and willfully makes false accusations is not protected from disciplinary action.

Any official or employee who violates any provisions of the Borough of Sea Girt's Ethics Policy and/or New Jersey Statutes on Ethics may be guilty of misconduct and may be subject to censure, suspension, demotion, dismissal, termination, or removal in addition to fines and other penalties, as specified by State or local laws.

As all Borough officials and employees adhere to these guidelines set forth in this policy, we will successfully meet and sustain the high ethical standards demanded by the public and required by law. And ultimately, we will be perceived and trusted as conscientious officials and employees committed to working on behalf of the citizens of the Borough of Sea Girt and dedicated to serving the community as a whole.

PERSONNEL RECRUITMENT

The Borough Council must formally create any new position and authorize its filling, prior to any employment or engagement of any employee. Between Council meetings, the Borough may hire temporary employees, which the Borough Council may approve at a subsequent meeting. In addition, there must be provided in the current budget or otherwise specific and adequate funds to compensate the employee before he or she is engaged.

JOB DESCRIPTION

After verifying that adequate funds are available, the Department will prepare and present a job description for the position to the Administrator. The job description will include:

1. Qualifications required;
2. Duties expected;
3. Special skills required;
4. Education, licenses and/or experience required.

ADVERTISING

Notice of vacancies shall be posted in Borough Hall and advertised through the official Borough newspapers. Other newspapers, professional associations, or agencies may be used as required, to attract qualified applicants. The advertisement shall contain a statement to the effect that the Borough of Sea Girt is an "Equal Employment Opportunity Employer".

When advertised, notice of vacancies shall be posted on the department bulletin boards so that Borough employees may have an opportunity to apply for positions for which they feel qualified. Interested employees shall submit formal applications supplied by the Administrator's office.

APPLICATION

All candidates applying for a position with the Borough must obtain an employment application from the Administrator's Office. Applicants must complete the application and return it to the Administrator's Office before the application deadline. The application shall include employment history, educational background, qualifications and references. A resume is not considered a substitute for the application. Willful misrepresentations, omissions, or falsifications on the employment application will result in the disqualification or dismissal of the applicant or employee. The application shall become a part of the personnel file of the applicant upon employment by the Borough.

Please note that the Borough will follow the process provided in the Borough of Sea Girt Police Department Rules and Regulations for the recruitment and hiring of police officers.

As soon as practicable after the final date specified for filing, all applications received, including those from Borough employees, will be considered by the Department Head, Administrator, and/or the Councilmember or Committee involved. These officials may require applicants to undergo written and/or oral examinations prior to further consideration.

INTERVIEWS

The Administrator or designee shall schedule interviews with the most qualified applicants. Interviews will be conducted by the Councilmember or Committee involved, the Administrator, and/or the appropriate Department Head and/or others designated by the Administrator.

Following this interview process, the Administrator will forward prospective candidate applications and any other background material developed during the course of the preliminary interviews to the Councilman or Committee responsible for the department. The Administrator, Councilmember, or Committee involved, Department Head and/or their designee(s) will set up a second interview with the applicant.

BACKGROUND/REFERENCE CHECKS

The Administrator or designated individual shall conduct a background check of previous employment, references, driving record if required for the position and other areas pertinent to the applicant's ability to effectively perform the duties of his or her position. The Borough will conduct criminal background checks of applicants in compliance with the Opportunity to Compete Act (Ban the Box law). The Police Department will assist in the background check of the applicant being considered for a Borough position.

The Borough will conduct background checks of all candidates 18 years old and older, whether paid or volunteer positions, working directly or indirectly with children/youth/minors in accordance with the law. See, Background Checks and Procedures for Candidates, Employees and Volunteers (Working with Children/Youth/Minors) in Personnel Policies and Procedures Manual Supervisory Supplement.

SELECTION

Following the necessary investigations, the Administrator and the Department Head shall choose the best-qualified applicant for the position based on knowledge, skills and ability.

EXAMINATION

Following the selection of an applicant to fill a vacant position, and the extending of an offer of employment by the Borough, the Borough may require the applicant to undergo a medical examination and/or a psychological examination at the Borough's expense by a physician selected by the Borough. The Borough will require a pre-employment medical examination

and/or psychological examination when all eligible persons for the title to who an offer of employment is made are subjected to such examinations. Applicants will also be required to undergo a pre-employment drug test for the use of illegal drugs such as marijuana, cocaine, etc. Any material misstatements or omission of material facts by the applicant during the medical examination procedure shall be cause for dismissal. The physician/mental health professional's report(s) will be retained in the employee's confidential personnel medical file.

The Borough may require periodic examinations thereafter.

Examinations and pre-employment drug testing will be at the Borough's expense and will be conducted by a health care provider designated by the governing body.

COMPLETION OF THE HIRING PROCESS

Following reports of a satisfactory medical examination and drug screening, reference check, background investigations, and, where appropriate, psychological evaluation, the Committee Chairperson shall refer the selection to the Borough Council for approval. The Councilman or Committee in charge of a particular department must approve the filling of any vacancy in the department.

EMPLOYABILITY PROOF

After acceptance, but before starting employment, all new employees shall be required to fill out an employment verification form (I-9) and to provide acceptable proof of right to employment in the United States. (See Immigration Policy)

Following the hire of new employees, the Borough Clerk shall arrange for completion of all necessary employment formalities, including having the employee sign a form to be filed in the employee's personnel file certifying that the employee has read and understands these Personnel Policies and Procedures. The appropriate Department Head shall arrange for the training of the new employee.

Seasonal or temporary employees may be appointed by the Councilman or Committee in charge of a particular department. Such employees will normally be paid on an hourly basis and shall complete an "Application for Employment" when first employed by the Borough.

The Borough will comply with its Equal Employment Opportunity policy and the requirements of the Equal Employment Opportunity Commission in all phases of the recruitment process.

PROHIBITION OF HARASSMENT IN THE WORKPLACE

The Borough is committed to providing a work environment that is free of discrimination. The Borough will not tolerate harassment of or by Borough employees toward anyone.

APPLICABILITY

This policy applies to all people employed by the Borough including, but not limited to elected officials and volunteers working on behalf of the Borough, and prohibits such conduct by or towards all such employees/volunteers. Independent contractors, vendors and all other parties, engaged in a professional business relationship with the Borough are also expected to abide by this policy. In addition, no Borough employee shall be required to withstand behavior from the public that violates this policy.

PURPOSE

This policy is designed to ensure all Borough employees a work environment free of any type of discrimination based upon a protected group status, including freedom from sexual harassment. The purpose of this policy is to inform employees that harassment based upon a protected group status is prohibited, to educate employees about harassment based upon a protected group status and to provide employees with a procedure to bring complaints to management's attention.

PROVISIONS

1. All Borough employees are expected to avoid any behavior or conduct of a harassing or discriminatory nature. The Borough prohibits any form of harassment or discrimination related to an employee's protected group status, including race, creed, color, national origin, ancestry, religion, age, marital status, civil union status, domestic partnership status, affectional or sexual orientation, familial status, genetic information, sex, pregnancy (including childbirth and related medical conditions), breastfeeding, gender identity or expression, disability (including perceived disability, physical, mental, and/or intellectual disabilities, AIDS or HIV infection), political affiliation (to the extent protected by law), atypical hereditary cellular or blood trait, or because of the liability for service in the Armed Forces of the United States, veteran status, citizenship status, or any other group status protected by law. Harassment includes, but is not limited to:
 - A. Treating an individual less favorably based on a person's protected group status;
 - B. Using derogatory or demeaning slurs to refer to a person's protected group status;
 - C. Calling another by an unwanted nickname which refers to one or more protected group statuses, or telling ethnic jokes that harass an employee or create a hostile

work environment;

- D. Using derogatory references regarding a protected group status in any job-related communication;
- E. Engaging in threatening, intimidating, or hostile acts, in the workplace, based on a protected group status; or
- F. Displaying or distributing material in the workplace that contains language or images that are derogatory or demeaning, based on any protected group status.

Any form of harassment or discrimination related to an employee's protected group status violates this policy. This policy applies to all employment practices such as recruitment, selection, hiring, training, promotion, transfer, assignment, layoff, return from layoff, termination, compensation, fringe benefits, working conditions and career development. Violations of this policy will result in appropriate disciplinary action up to and including termination of employment.

- 2. **Sexual Harassment:** The Borough prohibits sexual harassment of its employees in any form. Such conduct shall result in appropriate disciplinary action up to and including dismissal from employment.

- A. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct, gestures or communication, expressed or implied, of a sexual nature when:
 - (1) Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment; or
 - (2) Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment, or
 - (3) That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment, or creating an intimidating hostile or offensive employment environment.

- B. Prohibited Conduct:

No supervisory employee shall threaten or insinuate either directly or indirectly,

that an employee's refusal to submit to sexual advances will adversely affect the employee's continued employment, evaluation, compensation, assignment, advancement, or any other condition of employment. Similarly, no supervisory employee shall promise or suggest either directly or indirectly, that an employee's submission to sexual advances will result in any improvement in any term or condition of employment for the employee.

Other sexually harassing conduct in the work place, whether committed by supervisory or non-supervisory personnel is also prohibited. This includes, but shall not be limited to:

- (1) Sexual flirtations, advances, propositions, subtle pressure for sexual activity, flirtatious whistling, discussing sexual activities;
- (2) Verbal abuse of a sexual nature including sexually oriented "kidding" or "teasing," "practical jokes," jokes about gender-specific traits, and foul or obscene language or gestures;
- (3) The display of sexually graphic pictures or pictures of an offensive nature, or object in the work place, including sexually suggestive written material such as letters, notes, facsimiles, text messages and e-mails;
- (4) Any unwelcome sexually motivated intentional touching, including, for example, grabbing, patting, pinching, hugging, blocking or impeding movement, and brushing against another employee's body.

Sexual harassment also occurs when one person harasses another solely because of the victim's gender. This type of sexual harassment may involve unwelcome sexual demands or overtures, but it may also take the form of other harassing conduct not necessarily sexual in nature. For example, this would include gender stereotyping such as comments about the lesser abilities, capacities, or the "proper role" of females. It also includes subjecting a woman or a man to non-sexual harassment solely because of her or his gender. Sexual harassment is prohibited whether the harasser is male or female, and whether the harassment is opposite sex or same-sex harassment.

3. **Complaint Procedure:**

Any employee who feels he or she has been subject to harassment should report the incident directly to the Administrator. Alternatively, any employee who feels he or she has been subject to harassment may report the incident directly to the Chairman of the Personnel Committee. The names and telephone numbers of the Administrator and the

Chairman of the Personnel Committee are contained in the Contact Information attached to this policy.

The Administrator or Chairman of the Personnel Committee will ask the employee to complete a Harassment Complaint Form. Employees, however, are not required to complete the complaint form to initiate a harassment complaint under this policy. The Administrator or the Chairman of the Personnel Committee will record oral complaints in writing.

Any individual uncomfortable reporting an incident to the Administrator or the Chairman of the Personnel Committee should feel free to go to his or her Department Head or any upper management representative with whom he or she feels comfortable to relay the problem. When any upper management representative learns of a violation of this policy, the upper management representative must promptly assist the victim in reporting the alleged incident(s) of harassment. The upper management representative must also promptly report the matter to the Administrator or Chairman of the Personnel Committee.

Any Borough employee who feels he or she has been harassed should notify the alleged harasser that the behavior in question is thought to be offensive and unwelcome. The failure to inform the alleged harasser that the behavior is unwelcome, however, does not prevent the victim from filing a complaint pursuant to this policy. The harassment or discrimination does not have to occur on Borough property during regular work hours for an employee to file a complaint under this policy.

The Borough strongly encourages employees who witness conduct that they believe violates the Borough's Prohibition of Harassment Policy to report the violation pursuant to this complaint procedure.

The Borough encourages the prompt reporting of complaints so that rapid response and appropriate action may be taken. Any complaint should be reported within 60 days to be considered current. Nevertheless, due to the sensitive nature of these problems, all complaints will be investigated, regardless of when they are filed.

4. Investigation Procedure:

The Borough shall conduct an investigation into the harassment complaint to determine the merits of the allegations. The investigation will, at a minimum, include an interview with the employee bringing the complaint and the accused. The investigation shall be completed in a reasonable time to resolve the issue and minimize the effects of such investigation on the parties involved.

The investigator will produce a report documenting the Borough's investigation. The report is a confidential internal document. The Borough will not release the report to the complainant or the accused. The Borough, however, in its discretion, may opt to release the report if, for example, the matter proceeds to litigation or an administrative agency or under other circumstances it deems appropriate. It will also release the report if required by law or regulation.

If the Borough determines that the complaint has merit, the accused shall face appropriate disciplinary action based upon the severity of the complaint and any prior history of past charges against the individual. Disciplinary action may include a written warning, suspension, demotion, and/or termination of employment. Any disciplinary action shall be consistent with applicable collective bargaining agreements and applicable due process safeguards.

At the conclusion of the investigation, the complainant and the accused will be notified in writing of the outcome of the investigation. Upon completion of the investigation, the entire file shall be maintained in a secure location in the Administrator's Office.

In the event that the Borough determines the complaint to be intentionally dishonest, appropriate disciplinary action may be taken against the employee who caused the complaint to be filed. Complaints that are brought in good faith, even if unsubstantiated, do not constitute an intentionally dishonest accusation.

5. **Privacy:**

The Borough will strive to maintain confidentiality to the extent possible. The Borough has a compelling interest in protecting the integrity of its investigations. In every investigation, the Borough has a strong desire to protect witnesses from harassment, intimidation and retaliation, to keep evidence from being destroyed, to ensure that testimony is not fabricated, and to prevent a cover-up. The Borough may decide in some circumstances that to achieve these objectives, employees must maintain the investigation and their role in it in strict confidence. If the Borough reasonably imposes such a requirement and an employee does not maintain such confidentiality, the employee may be subject to disciplinary action up to and including immediate termination.

6. **Responsibility of Supervisory Personnel:**

Supervisors are to monitor the work environment to ensure that all subordinates comply with this Prohibition of Harassment Policy. When a supervisor learns of a violation of this policy, the supervisor must assist the victim in reporting the alleged incident(s) of harassment. Any supervisor who receives a harassment complaint from any employee must bring it to the attention of the Administrator or Chairman of the Personnel Committee for resolution.

Supervisors who do not fulfill their responsibilities under this Policy will be subjected to disciplinary action.

7. **Retaliation Prohibited:**

The Borough encourages victims of harassment to bring their complaints to management by ensuring that no reprisals or retaliation will result from the good faith reporting of harassment. The filing of a complaint, in good faith, shall not, under any circumstances provide cause for discipline. Additionally, it is a violation of this policy for any personnel to retaliate against another because he or she filed a complaint or otherwise participated in the complaint procedure.

Supervisors shall closely monitor the work environment for any forms of retaliation once an allegation has been made. This will include but not be limited to verbal remarks, irregular assignments or any other activity that may contribute to a hostile work environment.

8. **Training:**

The Borough periodically provides training sessions to its employee to enhance their sensitivity to and ability to identify and rectify incidents of harassment, including sexual harassment. The training is intended to develop a level of awareness among Borough employees of the potential effects and consequences of harassment, including sexual harassment, so that employees who believe they have been subject to harassment may exercise their rights in accordance with this policy.

9. **Legal Effect:**

This Prohibition of Harassment Policy is to be construed as a unilateral expression of the policy of the Borough concerning harassment in the workplace. It is not intended to create any contractual rights or duties and any such intention or effect is disclaimed. This policy may be amended, supplemented, modified and/or revised at any time.

Any employee with questions regarding the Borough's Prohibition of Harassment Policy should contact the Administrator.

**CONTACT INFORMATION
FOR THE BOROUGH OF SEA GIRT
PROHIBITION OF HARASSMENT IN THE WORKPLACE POLICY**

Administrator

Lorraine P. Carafa, Administrator
Borough of Sea Girt
Baltimore and Fourth Avenue
P.O. Box 296
Sea Girt, New Jersey 08750-0296

Telephone: (732) 449 9433 Ext. 116
E-Mail: lcarafa@seagirtboro.com

Chairman of the Personnel Committee

Michael Meixsell, Chairman of the Personnel Committee
Borough of Sea Girt
Baltimore and Fourth Avenue
P.O. Box 296
Sea Girt, New Jersey 08750-0296

Telephone: (732) 449 9433
E-Mail: mmeixsell@seagirtboro.com

EMPLOYEE COMPLAINT PROCEDURE

Employees who observe actions they believe to constitute harassment, sexual harassment, or any other workplace wrongdoing should immediately report the matter to the Administrator or the Mayor. Reporting of such incidents is encouraged when an employee feels that he or she is subject to such incidents, or when an employee 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 their discretion. If the employee has any questions about what constitutes harassment, sexual harassment, or any other workplace wrongdoing, they may ask one of the individuals listed above. All reports of harassment, sexual harassment, or other wrongdoing will be promptly investigated by a person who is not involved in the alleged harassment or wrongdoing.

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

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

EMPLOYEE COMPLAINT FORM

Name: _____

Department: _____ Supervisor: _____

Job Title: _____

Union Representative (if any): _____

Time Period Covered By Complaint: _____

1. Individuals who allegedly committed the acts complained of:

Name	Department	Job Title

2. Describe the dates and the nature of the acts complained of allegedly committed by each identified individual (attach additional sheets, if necessary):

3. Identify all employees or others with knowledge of the complained of conduct:

4. Are there any documents which contain information supporting the occurrences described above?

5. Is there any physical evidence which supports your complaint? If so, please describe:

6. Have you missed any work time as a result of the alleged conduct? If yes, identify the occasions:

7. Have you incurred any unreimbursed medical expenses as a result of the alleged conduct?

8. If you previously complained about this or related acts to a Sea Girt Borough supervisor or official, please identify the individual to whom you complained, the date of the complaint, and the resolution of your complaint:

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

10. What is your requested remedy in this complaint?

ACKNOWLEDGMENT

I, _____, affirm that the information provided above is true and correct. I understand that if any of the information I provided is willfully false, I am subject to discipline.

By: _____

Date: _____

To investigate your complaint, it will be necessary to interview you, the accused, and any witnesses with knowledge of the allegations or defenses.

The Borough will strive to maintain confidentiality to the extent possible. The Borough has a compelling interest in protecting the integrity of its investigations. In every investigation, the Borough has a strong desire to protect witnesses from harassment, intimidation and retaliation, to keep evidence from being destroyed, to ensure that testimony is not fabricated, and to prevent a cover-up. The Borough may decide in some circumstances that to achieve these objectives, employees must maintain the investigation and their role in it in strict confidence. If the Borough reasonably imposes such a requirement and an employee does not maintain such confidentiality, the employee may be subject to disciplinary action up to and including immediate termination.

I am willing to cooperate fully in
the investigation of my complaint
and to provide whatever evidence
the Borough of Sea Girt deems relevant.

By: _____

Date: _____

BOROUGH OF SEA GIRT'S ACKNOWLEDGMENT OF RECEIPT

I, _____, received this harassment complaint form from
_____ on _____.

By: _____

Date: _____

WITNESS STATEMENT FORM

Name: _____

Department: _____ Job Title: _____

Union Representative (if any): _____

Length of Time Known: Complainant _____ Respondent _____

1. Individuals who allegedly committed the behavior complained of:

2. Identities of other persons with knowledge of facts relevant to this investigation:

3. Please provide a detailed description of the events you witnessed. Include the date, time, location and individuals present. Attach additional sheets if necessary.

4. Any other information which should be considered in evaluating the validity of the complaint in this case:

ACKNOWLEDGMENT

I, _____, affirm that the information I have provided is true and correct.

The Borough will strive to maintain confidentiality to the extent possible. The Borough has a compelling interest in protecting the integrity of its investigations. In every investigation, the Borough has a strong desire to protect witnesses from harassment, intimidation and retaliation, to keep evidence from being destroyed, to ensure that testimony is not fabricated, and to prevent a cover-up. The Borough may decide in some circumstances that to achieve these objectives, employees must maintain the investigation and their role in it in strict confidence. If the Borough reasonably imposes such a requirement and an employee does not maintain such confidentiality, the employee may be subject to disciplinary action up to and including immediate termination.

By: _____

Date: _____

PROHIBITION OF WORKPLACE VIOLENCE

I. GENERAL

The Borough of Sea Girt is dedicated to providing a safe work environment for its employees. In order to achieve this goal, it is our policy that violence, or the threat of violence, has no place in any of the Borough's departments. Violent acts or threats made by an employee against another person or property are cause for immediate dismissal and will be fully prosecuted. This includes any violence or threats made on Borough property, at Borough events or under other circumstances that may negatively affect the Borough's ability to conduct business.

II. PURPOSE

To strive for as safe of a workplace as possible that is free of threats and/or acts of violence and to respond in an appropriate and timely manner to a known or perceived threat or threatening situation.

III. RESPONSIBILITY

1. This policy applies to all persons involved in the Borough's operation, including but not limited to, Borough personnel, contract and temporary workers, or any individuals on Borough property. Violation of this policy by any individual on Borough property, by any individual acting as a representative of the Borough while not on Borough property, or any individual acting off of the Borough property when his or her actions affect the public interest or the Borough's business interests will be followed by legal action, as appropriate. Violation by an employee of any provision of this policy will lead to disciplinary action up to and including termination.
2. Department directors/managers shall ensure that their employees follow the procedure set forth in this policy.
3. A copy of this policy will be distributed to each employee, receipt of which will be acknowledged in writing.

IV. POLICY

- A. It is the goal of the Borough to rid workplaces of violent behavior or the threat of such behavior. The Borough of Sea Girt has adopted a "zero tolerance" for workplace violence.
- B. Employees violating this policy will be subject to disciplinary action up to and including

termination of their employment and possible criminal charges. The Borough will work with law enforcement agencies to aid in the prosecution of anyone outside of the organization who commits violent acts against employees.

- C. All employees are encouraged to be alert to the possibility of violence on the part of other employees, former employees, family members, friends, customers and/or the general public.
- D. It is the shared obligation of all employees, law enforcement agencies, and employee organizations to individually and/or jointly act to prevent or defuse actual or implied violent behavior at work.
- E. Employees who act in good faith by reporting workplace violence will not be retaliated against or subjected to harassment. Employees making malicious or bad faith complaints will be subject to disciplinary action.
- F. Possession, use, or threat of use, of a deadly weapon, including all firearms, is not permitted at work, or on Borough property, including in a Borough vehicle, unless such possession or use of a weapon is a necessary and approved requirement of the job.
- G. Any report of violence will be handled in a confidential manner, with information released only on a need-to-know basis, or as required by law.
- H. Any instance of workplace violence must be reported, written up, preserved in a Critical Incident File and discussed with the appropriate individual(s).

V. INCIDENT REPORTING RESPONSIBILITIES

Incidents of workplace violence, threats of workplace violence, or observations of workplace violence are not to be ignored by any Borough employee. Workplace violence should promptly be reported to the Borough Administrator and as indicated below. The steps to be taken for report an incident are simple, however, the underlying issues may not be. Therefore, it is important that all Borough employees take the responsibility of reporting violence in the workplace seriously to effectively maintain a safe working environment.

A. Imminent or Actual Violence.

In Immediate Emergency Situations: CALL 911

As with any other emergency involving fire, violence, or medical incidents, the first thought and action is to call 911 and report as many details as soon as possible so that the appropriate emergency response units can be dispatched.

B. Immediately Contact the Borough Administrator.

Given the accountability of employees in the public sector, it is the responsibility of all employees to assure that their behavior is appropriate in the workplace. Therefore, it is critical that all employees, not just supervisors, are aware of the guidelines set forth in the following section.

VI. GUIDELINES AND PROCEDURES

The guidelines below apply to Borough employees and are intended to aid supervisors in detecting and dealing with violent or potentially violent situations at work once an immediate emergency situation has been controlled. Altercations between persons at work are rare and usually minor, allowing time for supervisor intervention.

A. Detecting Potential Violent Behavior.

Identification and awareness of the different levels or stages of violence can be used to prevent inappropriate behavior from escalating into life-threatening actions. For illustrative purposes, following are examples of significant behavior changes with increasing severity, leading to violence:

- Stage I - Early Potential for Violence:
 - Dehumanizing other people i.e., name-calling, insults or other verbal abuse, or harassment;
 - Challenging authority; insubordination;
 - Regularly being argumentative and thereby alienating customers or co-workers.
- Stage II - Escalated Potential for Violence:
 - Ignoring company policies and procedures;
 - Stealing;
 - Making threats of violence;
 - Blaming others for problems.
- Stage III - Potential for Violence is Realized
 - Displaying or brandishing a gun knife, grenade, or other weapon;

- Punching, kicking, slapping or other aggressive physical conduct;
- Committing assault, arson, or threatening suicide

B. Dealing with Violent or Potentially Violent Situations.

In circumstances deemed by the supervisor to be an emergency, CALL 911. It is understood that the actions of a supervisor or other employees will be dependent on the seriousness of the situation and the nature of an altercation. However, consistent with personal safety, supervisors have a responsibility to make a good faith effort to defuse violent or potentially violent situations as quickly as possible in order to prevent their escalation and creating a threat to others. In general:

- Separate employees involved. Do not allow a verbal altercation to escalate into something more serious. If the employees cannot be separated follow the steps previously described.
- Immediately contact the Borough Administrator.
- Contact the appropriate Department Head.
- Once the situation is controlled, the Borough Administrator will interview all persons involved, including any witnesses in order to obtain an accurate account of the incident. Document the statements of witnesses and others interviewed in written form.

Note: Those involved in an altercation, are possible subjects of future disciplinary action based on the incident, have the right to be represented during the interview.

C. Nothing in this policy alters any other reporting obligation established by other Borough policies or in state, federal or other applicable law.

VII. INAPPROPRIATE BEHAVIOR

Inappropriate behavior may often be a warning sign of potential hostility or violence. Employees who exhibit the following inappropriate behaviors will be disciplined in accordance with Borough policy. Inappropriate behavior includes but is not limited to:

- A. unwelcome name-calling, obscene language, and other abusive behavior;
- B. intimidation through direct or veiled threats;
- C. physically intimating other using obscene gestures, “getting in his/her face,” screaming, or fist-shaking;

- D. throwing objects in the workplace, regardless of the size or type of object or whether a person is the target of a thrown object;
- E. injuring another person physically by such acts as hitting or shoving;
- F. aggressive, hostile, or bullying behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
- G. engaging in behavior that creates a reasonable fear of injury to another person such as harassing surveillance/stalking;
- H. engaging in behavior that subjects another individual to extreme emotional distress such as making a harassing or threatening telephone call, sending a harassing or threatening email or letter or other harassing or threatening forms of communication;
- I. possessing, brandishing, or using a weapon that is not required by the individual's position while on Borough premises or engaged in Borough business;
- J. the intentional destruction or threat of destruction of property owned, operated or controlled by the Borough or its employees;
- K. committing injurious acts motivated by, or related to, domestic violence or sexual harassment; and
- L. retaliating against any employee who, in good faith, reports a violation of this policy.

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

VIII. FALSE REPORTS

Borough employees who make false and malicious complaints of workplace violence will be subject to disciplinary action and/or referral to civil authorities as appropriate.

IX. CONFIDENTIALITY

The Borough shall maintain the confidentiality of investigations of workplace violence to the extent possible. The Borough will act on the basis of anonymous complaints where it has a reasonable basis to believe that there has been a violation of this policy and that the safety and well-being of Borough employees would be served by such action.

X. RETALIATION

Retaliation against anyone acting in good faith who has made a complaint of workplace violence, who has reported witnessing workplace violence, or who has been involved in reporting, investigating, or responding to workplace violence is a violation of this policy. Those found responsible for retaliatory action will be subject to discipline up to and including termination.

XI. THREAT INCIDENT REPORT

Ensure that all employees know how and where to report violent acts or threats of violence. If the threats or incidents of violence require a report to be filed, all employees must be ready to deal with such a situation. The following information should be included in the threat incident report, which will be used to assess the safety of the workplace and to decide on a plan of action:

- Name of the person who made the threat and that person's relationship to the Borough and to the threatened party;
- Names of victims or potential victims;
- When and where the incident occurred and how it ended;
- What happened immediately prior to the incident and what may have contributed to the incident;
- The specific language of the threat;
- Behavior that indicates an intention to carry out the threat;
- A description of the threat-maker and his or her emotional state;
- Names of others directly involved and actions they took;
- Names of witnesses;
- What happened to involved parties after the incident;
- What event(s) triggered the incident;
- Any history leading up to the incident;
- Names of supervisory staff involved and their response;
- Steps that have been taken to prevent the threat from being carried out;
- Suggestions for preventing such incidents.

WHISTLEBLOWER AND REPORTING OF IMPROPER ACTIVITY POLICY

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.

As a matter of policy, the Borough abides by all federal, state, and local laws, rules, and regulations applicable to it and to have all its employees do the same. Every employee is responsible for assisting the Borough to implement this policy.

The Borough is committed to maintaining a workplace where the Borough can promptly and effectively receive, retain and treat concerns and complaints about accounting, internal accounting controls, fraud, misuse of funds, auditing matters or any other improper activity and misconduct. The Borough adheres to the fundamental principle of ensuring that officials, employees, and supervisors of the Borough (referred to collectively hereafter “employees”) who raise such concerns in good faith or participate in any investigation of a complaint will not be subject to any form of retaliation, discrimination, harassment or any other inappropriate conduct.

RETALIATION PROHIBITED

Neither the Borough nor any of its employees will retaliate against any employee who makes a good faith report pursuant to this policy even if an investigation reveals that no violation occurred. More specifically, neither the Borough nor any of its employees will take any retaliatory action or tolerate any reprisal against an employee who:

- Discloses, or threatens to disclose, to a supervisor or to a public body an activity, policy or practice of the employer or another employer, with whom there is a business relationship, that the employee reasonably believes is in violation of a law, or a rule or regulation issued under the law, or, in the case of an employee who is a licensed or certified health care professional, reasonably believes constitutes improper quality of patient care;
- Provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any violation of law, or a rule or regulation issued under the law by the employer or another employer, with whom there is a business relationship, or, in the case of an employee who is a licensed or certified health care professional, provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into quality of patient care; or
- Provides information involving deception of, or misrepresentation to, any shareholder,

investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any government entity.

- Provides information regarding any perceived criminal or fraudulent activity, policy or practice of deception or misrepresentation which the employee reasonably believes may defraud any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity.
- Objects to, or refuses to participate in, any activity, policy or practice which the employee reasonably believes:
 - (1) is in violation of a law, or a rule or regulation issued under the law or, if the employee is a licensed or certified health care professional, constitutes improper quality of patient care;
 - (2) is fraudulent or criminal; or
 - (3) is incompatible with a clear mandate of public policy concerning the public health, safety or welfare or protection of the environment. *N.J.S.A. 34:19-3.*

DUTY TO REPORT IMPROPER ACTIVITY

The Borough requires Borough employees to promptly report known or suspected violation of federal, state, or local law and Borough policies, including any acts or suspected acts of circumvention or attempted circumvention of internal accounting controls or acts that would constitute a violation of the Borough's Ethics Guidelines or Code of Conduct Policy. Borough employees should also report other matters that could have significant impact on the Borough's operations or reputations. Examples of reportable activities include but are not limited to:

- Questionable accounting practices, internal accounting controls, financial statements or auditing matters (collectively "accounting issues");
- Fraud, waste, and abuse;
- Bribery, receiving kick-backs or other forms of corruption;
- Conduct which may result in a substantial mismanagement of Borough resources or assets;
- Unethical or illegal business conduct by Borough employees which may result in a violation of the Borough's Ethics Guidelines, Code of Conduct Policy or other Borough policies;
- Conduct which may result in a violation of the federal, state, or local applicable laws, rules or regulations;
- Substantial and specific danger to the health and safety of Borough employees or the general public, including sexual harassment and other forms of harassment; or

- Any other matter of concern that a Borough employee believes may adversely affect the Borough and/or its employees.

REPORTING A VIOLATION

Employees must bring the violation to the attention of the Borough as described below. However, disclosure to the Borough first, 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. The employee must give the Borough a reasonable opportunity to correct the activity, policy or practice.

In the ordinary course, a violation of this policy should be reported to an employee's Department Head in writing, signed by the employee. If that is not practical or if that action is taken but does not prevent or correct the perceived violations, the employee is to deliver a written statement, signed and dated to the Borough Administrator. Alternatively, an employee can report a violation of this policy to any supervisory employee or Councilperson. Any supervisory employee, including any Department Head or any Councilperson shall relay the complaint to the Borough Administrator, providing the written statement received by the employee, unless the Borough Administrator is the target of the complaint.

The written statement should detail the specific information the employee possesses so that the Borough may undertake an investigation. Neither the Borough nor any of its employees will retaliate against any employee who makes a good faith report pursuant to this policy, even if an investigation reveals that no violation occurred. However, improper use or abuse of the reporting mechanisms by any employee, such as making a false report or an intentionally dishonest complaint will subject the employee to disciplinary action, up to and including termination.

Employees may report known or suspected improper activity anonymously. An employee who identifies him or herself, however, may expedite the time it takes the Borough to respond to the employee's concern and assists in the investigation of the employee's complaint.

The Borough will strive, both during and after the investigation, to maintain confidentiality to the fullest extent possible, including confidentiality of the identities of all persons involved in the complaint, revealing only those particulars of the matter to the extent necessary for a thorough investigation. Any employee who unnecessarily compromises the confidentiality of an investigation will be subject to appropriate discipline.

Receipt of all submissions that are not anonymous will be acknowledged by the Borough Administrator or designee either orally or in writing within 10 working days, unless the person submitting the complaint or concern indicates a specific preference as to how to receive the acknowledgment. The Borough Administrator or designee will maintain a record of its response to each submission, including the date of the acknowledgment and any other actions taken.

Each report that is received, whether openly, confidentially or anonymously, will be reviewed by the Borough Administrator or designee. The Borough Administrator or designee may, in his or her discretion, consult with any Borough official or employee who is believed to have appropriate expertise or information to assist in the investigation. The Borough Administrator may select a third party, such as the Borough Attorney or the Borough's Labor and Employment Counsel, in conducting the investigation.

The Borough Administrator or designee is responsible for preparing a record of the complaint the "Complaint Record" in sequential numbers for each received complaint and summarizing the complaints in the "Monthly Complaints Summary". The Borough Administrator will inform the Mayor and Council as appropriate when complaints are received, and make quarterly reports to the Mayor about the received complaints, the analysis of the complaints and the results of investigation. Depending upon the nature of the complaint, the Borough Administrator may advise the Mayor and Council of a complaint sooner than the quarterly reports described in this provision. Should a violation or a complaint be substantiated, the Borough Administrator will determine the appropriate disciplinary action to be taken. Any such response will be documented in the "Complaint Record".

The Borough strictly prohibits any retaliation, harassment or discrimination against any person who, in good faith, reports known or suspected violations, or who participates in or provides assistance to the investigation of complaints. Any person who engages in such inappropriate conduct, directly or indirectly, or encourages others to do so, may be disciplined, up to and including termination.

The Borough will retain all records relating to any report or allegation and to the investigation of any such report or allegation in accordance with the Borough's record retention policy as in effect or in such manner as the Borough or the State may direct, in each case in compliance with applicable federal, state, and local law, including data protection law, rules and regulations.

If the Borough Administrator is the target of the Complaint, the Administrator will not be part of the process for reporting the violation and the Borough will seek alternative means to address the complaint based upon the facts and circumstances surrounding the complaint.

It is the Borough's responsibility to correct or prevent such violations. This is a legal obligation and a practical necessity. A violation can taint the credibility of the Borough and cause the Borough and its employees to be subjected to adverse publicity leading to public distrust. Therefore the employee is to give the Borough a reasonable opportunity to correct the activity, policy or practice.

This policy is important to the Borough. Each employee should seek to resolve any problem within Borough channels before reporting it to any outside person or entity.

CONSCIENTIOUS EMPLOYEE PROTECTION ACT

“WHISTLEBLOWER ACT”

Employer retaliatory action; protected employee actions; employee responsibilities

1. New Jersey law prohibits an employer from taking any retaliatory action against an employee because the employee does any of the following:
 - a. Discloses, or threatens to disclose, to a supervisor or to a public body an activity, policy or practice of the employer or another employer, with whom there is a business relationship, that the employee reasonably believes is in violation of a law, or a rule or regulation issued under the law, or, in the case of an employee who is a licensed or certified health care professional, reasonably believes constitutes improper quality of patient care;
 - b. Provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any violation of law, or a rule or regulation issued under the law by the employer or another employer, with whom there is a business relationship, or, in the case of an employee who is a licensed or certified health care professional, provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into quality of patient care; or
 - c. Provides information involving deception of, or misrepresentation to, any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any government entity.
 - d. Provides information regarding any perceived criminal or fraudulent activity, policy or practice of deception or misrepresentation which the employee reasonably believes may defraud any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity.
 - e. Objects to, or refuses to participate in, any activity, policy or practice which the employee reasonably believes:
 - (1) is in violation of a law, or a rule or regulation issued under the law or, if the employee is a licensed or certified health care professional, constitutes improper quality of patient care;
 - (2) is fraudulent or criminal; or

- (3) is incompatible with a clear mandate of public policy concerning the public health, safety or welfare or protection of the environment. *N.J.S.A. 34:19-1 et seq.*
2. The protection against retaliation, when a disclosure is made to a public body, does not apply unless the employee has brought the activity, policy or practice to the attention of a supervisor of the employee by written notice and given the employer a reasonable opportunity to correct the activity, policy or practice. However, disclosure is not required where the employee reasonably believes that the activity, policy or practice is known to one or more supervisors of the employer or where the employee fears physical harm as a result of the disclosure, provided that the situation is emergent in nature.

CONTACT INFORMATION

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

Administrator

Lorraine Carafa, Administrator
Borough of Sea Girt
Baltimore and Fourth Avenue
P.O. Box 296
Sea Girt, New Jersey 08750-0296

Telephone: (732) 449 9433 Ext. 116
E-Mail: lcarafe@seagirtboro.com

BOROUGH COMMUNICATIONS ON RELIGIOUS AND POLITICAL MATTERS

In accordance with the New Jersey Worker Freedom from Employer Intimidation Act, the Borough does not require any of its employees to attend any Borough-sponsored meeting or participate in any communications with the Borough or its representatives, whose purpose is to communicate the Borough's opinion about religious or political matters. Political matters include political party affiliation and decisions to join or not join or participate in any political, social or community organization or activity. This definition of political matters includes obvious political activities, such as contributing to a political fund or attending a political speech by a candidate. It also includes fund raising and community events, such as the March of Dimes and walk-a-thons. Naturally, employees may voluntarily make fund raising contributions and attend political or community events of their choice and the Borough encourages such employee involvement.

Borough employees are prohibited from requiring, either expressly or implicitly, that a Borough employee attend meetings on religious, political, social or community matters. The Borough further prohibits employees from sending communications, such as e-mails and/or flyers, to co-workers asking them to participate in such activities or fund raising, without including language in that communication that expressly notifies the employees that they may refuse to participate and/or contribute without penalty.

Employees should report violations or suspected violations of this policy to the Administrator. The Borough will not discharge, terminate, discipline or in any way penalize an employee who makes a good faith report, verbally or in writing, of a violation or suspected violation of this policy.

CONTAGIOUS/LIFE THREATENING ILLNESS POLICY

The Borough is committed to providing and maintaining a healthy and safety work environment which allows all employees to perform their jobs in a safe and productive manner. The Borough respects the dignity and worth of every employee through its Equal Opportunity Employment statement, which explains its policy and practice with respect to prohibiting discrimination in every phase of employment.

The Borough provides support for individual employees who may be facing the trauma of a life-threatening or catastrophic illness. The purpose of this policy is to support the physical and emotional health of all employees, minimize disruptions of productivity and morale caused by the presence of a worker with a life-threatening illness, and demonstrate the Borough's continued commitment to its affirmative action goals related to physically disabled employees.

If an employee has learned that he or she has a contagious or life threatening illness, including but not limited to HIV/AIDS, the employee should take all steps to protect further spread of the disease or illness. When appropriate, the employee's Department Head should be notified of any illnesses that may affect the health, safety, and welfare of any co-employee or member of the general public. The Borough will take reasonable precautions to protect such information from inappropriate disclosure, including:

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

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

Employees with such conditions, who are able to perform the essential functions of the job and whose continued employment does not pose a threat to their own health and safety or that of others are assured equal employment opportunities and reasonable accommodations in their employment, provided that the accommodation does not impose an unreasonable hardship on the Borough. If the individual cannot work, then he or she may be eligible for disability benefits.

The Borough encourages employees who need these resources to contact the Administrator.

DRIVER'S LICENSE POLICY

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

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

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

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

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

INTRODUCTORY PERIOD

To allow the Borough to determine whether a newly hired employee meets the requirements necessary to adequately perform the duties of the position for which he or she was hired, each new employee, except police department employees, shall serve an introductory period of six (6) months. At the completion of the 3rd month and the 6th month, the employee's Department Head shall prepare a performance report and recommend the retention or dismissal of the introductory employee. The Department Head may also recommend that the new employee's introductory period be extended. These reports shall be submitted to the Administrator. If the Administrator decides to extend the introductory period, the employee's Department Head shall prepare a performance report after the completion of the 9th month and 12th month, or at the conclusion of the introductory period, whichever is earlier.

If the Department Head and the Administrator conclude that the employee successfully completed his or her introductory period, the employee shall be granted all rights and privileges pertaining to his or her employment or position. If, however, at the conclusion of the introductory period, the Department Head or the Administrator determines that the employee did not successfully complete the introductory period, the Borough will dismiss the employee. Nothing contained in this Personnel Policies and Procedures Manual shall be construed to prohibit the suspension or dismissal of an introductory employee at any time.

Employees promoted to new positions will also serve an introductory period as described above.

The existence of an introductory period or the completion of the introductory period does not alter an employee's at-will employment relationship with the Borough, except as otherwise provided by a collective bargaining agreement or applicable law.

All police officers shall serve an introductory period of one year from the date of their appointment. Police Department introductory period procedure shall be governed by Police Department policy.

INTRODUCTORY PERIOD PERFORMANCE REPORT

To: _____ Department: _____
(Employee Name)

Location: _____

Introductory Period Performance Report for the period from:

_____ to _____
(Date) (Date)

for job performance in the position of _____.
(Job Title)

1. Evaluate the quality of work produced by the employee:

2. Evaluate the quantity of work produced by the employee:

3. Evaluate the employee's overall performance:

- ☐ Satisfactory
- ☐ Unsatisfactory

4. Describe the reasons for the employee's overall performance rating:

5. Areas/goals for improvement:

- ☐ Retention of Employee Recommended
- ☐ Dismissal of Employee Recommended

(Signature of Preparer)

(Signature of Employee)

(Date Prepared)

(Date Received by Employee)

The existence of an introductory period or the completion of the introductory period does not alter an employee's at-will employment relationship with the Borough, except as otherwise provided by a collective bargaining agreement or applicable law.

PERSONNEL RECORDS

The Administrator will ensure that adequate personnel records are maintained for each Borough employee. These records shall include: dates of appointments, transfers, promotions and terminations, job titles, salaries, commendations, complaints, performance evaluations, disciplinary actions, amount of leave accrued and used, a record of the employee's training, and attendance records. A new employee's employment application, letters of reference, reference verification and any other supporting documents will be included in the personnel file. Medical records are maintained separately.

The records are confidential and are maintained in a secured location in a locked cabinet. They are available only to the employee, the Administrator, and his/her Department Head. Personnel records are available to other members of management, the Borough's legal counsel, and members of the governing body on a need-to-know basis. Supervisors may review an employee's file for the purposes of consideration for promotion or transfer and only with the prior approval of the Administrator. Additionally, the Borough will make the records available as required by law. Active employees are entitled to review the contents of their personnel folder, except for reference checks and other information provided to the Borough in the hiring process, but may not review the contents of other employees' personnel files.

Active employees who want to review their personnel folder should request an appointment from the Administrator. Employees should provide the Borough with at least two working days' advance notice of his or her need for an appointment to review his or her personnel file. To protect the integrity of the personnel files, the employee will review the personnel file in the presence of the Administrator or designee. Employees will not be permitted to take personnel folders outside of the office where they are maintained or to remove any documents from the folder.

When an employee is separated from Borough service, the personnel folder shall be taken from the active files and retained in an inactive file for six (6) years.

EMPLOYMENT REFERENCES

To ensure that individuals who join the Borough are well qualified and have a strong potential to be productive and successful, it is the policy of the Borough to check the employment references of all applicants at the Borough's discretion.

Any employee who receives a request for reference information should forward the request to the Administrator. Generally, unless otherwise required by law, the Borough will only confirm employees' dates of employment, salary history and positions held.

The Borough does not honor oral requests for employment references. All prospective employers must submit employment reference requests in writing.

A current or former employee may authorize the Borough to release information in addition to dates of employment, salary history and positions held. Unless otherwise required by law, the Borough will only release information in addition to dates of employment, salary history and job title if the current or former employee completes the Authorization to Release Information form and provides a signed original to the Administrator.

AUTHORIZATION TO RELEASE INFORMATION

Name: _____

Address: _____

I, _____, authorize the Borough of Sea Girt to release any and all information and documentation concerning me to a representative of _____ for the purpose of assisting _____ in determining my qualifications for employment. This information includes, but is not limited to [describe with particularity]:

I further authorize the Borough of Sea Girt to answer fully and honestly any questions posed orally or in writing concerning me by any representative of _____.

In exchange for the Borough of Sea Girt's full and honest disclosure of information and documentation, I hereby release the Borough of Sea Girt from any and all claims I may have against the Borough of Sea Girt or its agents for statements, information or documents the Borough provides to _____ in response to its inquiries.

[Signature of Candidate]

Date

INFORMATION ON EMPLOYEES

It is the policy of the Borough to respect the rights of all its employees. In so doing, employees should not, under any circumstances, provide another individual with a current or former employees' personal information including address, phone number, and names of family members.

In the event that someone requests such information, the employee should take the name and phone number of the inquiring party and forward the message to the employee about whom the party is inquiring.

Employees who fail to follow the above procedure will be subject to disciplinary action.

CREDIT INFORMATION

Any request for credit information concerning a current or former Borough employee must be referred to the Administrator. Upon receipt of a written request, the Administrator will only confirm employees' name, title, salary, compensation, and dates of service, and specific educational or medical qualifications required for employment.

A current or former employee may authorize the Borough to release additional information. The Borough will only release additional information if the Borough receives the request in writing and the current or former Borough employee completes the Authorization to Release Information for Credit Inquiries form and provides a signed original to the Administrator.

Employees should notify the Administrator in advance of anticipated credit checks.

AUTHORIZATION TO RELEASE INFORMATION FOR CREDIT INQUIRIES

Name: _____

Address: _____

I, _____, authorize the Borough of Sea Girt to release any and all information and documentation concerning me to a representative of _____ for the purpose of assisting _____ in assessing my credit history. This information includes, but is not limited to [describe with particularity]:

In exchange for the Borough of Sea Girt's full and honest disclosure of information and documentation, I hereby release the Borough of Sea Girt from any and all claims I may have against the Borough of Sea Girt or its agents for statements, information or documents the Borough provides to _____ in response to its inquiries.

(Signature of Employee)

(Date)

IDENTITY THEFT PREVENTION POLICY

The Borough will make reasonable efforts to protect personally identifiable information it creates, receives, maintains and transmits, and to comply with current laws that provide for the protection of this type of information to curtail identity theft.

Identity theft is the use or attempted use of personally identifiable information of another person without authority. Personally identifiable information includes Social Security numbers, driver's license numbers and credit card/debit card numbers.

Employees who have regular access to such information based upon the responsibilities of their position are required to execute a confidentiality agreement concerning the proper maintenance of the information. However, all Borough employees are expected to abide by this policy whether or not the employee has regular access to personally identifiable information.

Employees are prohibited from disclosing such information without proper authorization. Employees are further prohibited from removing personally identifiable information from Borough offices in any form, including but not limited to hard data and electronic format.

Any employee who violates this policy will be subject to discipline, up to and including termination. In addition, the Borough may contact law enforcement authorities and pursue criminal sanctions against the offending employee.

Prevention and Mitigation of Identity Theft.

Any employee, who becomes aware of any activity that may indicate possible identity theft or is in violation of this policy, shall immediately notify the Borough Administrator. In the Administrator's absence, or if the employee believes that the Administrator may be in violation of this policy, the employee is to notify the Mayor of any such activity. Alternatively, the employee may notify any supervisory employee who he/she feels comfortable in disclosing the matter. The supervisory employee must notify either the Administrator or the Mayor. If the Administrator (or Mayor) determines that action is necessary, one or more of the following responses may be taken:

- Deny access or restrict access to personally identifiable information until sufficient information is gathered to determine if a violation of the policy has taken place.
- Contact the affected employee.
- Change any passwords, security codes or other security devices that permit access to the personally identifiable information.
- Contact law enforcement authorities.
- Take whatever actions deemed appropriate under the circumstances.

POSTING OF NOTICES

The Borough maintains a bulletin board located in Borough Hall for employee notices. The Borough posts notices as required by federal and state law.

All notices regarding job/position openings, changes in policies and/or procedures, and any other information the Borough of Sea Girt deems of importance to the Borough of Sea Girt employees will also be posted at Borough Hall.

All Borough of Sea Girt employees are responsible to check for notices and are deemed to have read them.

Employees should address any questions regarding any posted notices to their Department Head.

EMPLOYMENT CATEGORIES

EMPLOYEES

An employee is an individual who is appointed to a paid position authorized in the current Borough operating Budget and who is paid through the Borough payrolls.

Employees are categorized in one of the following employment categories:

INTRODUCTORY EMPLOYEES

Introductory employees are those employees who have not completed the introductory period.

REGULAR FULL-TIME EMPLOYEES

Regular full-time employees are those who are regularly scheduled to work a full-time schedule of thirty (30) or more hours per week and who have satisfactorily completed the introductory period. Generally, regular full-time employees are eligible for the Borough benefits package, subject to the terms, conditions, and limitation of each benefit package.

REGULAR PART-TIME EMPLOYEES

Regular part-time employees are those who are regularly scheduled to work less than the full-time work schedule of less than twenty (20) hours per week and who have satisfactorily completed the introductory period. Regular part-time employees are eligible for benefits only as expressly stated in this Manual.

TEMPORARY AND SEASONAL EMPLOYEES

Temporary and seasonal employees are those who are hired for a temporary or seasonal position whose duties do not require that they work for the Borough during each month of the calendar year. Temporary and seasonal employees are not entitled to benefits.

EXEMPT EMPLOYEES

In addition to the above categories, all employees are designated as either exempt or non-exempt. Exempt employees primarily include those individuals occupying bona fide executive, administrative, and professional positions under the Fair Labor Standards Act. Exempt employees are not eligible for additional compensation or overtime for hours worked beyond the regular working hours. Exempt employees include the following Department Heads:

Borough Administrator

Court Administrator

Borough Clerk
Chief Finance Officer
Chief of Police
Captain of Police
Construction Official
Manager of Public Works

Deputy Borough Clerk
Engineer
Recreation Director
Tax Assessor
Assistant Manager of Public Works

NON-EXEMPT EMPLOYEES

Non-exempt employees include hourly employees (where pay is directly related to the number of hours worked) and some non-exempt salaried workers (clerical, supervisory, and paraprofessional job categories). Non-exempt employees are entitled to additional compensation for work performed beyond normal working hours based upon the amount of time actually worked. Non-exempt employees include deputy department heads, clerical employees, and all other employees not encompassed in the definition of an exempt employee.

WORK SCHEDULE

The regularly scheduled work period for Borough employees shall be as follows, except as may be modified by the Administrator (with the verbal concurrence of the Mayor) during emergencies, adverse weather conditions, or for other appropriate reasons:

A. Administrative and Clerical

Employees hired prior to January 1, 2007 shall work seven (7) and one-half ($\frac{1}{2}$) hours per day including one (1) hour paid lunch period. The regular schedule shall be Monday through Friday, 9:00 a.m. to 4:30 p.m.

Employees hired after January 1, 2007 shall work eight (8) hours per day including one (1) hour paid lunch period. The regular schedule shall be Monday through Friday, 8:30 a.m. to 4:30 p.m.

Employees hired after January 1, 2009 shall work and be paid 35 hours per week and shall work eight (8) hours daily including one (1) hour unpaid lunch period. The regular schedule shall be Monday through Friday, 8:30 a.m. to 4:30 p.m.

This foregoing schedule does not apply to the Borough Librarian.

B. Police Department

Three ten (10) hour shifts daily, including a meal break seven (7) days per week, shifts to be assigned by the Chief. The regular weekly schedule is not to exceed forty (40) hours.

C. Public Works

Eight (8) and one-half ($\frac{1}{2}$) hours daily including one-half ($\frac{1}{2}$) hour lunch period Monday through Friday. Hours of work shall be 7:00 a.m. to 3:30 p.m.; subject to modification and direction of the Department Manager or Assistant Manager.

TIMEKEEPING

Complete and accurate attendance reports are necessary for efficient payroll and personnel management operations. Every employee must accurately record the days and hours worked on attendance report forms provided by the Borough. Federal and State law requires the Borough to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

Employees should accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. They should also record the beginning and ending time of any overtime, split shift or departure from work for personal reasons.

Altering, falsifying, tampering with time, records, or recording or altering time on another employee's time record may result in disciplinary action, up to and including termination of employment.

Employees should report to work no more than seven minutes prior to their scheduled starting time nor stay more than seven minutes after their scheduled stop time without expressed, prior authorization from their Department Head.

Employees must sign their time record to certify the accuracy of all time recorded. The Department Head will review and then sign the time record, certifying its accuracy, before submitting it for payroll processing. In addition, if corrections or modifications are made to the time record, both the employee and the Department Head must verify the accuracy of the changes by initialing the time record.

All time sheets are to be filed with the appropriate Department Head and shall be checked by the Administrator before being forwarded to the Borough's Chief Financial Officer.

Employees must file their time sheets no later than three (3) working day prior to the pay period end date, i.e., the 15th and 30th of each month. Failure by an employee to timely submit a time sheet may subject the employee to discipline up to and including termination of employment.

The above is a general statement which applies in all departments. Police Department employees must follow Police Department procedure. Special rules for individual departments may be promulgated which add, but shall not detract from the above.

OVERTIME

Overtime work shall be kept to a minimum, and must be authorized in advance in writing by the Administrator using the Overtime Approval Form. In the event of an emergency, overtime may be authorized by the Department Head in the absence of the Administrator. Department Heads shall rotate overtime assignments on an equitable basis among those qualified to perform the necessary work. Should budget constraints make extremely tight control essential, the Administrator will so notify Department Heads who shall act accordingly.

WORK WEEK DEFINED

The workweek for the purposes of overtime calculation begins on Monday at 12:00 a.m. and ends the next Sunday at 11:59:59 p.m.

OVERTIME RATE

Nonexempt employees are eligible for overtime compensation equal to one and one-half times the employees' regular rate of pay or in accordance with contract provisions for employees that belong to recognized bargaining units. Unless otherwise provided by collective bargaining agreement, the Borough calculates an employee's hourly rate by dividing the employee's annual salary by the number of hours in the employee's prescribed work year.

Unless otherwise provided by collective bargaining agreement, overtime compensation for work authorized by the Administrator shall be paid for all time worked in excess of forty hours in one work week. Unless otherwise provided by collective bargaining agreement, employees who regularly work less than a forty (40) hour week shall receive their regular hourly rate for all hours worked over their regular hours but less than forty (40) hours in a work week. Unless otherwise provided by collective bargaining agreement, employees who regularly work less than forty hours per week shall receive straight time for all hours worked over their regular work week up to forty hours in a work week. Employees must get approval to work such extended hours in advance from the Administrator. For example, an employee who regularly works 32.5 hours per week will receive straight time compensation for all hours worked over 32.5 hours in a work week up to forty hours in a work week.

Employees will be paid only for hours actually worked, not to include lunch. Paid time off, including sick, holidays, vacation and personal time, will not be counted toward the number of hours worked for the purpose of computing overtime.

SUBMITTING FOR OVERTIME

Overtime shall be reported on the regular time sheet. Supporting reasons for all overtime shall be noted on the back of the time sheets. Employees working overtime without the prior written

approval of their Department Head may be subject to disciplinary action.

CALCULATING OVERTIME

Unless otherwise provided by collective bargaining agreement, in computing overtime compensation, the nearest one quarter hour shall be the smallest fraction of an hour to be counted. The following rounding rules shall apply:

<u>Minutes Worked</u>	<u>Round To</u>
0 - 7	0 minutes
8 - 22	15 minutes
23 - 37	30 minutes

OVERTIME SCHEDULING

In recognition of Borough's responsibility to its taxpayers, overtime may be required. Employees must recognize their obligation to work beyond the required work week. All employees should expect to perform a reasonable amount of overtime. The Borough recognizes that it may be inconvenient on occasion for an employee to work overtime and it will give due consideration to each request for relief from assigned overtime. Opportunity to work overtime will be rotated with the goal of equalizing overtime among employees who are qualified to perform overtime assignments. It is recognized that the equalization of overtime opportunities can only be achieved over the long run.

COMPENSATORY TIME FOR NON-EXEMPT EMPLOYEES

The Borough pays its hourly employees for overtime work with monetary compensation as opposed to compensatory time. There may, however, be occasional instances where an employee may request time off in lieu of payment, and the Department Head may grant such request if in his or her judgment, the work and coverage for the department will not be disrupted.

Compensatory time, like overtime, accrues at the rate of one-half times the hours worked or in accordance with contract provisions for employees that belong to a recognized bargaining unit. Unless otherwise provided by collective bargaining agreement, employees who regularly work less than a forty (40) hour week shall receive one hour of compensatory time for each overtime hour worked over their regular hours but less than forty (40) hours in a work week.

No more than forty (40) hours of compensatory time (26.67 hours at time and one-half) may be accumulated by an employee. Employees who elect to receive compensatory time instead of overtime compensation must indicate their preference on their time sheets. Compensatory time shall not be carried over from one calendar year to another unless a special request is made to the governing body in writing in November of the calendar year. The Borough reserves its right to

require employees to use accrued compensatory time. Department Heads shall monitor available compensatory time and arrange for employees approaching the accrual of 40 hours of compensatory time to take time off to reduce the amount available. The Borough also reserves its right to pay cash for accumulated compensatory time at any point. Payment will be made at the rate at which the time was earned, either the regular rate or one and one-half (1 ½) times the regular rate.

The employee has the right to request the use of accumulated compensatory time by submitting a written request to the Administrator at least three (3) days prior to the date requested for use of the compensatory time. The Borough reserves its right to deny the request if the use of compensatory time will unduly disrupt the operations of the Borough.

EXEMPT EMPLOYEES

Department Heads and all other exempt employees shall not receive compensation for overtime.

DEDUCTIONS

Salary deductions for leave without pay taken by non-exempt employees shall be computed on the basis of the employee's hourly rate.

UNIONIZED EMPLOYEES

All unionized employees shall receive overtime in accordance with their applicable collective bargaining agreement.

OVERTIME APPROVAL FORM

Employee Name:_____

Department:_____ Department Head:_____

Date Overtime will be Worked:_____

Reason for Overtime:_____

To Be Completed Prior to Working Overtime:

Authorized Starting Time:_____

Authorized Meal Period: ☐ ½ Hour ☐ Not Applicable

Authorized Ending Time:_____

Authorized Hours of Overtime:_____

Employee Signature

Department Head Signature

To Be Completed Immediately After Working Overtime:

Actual Starting Time:_____

Actual Meal Period: ☐ ½ Hour ☐ Not Applicable

Actual Ending Time:_____

Actual Hours of Overtime Worked:_____

Employee Signature

Department Head Signature

PAY PERIODS AND PAYROLL DEDUCTIONS

PAY PERIODS

Biweekly pay periods run from Monday at 12:00 a.m. until the following Sunday at 11:59:59 p.m. The Borough will generally pay its employees biweekly, on Friday, for the biweekly pay period ending on the previous Sunday. The Borough of Sea Girt applies a semi-monthly pay schedule; the Borough pays its employees on the 15th and 30th of each month. If a payday falls on a holiday, the Borough will issue paychecks on the working day prior to the holiday.

Salaried employees shall receive, at the end of each pay period, compensation equaling one-twenty-fourth (1/24) of their annual salaries, less payroll deductions.

Hourly and non-exempt employees receive one twenty-fourth (1/24) of their annual salary per pay period and any overtime compensation accrued during the pay period prior to the required submission of the employee's timesheet.

The Borough will release an employee's paycheck only to the employee unless the employee provides the Office of the Clerk/Treasurer with written authorization to release his or her paycheck to a specified individual(s) other than the employee.

PAYCHECK ERRORS

If an employee discovers an error in his or her paycheck, he or she should inform the Administrator of the error within seven days of receipt of the check.

PAYROLL DEDUCTIONS

Mandatory deductions from paychecks may include the following:

- Federal Income Tax
- State Income Tax
- Social Security (FICA)
- Unemployment Compensation Insurance
- Pension Deductions
- Pension Loan Repayments (if applicable)
- Pension Back Payments (if applicable)
- Court-ordered Wage Garnishments (if applicable)

Employee-authorized deductions may include:

- PERS Contributory Insurance (mandatory for the first year of enrollment in the

- Pension system)
- Union Dues/Representation Fees
- Credit Union
- Miscellaneous Insurance Plans (i.e., health, dental, disability)

DEDUCTIONS FROM SALARIES OF EXEMPT EMPLOYEES

In accordance with the Fair Labor Standards Act, the Borough will pay exempt employees their full salary for any workweek in which they perform work, regardless of the number of days or hours worked, subject only to deductions that are permitted by law. Full day deductions from pay that are permitted by law include, for example, deductions for personal time off, sick days before or after eligibility for paid sick leave, or deductions for infractions of written workplace conduct rules. The Borough may make full or partial day deductions from exempt employee's salaries for infractions of safety rules of major significance or for use of intermittent leave under the Family and Medical Leave Act.

The Borough will promptly investigate and correct any improper payroll deductions or other payroll practices that do not comply with the Act. If an employee believes that an improper payroll practice--such as an improper deduction from an exempt salary--has occurred, he or she may make a written complaint to the Administrator. The Administrator will see that the matter is appropriately reviewed; the employee will be reimbursed for the amount of any inappropriate deduction taken.

CHANGING VITAL INFORMATION

It is the responsibility of each employee to notify the Administrator promptly, in writing, of any changes of vital information including but not limited to:

- Name
- Address
- Telephone Number
- Marital Status
- Dependent Children
- Change in status for health care programs
- Change in status for dental coverage
- Change of beneficiary on pension or life insurance policies
- Change in tax status for tax withholding purposes
- Persons to notify in case of emergency

Changes may be accomplished by sending the Change of Vital Information Report form to the Administrator. When necessary, the employee will be provided with the proper forms to change beneficiary, income tax deductions, etc.

CHANGE IN VITAL INFORMATION REPORT

To: Administrator

From: _____ Department: _____

Indicate the Change You Are Reporting By Checking the Appropriate Line

- _____ Name
- _____ Address
- _____ Phone Number
- _____ Cellular Phone Number
- _____ Birth or Adoption of Child
- _____ Death of Covered Family Member
- _____ Marriage
- _____ Divorce
- _____ Child's Status as Dependent (for tax or insurance coverage benefits)
- _____ Change in status for health care programs
- _____ Change of beneficiary on pension or life insurance policies
- _____ Change in tax status for tax withholding purposes
- _____ Change of information for Emergency Notification Card
- _____ Other (explain below)

Please provide details relating to the change you have checked above, including the date of the change.

I authorize these changes to be effective _____ (Date)

Employee's Signature

Date

ATTENDANCE AND TARDINESS

Regular attendance at work, reporting on time, and completing the required hours of work are necessary for each employee so that the Borough may meet its commitments to its residents. Employee absences place an additional burden on the remaining workforce and seriously affect the Borough's ability to service its residents. Management recognizes that circumstances beyond the employee's control may cause him or her to be absent from work for all or part of a day. The Borough however, will not tolerate unexcused absence or tardiness.

Unsatisfactory attendance includes abuse of sick leave, absences that precede/follow regularly scheduled days off or holidays, and continued tardiness in reporting for work or returning from lunch. All unauthorized and unreported absences shall be considered absence without leave, and deduction of pay shall be made for such period of absences.

All employees are expected to come to work regularly and on time and to promptly notify their Department Head when they are unable to do so. Unless prevented by specific circumstances, employees must notify their Department Head or the Administrator of an unanticipated absence or tardiness as soon as possible but not later than one hour prior to the commencement of the scheduled work day. While a voice mail message is acceptable, employees must leave a telephone number where they can be reached. Employees who recognize that they will be late in returning from lunch must immediately telephone the Department Head to report the reason for lateness and the expected arrival time. Tardiness must be recorded on the employee's time sheet.

Scheduled absences such as vacations, personal absence time, jury duty and compensatory time off shall be scheduled in advance with the employee's Department Head and the Administrator. All requests for time off must be submitted on the Borough's Leave Request form to the employee's Department Head. Any time off of two (2) consecutive days or more requires the prior approval of the Administrator.

Failure to report an unscheduled absence constitutes an unexcused absence and may result in disciplinary action up to and including termination of employment and the loss of benefits for which the employee would otherwise be eligible. The Borough will charge unexcused absences against the employee's accrued compensatory time, personal time, and vacation time, in that order. If the employee has not accrued any time off, the Borough will make an appropriate payroll adjustment for non-exempt employees. Unreported or unexcused absences will constitute grounds for disciplinary action up to and including termination.

Any employee who is absent from duty for three (3) or more consecutive working days without notifying his or her Department Head or the Administrator or failure to return when scheduled from any leave of absence shall constitute job abandonment resulting in the forfeiture of all paid time off benefits. The Administrator will attempt to notify the employee that his or her absences will be considered job abandonment. Following the third consecutive unexcused absence, the Administrator will notify the employee in writing of his or her termination and written

documentation indicating the specific occurrences of the unexcused absences will be placed in the employee's personnel file.

Attendance and punctuality will be considered, among other factors, in the employee's performance review. Employees who exhibit attendance and/or tardiness problems will be subject to progressive disciplinary procedures up to and including termination.

To minimize the negative impact on both employees and Borough residents, Department Heads will review employee time records to identify chronic absenteeism and/or tardiness problems.

LUNCH BREAK

Police Department employees and Department of Public Works employees receive a one-half hour lunch break. All other employees receive a one hour lunch break. Employees may not take their lunch break at their desk.

The Borough does not permit employees to work through lunch so that they may leave work prior to the end of the work day. However, the Administrator may make an exception and allow an employee to work through his/her lunch hour and leave work early. Such permission must be specifically provided by the Administrator to the employee in writing. Such an exception will only be provided in limited circumstances and when it will not interfere with the employee's work responsibilities. This deviation concerning lunch period does not apply to the Administrator.

Any deviation from this Policy must be agreed to in writing by the Administrator.

Department Heads shall oversee the staggering of employee lunch times to ensure that offices are adequately staffed at all times. In most instances, the lunch period will be taken between 11:30 and 2:30.

EMERGENCY CLOSURES

All employees are expected to report to work as scheduled unless notified that the Borough offices will be closed. Generally, the Borough will be open for business during inclement weather.

The Administrator (with the verbal consent of the Mayor) may close the Municipal Building and declare general time-off under unusual or extreme circumstances affecting the health, safety, and welfare of employees. The Administrator shall notify the Police Department of any such decision. If the Administrator is absent from the Borough, the decision shall be made by the Mayor. For regular employees, general time-off shall be paid provided it occurs while the employee is scheduled to work.

Therefore, when the Municipal Building is declared closed, employees whose services are non-essential shall not be penalized for their inability to travel to work, nor shall they be required to use accrued but unused time. If the Municipal Building is not declared closed, and an employee chooses not to report to work, the time will be charged against accumulated vacation time and personal absence time, in that order. In addition, employees will have the option to apply any accumulated compensatory time towards the absence instead of vacation time or personal absence time. In the event there is no time accumulated in these categories, the time off from work will be charged as time off without pay. Sick time will only be charged for a reason qualifying for sick leave. If work is called off, no time will be charged for the day.

The Administrator may grant up to two (2) working days with pay per year pursuant to this policy. If the Municipal Building is declared closed in excess of two (2) working days per year, the Borough will provide time off without pay or provide the employee with the option of using accrued but unused vacation or personal time. Health and/or pandemic situations will be addressed based upon the circumstances surrounding the incident.

In the event of extreme weather conditions or other emergency necessitating the closing of Borough administrative offices, Department Heads must call the Borough Police Department for instructions.

Unless otherwise directed by the appropriate Department Head, this provision does not apply to the Department of Public Works, Police Department, Emergency Services or other personnel who may be required to assist in an emergency.

MEDICAL BENEFITS

Please Note: Full details of employee's health, medical and hospitalization plans can be found in the official insurance plan documents. If there is any conflict or inconsistency between the information in the policy and procedures manual and the official documents, the official documents will govern. The Borough reserves the right to modify, revoke, suspend, terminate or change any or all such plans, in whole or in part, at any time with or without notice to the extent permitted by law.

MEDICAL AND HOSPITALIZATION INSURANCE

The Borough elects to provide each full-time employee full family major medical and hospitalization coverage. Employees must work a minimum of thirty (30) hours per week year round to be eligible for such coverage. The Borough will bear the cost of such coverage to the extent that employees are required to contribute to such coverage as may be required by the State.

Employees shall contribute to the cost based on annual salary as follows:

Up to \$39,999.99	10% of premium
\$40,000.00 to \$69,999.99	15% of premium
\$70,000.00 and above	20% of premium

Part-time, temporary and seasonal employees are not eligible to participate in the Borough's health insurance plans.

Payments of the premiums by the Borough will terminate upon the employee's separation from service. Upon separation, the employee may, if eligible, purchase continuation health benefit coverage to the extent, and for the period, provided by federal law.

PRESCRIPTION DRUG COVERAGE

The Borough provides prescription drug insurance for its regular full-time employees and their eligible dependents. Employees shall contribute to the cost based on annual salary as follows:

Up to \$39,999.99	10% of premium
\$40,000.00 to \$69,999.99	15% of premium
\$70,000.00 and above	20% of premium

Unionized employees receive prescription drug coverage in accordance with applicable collective bargaining agreements.

Employees will be responsible to pay a co-pay on prescriptions. The co-pay on prescriptions for unionized employees will be in accordance with the provision of the applicable collective bargaining agreement.

Full-time employees and their eligible dependents become eligible to participate in the Borough's prescription insurance plan in accordance with current plan documents.

Payments of such premiums by the Borough will terminate upon the employee's separation from service. Upon separation, the employee may, if eligible, purchase continuation health benefit coverage to the extent, and for the period, provided by federal law.

DENTAL BENEFITS

The Borough of Sea Girt provides dental insurance coverage for all full-time regular employees and their dependents. The Borough pays the full premium cost of dental insurance for the employee and dependents of employees hired before January 1, 1994.

Employees will be eligible for participation in the dental program on the first day of the month following the completion of six (6) months of continuous service with the Borough of Sea Girt.

UNIONIZED EMPLOYEES

Health insurance and dental benefits for employees that are represented by unions shall be in keeping with insurance provisions incorporated in their collective bargaining agreements.

INDEPENDENT EMPLOYMENT CONTRACTS

Health insurance and dental benefits for employees that have independent employment contracts with the Borough shall be in accordance with such contracts.

OPT OUT PROVISION

Any employee that opts out of major medical and hospitalization coverage offered by the Borough will receive \$4,500.00 each year that he/she opts out. The \$ 4,500.00 compensation for opting out of the Borough's major medical and hospitalization coverage does not apply in situations where a husband and wife or two partners in a civil union or domestic partnership are employed by the Borough, or as precluded by State statute

HIPAA COMPLIANCE

The Borough is committed to upholding both the letter and the spirit of the Health Insurance Portability and Accountability Act regarding the use, maintenance, transfer, and disposition of personal health care information. To the extent that the Borough maintains such information about its employees and others, its elected officials and employees are committed to protecting the privacy and confidentiality of that information.

CONTINUATION OF GROUP HEALTH INSURANCE COVERAGE FOR EMPLOYEES AND DEPENDENTS

On April 7, 1986, a federal law was enacted (Public Law # 99-272, Title X) requiring that most employers sponsoring Group Health Plans offer employees and their families the opportunity for a temporary extension of health coverage (called continuation coverage) at group rates in certain instances where coverage under the employer's Plan would otherwise end. This notice is intended to inform you, in a summary fashion, of your rights and obligations under the continuation coverage provisions of the law. (Both you and your spouse should take the time to read the section of this Manual carefully).

If you are an employee covered by the Borough's Group Health Plan, you have a right to choose this continuation coverage if you lose your group health coverage because of a reduction in your hours of employment or termination of your employment (for reasons other than gross misconduct on your part), or if you are a retiree, or because your employer has filed for reorganization under Chapter 11 of the Bankruptcy Code.

If you are the spouse of an employee (or a retiree for reason #5 below) covered by the Borough's Plan, you have the right to choose continuation coverage for yourself if you lose group health coverage under the Plan for any of the following five reasons:

1. The death of your spouse.
2. A termination of your spouse's employment (for reasons other than gross misconduct) or reduction in your spouse's hours of employment.
3. Divorce or legal separation from your spouse.
4. Your spouse becomes entitled to Medicare.

In the case of a dependent child of an employee covered by this Plan, he/she has the right to continuation coverage if group health coverage under the Borough's Plan is lost for any of the following reasons:

1. The death of a parent.
2. Termination of a parent's employment (for other than gross misconduct) or reduction in hours of employment.
3. Parent's divorce or legal separation.
4. A parent becomes entitled to Medicare.
5. The dependent ceases to be a dependent child under the Plan.

Under the law, the employee or family member has the responsibility to inform the Plan Administrator, in this case, the Borough Administrator, of a divorce, legal separation, or the Social Security determination that a qualified beneficiary was disabled at the time of the employee's termination or reduction in hours, or a child losing dependent status under the Plan,

within sixty (60) days of the qualifying event or Social Security determination of disability. The Administrator has the responsibility to notify the Plan Supervisor of the employee's death, termination of employment or reduction in hours, or Medicare entitlement.

When the Administrator is notified that one of these events has happened, the Administrator will in turn notify you that you have the right to choose continuation coverage. Under the law, you have at least sixty (60) days from the date you would lose coverage because of one of the events described above to inform the Administrator that you want continuation coverage. If you elect continued coverage, you must submit an application form to the Administrator.

If you **do not** choose continuation coverage, your group health insurance coverage will end.

If you choose continuation coverage, the Borough is required to give you coverage which, as of the time coverage is being provided, is identical to the coverage provided under the Plan to similarly situated employees or family members. The law requires that you be afforded the opportunity to maintain continuation coverage for three years unless you lost group health coverage because of a termination of employment or reduction in hours. In that case, the required continuation coverage period is eighteen (18) months, unless the Social Security Administration determines that you were disabled at the time of termination or reduction of hours and you inform the Administrator before the end of the eighteen (18) month period, in which case your coverage may be extended up to twenty nine (29) months. If during the eighteen (18) months another event takes place that also entitles you to coverage, coverage may be extended. The total amount of continued coverage is limited to thirty six (36) months.

The law, however, also provides that your continuation coverage may be cut short for any of the following reasons.

1. The Borough **no** longer provides group health coverage to any of its employees.
2. The premium for your continuation coverage is **not** paid in a timely fashion.
3. You become covered under another group health plan that **does not** include a pre-existing condition(s) clause that applies to you or to a covered dependent. (If other group health coverage is obtained prior to the COBRA election, however, COBRA coverage may not be discontinued, even if the other coverage continues after the COBRA election.)
4. You become entitled to Medicare. (If, however, Medicare is obtained prior to COBRA election, COBRA coverage may not be discontinued, even if the other coverage continues after the COBRA election.)

For items 2, 3 and 4 above, it is your responsibility to inform the Administrator of these changes in status.

You **do not** have to show that you are insurable to choose continuation coverage. Under the law, however, you will have to pay the entire premium for your continuation coverage plus 2%; you

will have a grace period of at least thirty (30) days in which to pay the regular premiums. The law also says that, at the end of the eighteen (18) month, twenty-nine (29) month, or three (3) year continuation coverage period, you must be allowed to enroll in an individual conversion health plan provided under this Plan, if applicable.

If you have any questions about the law, please contact the Administrator.

Also, if you have changed marital status, or you or your spouse have changed addresses, please notify the Administrator.

LIFE INSURANCE

Most employees who are members of the Public Employees' Retirement System of New Jersey are automatically enrolled in its Group Life Insurance. Group Life Insurance is provided by the PFRS at no cost to the employee. Under PERS, group life insurance is provided on both a contributory and non-contributory basis. During the first 12 months of service, an employee is required to contribute 1% of his annual salary; thereafter, the employee may choose lesser coverage at a cost of 0.5% of salary.

All full-time permanent non-unionized employees shall receive Life Insurance and Accidental Death & Dismemberment benefits in accordance with the following schedule:

	Life Insurance	AD&D
Benefit	\$25,000	\$25,000
Reductions	@ Age 65 = None @ Age 70 = 50%	@ Age 65 = None @ Age 70 = 50%
Evidence of Insurability	No--Guaranteed Issue	No--Guaranteed Issue

Part-time, temporary and seasonal employees are not entitled to life insurance benefits.

A leave of absence without pay may affect this benefit. Additional information and any forms are available from the Administrator.

Life insurance and accidental death and dismemberment benefits for employees that are represented by unions shall be in keeping with insurance provisions incorporated in their collective bargaining agreements.

Life insurance and accidental death and dismemberment benefits are also available to eligible employees under Guardian Life Insurance. The plans are provided at no cost to employees and therefore require one hundred percent (100 %) employee participation, allowing no option for an employee to "waive" of "refuse" coverage.

Changes regarding Group Life Insurance enacted by the State of New Jersey will be applicable as prescribed by law and as promulgated in the applicable rules and regulations. If there is anything in the policy and procedures manual that conflicts or is inconsistent with that which is provided by the New Jersey Division of Pensions and Benefits, applicable statutes or regulations, that which

is provided by the Division of Pensions and Benefits, applicable statutes and regulations will govern.

Similarly, the full details of life insurance and accidental death and dismemberment benefits can be found in the official insurance plan documents. If there is any conflict or inconsistency between the information in the policy and procedures manual and the official documents, the official documents will govern. The Borough reserves the right to modify, revoke, suspend, terminate or change any or all such plans, in whole or in part, at any time with or without notice to the extent permitted by law.

HOLIDAYS

The official holidays for all Borough employees shall be:

New Year's Day	Labor Day
Martin Luther King Jr. Birthday	Columbus Day
Lincoln's Birthday	Veteran's Day
Presidents' Day	Thanksgiving Day
Good Friday	The Day after Thanksgiving Day
Memorial Day	Christmas Day
Independence Day	

In addition to the above holidays, when Christmas Day, New Year's Day and Independence Day fall on a Tuesday or Thursday the following Friday or preceding Monday shall also be observed. When any holiday falls on a Saturday or Sunday the preceding Friday or succeeding Monday or next regular working day of the employee shall be observed.

Employees regularly scheduled to work on a holiday shall receive one additional day's compensation at their regular time rate.

The above mentioned holidays shall be included in the employee's regular pay period.

When an official holiday occurs during an employee's vacation, the employee is entitled to an additional day of vacation. A holiday that occurs during unpaid leave has no effect. The employee is not paid for the holiday.

ELIGIBILITY FOR HOLIDAY PAY

To qualify for holiday pay, employees must work their scheduled workday immediately preceding and immediately following the holiday unless on an excused absence. Employees who take sick leave on the workday immediately preceding or immediately following a holiday must provide a doctor's note verifying the need for sick leave.

Part-time, temporary and seasonal employees are not eligible for holiday pay.

RELIGIOUS HOLIDAYS

With the prior approval of the Administrator, employees who wish to observe religious holidays may do so without loss of pay by using personal time, or vacation days, but only to the extent that the employee has not already used up his or her personal time and/or vacation days.

POLICE DEPARTMENT

All full time police officers shall be granted twelve (12) paid holidays whether worked or not and shall receive another one-half (1/2) days' pay for each additional holiday worked.

OTHER UNIONIZED EMPLOYEES

All other unionized employees shall receive holiday benefits as provided in their applicable collective bargaining agreement.

VACATIONS

VACATION BENEFITS

Each non-unionized employee who has the length of continuous employment specified in the following schedule shall be entitled to the working time shown as vacation with pay at his or her regular rate of pay, credited from date of employment.

- a. Upon completion of six (6) months continuous service in a calendar year, five (5) working days
- b. One (1) year to end of five (5) years continuous service, twelve (12) working days
- c. Six (6) years to end of ten (10) years of continuous service, fifteen (15) working days
- d. Eleven (11) years + continuous service, twenty (20) working days
- e. Twenty-five (25) years + continuous service, twenty-five (25) working days.

New hires shall not be eligible for vacation until the completion of six months of service with the Borough. Eligibility for vacation shall be computed as of the first day of the month in which the individual employee was hired.

ELIGIBILITY FOR VACATION BENEFITS

Employees who take sick leave on the workday immediately preceding or immediately following a vacation day must provide a doctor's note verifying the need for sick leave.

Part-time, temporary and seasonal employees are not eligible for paid vacation. Although part-time and temporary employees are not eligible for paid vacation days, they may take unpaid vacation with the approval of the Department Head and the Administrator or his or her designee.

INCREMENTS AND GROUPINGS

The minimum period of vacation leave shall be one-half ($\frac{1}{2}$) day. No single vacation period for any employee shall exceed ten (10) continuous working days except by special permission of the Administrator.

VACATION SCHEDULING

Subject to the approval of the Administrator and Department Head, vacations shall be scheduled by Department Heads in such manner as to insure adequate levels of personnel to operate such departments efficiently especially during busier times of the year. Prior to scheduling vacation, Department Heads must check with the Administrator or his or her designee to ensure that the employee has the requested amount of accrued but unused vacation time. The Administrator

shall approve vacation time for Department Heads.

Requests for vacation leave must be submitted on the Borough's Leave Request Form to the employee's Department Head by April 1, and at least thirty (30) days prior to the commencement of the vacation period. At his or her discretion and judgment, the Administrator may waive the thirty (30) day requirement. Approval of requests will be granted contingent upon adequate staffing in the department, the work of the Borough and operational mission requirements. In the event that a conflict arises with two (2) or more employees requesting vacation period, the employee with the highest rank will have priority for the vacation period. If the conflict is between employees with the same rank, seniority will be used. An employee who fails to submit his or her request for a specified vacation period, or who requests a change in the established vacation schedule, will forfeit his or her priority and be assigned a vacation period which accommodates the timely requests of other employees.

Efforts will be made to schedule vacation leave in accordance with the employee's wishes and consistent with the maintenance of efficiency. The Borough, however, may require an employee to reschedule his or her vacation in cases of business necessity.

ACCRUAL OF VACATION LEAVE

Vacation time shall not be cumulative from year to year. The Borough, however, recognizes that the need might arise for an employee to carry over vacation time from one year to the next. The Borough shall grant any individual employee an opportunity to appear before the Borough Council – with a special request for the carry-over of a maximum of one (1) year's vacation under specific circumstances. Requests to carry over time consisting of twenty (20) days or less can be approved by the Administrator.

The Borough Council reserves the right to either approve or deny the request based solely upon the Council's discretion. Nevertheless, no employee shall lose vacation time by virtue of being required to work during his or her scheduled vacation.

ACCRUAL OF VACATION TIME WHILE ON LEAVE

Vacation leave credits shall continue to accrue while an employee is on leave with pay. Credits shall not accrue while an employee is on leave without pay.

PAYMENT FOR ACCRUED VACATION TIME UPON SEPARATION OF EMPLOYMENT

Upon an employee's separation from the Borough, before the end of an anniversary year, the Borough will calculate the actual vacation time that the employee is entitled to based upon the amount of days actually employed by the Borough. That formula will then represent the employee's true vacation day entitlement for the calendar year. If the employee has not taken the actual total vacation day entitlement, upon separation the employee will be compensated for the

balance of vacation days the employee is entitled to based upon the proration of days worked. Conversely, if the amount of vacation actually taken during the year excess the entitlement based upon the proration of the year, the employee will be responsible to reimburse the employer for time taken which they were not entitled to. This adjustment will be taken out of other separation payment.

Additionally, to be eligible for payment for prorated accrued but unused vacation time, the employee must have resigned in good standing. Employees shall not otherwise be paid for unused vacation days.

When an employee dies having vacation leave to his or her credit, the Borough will pay to the estate a sum of money equal to the prorated accrued but unused vacation time at the time of death.

UNIONIZED EMPLOYEES

Unionized employees shall receive vacation benefits in accordance with their respective collective bargaining agreements.

PERSONAL DAYS

PERSONAL LEAVE BENEFITS

Full time employees are entitled to four (4) personal days with pay per calendar year. Employees may take up to one personal day in one-half day increments.

Employees hired on or after May 1, 2009 are entitled to one (1) personal leave day during their first anniversary year, two (2) personal leave days during their second anniversary year, three (3) personal leave days during their third anniversary year, and four (4) personal leave days during the fourth anniversary year and each anniversary year thereafter.

Part-time, temporary and seasonal employees are not eligible for personal leave time.

Personal days cannot be accumulated from year to year. Personal leave not used during a calendar year is lost.

Upon termination of employment, an employee will forfeit his or her accrued but unused personal days. The Borough will not compensate employees for accrued but unused personal days.

SCHEDULING

All employees should inform their Department Head as far in advance as possible when they intend to take their personal days. With the exception of extraordinary and unanticipated circumstances, notice of intention to take personal days shall be given in writing to the employee's Department Head at least three (3) working days in advance of its use. If the employee provides less than three (3) days' notice, the Department Head retains the discretion as to whether to grant the personal leave. The Department Head shall grant personal leave requests only if, in the exercise of reasonable discretion, he or she determines that there are sufficient personnel to operate the department.

UNIONIZED EMPLOYEES

Unionized employees shall receive personal leave in accordance with their respective collective bargaining agreements.

SICK LEAVE

DEFINITION OF SICK LEAVE

A full-time Borough employee is entitled to sick leave if he or she is incapacitated through sickness or injury to a degree that makes it impossible for the employee to perform the duties of his or her position, or if a physician quarantines an employee because of exposure to a contagious disease.

Sick leave may not be used for personal business.

SICK LEAVE BENEFITS

All full-time employees not covered by union contracts shall be entitled to twelve (12) working days of sick leave at their regular rate per year. Sick leave is credited as of January 1, each year.

Employees hired on or after May 1, 2009 are entitled to four (4) working days of sick leave at their regular rate per year. After the completion of four (4) continuous years of service, employees are entitled to twelve (12) working days of sick leave at their regular rate per year.

Part-time, temporary and seasonal employees are not eligible for sick leave.

The minimum unit of sick time for compensation purposes will be one-half (½) day.

Sick time accrues while an employee is on any paid leave. Sick time does not accrue during an unpaid leave of absence.

NOTIFICATION

If an employee is absent for reasons that entitle him or her to sick leave, the employee shall notify his or her Department Head not later than one (1) hour prior to the employee's usual reporting time. If unable to contact his or her Department Head, he or she shall notify the Administrator.

For absences of more than one (1) day, the employee must call in daily, unless a note from the employee's physician specifying the date of return has been submitted to the Administrator. Anything absence for a duration of more than two (2) consecutive days requires a doctor's note unless waived by the Administrator.

The failure to provide notice of intention to take sick leave may result in a forfeiture of sick leave credit and may constitute cause for disciplinary action up to and including termination.

If an employee, or a member of their immediate family, fails to notify the department head or the Administrator after three (3) consecutive absences, the Borough will assume that the employee has abandoned the job and treated the separation as a job abandonment resignation. In his or her discretion, the Administrator may make an exception to this decision if the employee verifies an extreme situation that prevented him or her from contacting the Borough.

VERIFICATION OF SICK LEAVE

A certificate from a physician designated by the Borough or the employee's own physician may be required at any time as proof of the need for sick leave. Additionally, the Borough may require that any employee absent on sick leave be examined by a physician designated by the Borough. The Borough may also require an employee to obtain a certificate from a physician designated by the Borough before returning to work. In any event, an employee absent on sick leave for three or more consecutive working days shall be required to submit a certificate from the employee's physician with the Administrator before being allowed to return to work. Moreover, an employee absent on sick leave for more than five (5) non-consecutive days in a calendar year will be required to submit a certificate from the employee's physician with the Administrator on each single sick day thereafter for the remainder of the calendar year. Abuse of sick leave shall be cause for disciplinary action up to and including termination of employment.

Sick leave due to exposure to a contagious disease requires that the employee submit a certificate from the municipal Department of Health.

In cases of extended illness, disability, or a pattern of absences, the employee shall furnish such reports or medical certificates of his or her condition as may be required by the Department Head or Administrator. Additionally, the Department Head or Administrator may require that the employee be examined by the Borough physician prior to returning to work, to determine the employee's fitness to perform the requirements of his or her position and/or to ensure that the employee's return will not jeopardize the health of the employee or other employees.

ACCUMULATION OF SICK LEAVE

Employees shall also be entitled to accumulate unused sick leave without limitation at their regular rate of pay.

PAYMENT FOR ACCRUED SICK LEAVE UPON SEPARATION

Upon separation of employment with the Borough of Sea Girt, including retirement, each full-time employee shall be entitled to on-half (1/2) day's pay at the rate in effect at the time of separation for each unused sick leave day. Each employee shall give six (6) months' notice of separation except in cases of emergency or by mutual agreement. All employees commencing service after January 1, 1981, shall receive upon separation of employment with the Borough of

Sea Girt, one-half (1/2) day's pay, at the rate in effect at the time of separation, for each unused accumulated sick day up to a maximum accumulation of one-hundred fifty (150) days.

If the Borough promotes an employee to a title covered by this Manual rather than a union contract, the employee's accumulated sick time which is in excess of the maximum allowance listed in the Manual shall not have the accumulation reduced except by use of sick time.

PERSONAL APPOINTMENTS

Medical and dental, legal or other appointments should be made so as not to interfere with an employee's work day. Emergency appointments made during the work day should be reported to the Department Head as soon as possible. Employees may use sick time only for appointments related to a medical condition.

Unauthorized or unreported absences may result in an employee not being paid for the time away from work, or other disciplinary action.

UNIONIZED EMPLOYEES

Sick and terminal leave benefits for unionized employees shall be governed by the sick and terminal leave provisions incorporated in the collective bargaining agreement.

BEREAVEMENT LEAVE

In the event of death in the immediate family of a regular full-time employee, he or she shall be granted time off without loss of pay commencing on the day of death or the day of the funeral not to exceed three (3) consecutive working days.

Immediate family is defined to include mother, father, mother and father in-laws', brother and sister, spouse, civil union partner, domestic partnership partner, children or foster children of the employee, grandchild, grandmother and grandfather.

The Administrator may permit an employee a maximum of one (1) day's leave with pay for bereavement leave for the death of a family member who does not fall within the definition of immediate family member as defined above.

Employees should notify the Department Head of their intent to take bereavement leave as soon as possible. The Borough may require that the employee produce reasonable proof of death.

Any extension of absences under this policy may, at the employee's option and with the consent of the Department Head, be charged against available vacation or personal time.

UNIONIZED EMPLOYEES

Unionized employees shall be entitled to bereavement leave in accordance with their respective collective bargaining agreements.

JURY DUTY AND WITNESS DUTY

JURY DUTY LEAVE OF ABSENCE

When an employee is called for jury duty and for the duration of such service, the employee shall be entitled to a temporary leave with pay in accordance with. 2B:20-16. The Borough requires that:

1. The employee notifies his or her Department Head of the jury duty as soon as he or she becomes aware of the obligation but in no event more than two business days after receipt of the summons by submitting a Borough Leave Request Form with supporting documentation;
2. The employee inquires about the anticipated length of service and informs his or her Department Head of the expected duration in advance of accepting service;
3. The employee reports for work at such time as his or her presence as a juror is not required;
4. The employee provides the Borough with an appropriate certification or order from the assignment judge, clerk of the court or such other officer as shall be appropriate setting forth the period of such jury duty service; and
5. The employee signs over to the Borough any payments or fees received as a result of such jury service less any travel expenses.

The employees will receive their regular wages and benefits for the full term of the jury duty absence. The employee must submit his or her time slip to the Borough Clerk's Office.

WITNESS DUTY LEAVE OF ABSENCE

The Borough is aware that employees may be subpoenaed to appear as witnesses in trials before the court. For personal matters, employees will use available personal days or vacation days.

SHORT TERM DISABILITY BENEFITS

Please Note: Full details of the Borough's short term disability plan can be found in the official insurance plan documents. If there is any conflict or inconsistency between the information in the policy and procedures manual and the official documents, the official documents will govern. The Borough reserves the right to modify, revoke, suspend, terminate or change any or all such plans, in whole or in part, at any time with or without notice to the extent permitted by law.

The Borough maintains a private insurance plan through Standard Insurance Company for short term disability benefits for qualified employees. The plan does not require premium contributions from employees. Short term disability benefits are only available to employees who regularly work at least thirty (30) hours each week. Benefits are not available for part time, short term or seasonal employees.

Eligible employees may qualify to receive benefits due to a disability as a result of sickness, injury or pregnancy in which the employee is unable to perform with reasonable continuity the material duties of his/her job. Benefits are not available for partial disabilities. In addition, any such sickness or injury must not be job related.

There is a seven (7) day benefit waiting period before an employee can receive short term disability benefits. The employee must be under the ongoing care of a physician during the benefit waiting period. No benefits will be paid for any period of disability when an employee is not under the ongoing care of a physician.

The maximum benefit allowed under the policy is twenty-six (26) weeks. No benefits will be paid after the end of the maximum benefit period, even if the employee is still disabled.

Employees are encouraged to contact the Borough Administrator if they believe they are entitled to short term disability benefits.

FAMILY MEDICAL LEAVE

Pursuant to the Family and Medical Leave Act of 1993 (the "FMLA"), Borough employees who have worked for the Borough for at least twelve (12) months and have worked at least 1,250 hours over the previous 12 months and is employed at a worksite where 50 or more employees are employed by the employer within 75 miles of the worksite (for Federal leave) are eligible for unpaid, job-protected leave of up to twelve (12) weeks (twenty-six (26) weeks for military care giver leave) in a 12-month period for family and medical reasons. Eligibility for family/medical leave is based on a rolling twelve-month period measured backward from the date an employee uses any FMLA leave. An unpaid leave may be taken for the following purposes:

1. The birth of an employee's child and the care of the newborn child. This provision is applicable to both mothers and fathers;
2. The placement of a child with the employee for adoption or foster care;
3. The care of the employee's spouse, child or parent, with a serious health condition;
4. A serious health condition that renders the employee unable to perform his or her job.

Family Medical Leave is also available for eligible employees:

1. Because of any qualifying exigency while the employee's spouse, son, daughter, or parent (the military member or member) is on covered active duty or called to covered active duty status (or has been notified of an impending call or order to covered active duty) (Qualifying Exigency Leave) ; and
2. To care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the service member (Military Care giver Leave).

For additional information on family medical leave for military reasons, see Military Family Leave Policy.

Under the FMLA, a child includes biological, adopted, and foster child, step-child, legal ward or a "child" of a person acting in the capacity of a parent. The term "parent" includes biological, adoptive, step or foster parent, as well as a person that acted in the capacity of a parent toward the employee. The term "spouse" includes spouse in a same sex marriage as defined by the FMLA. Siblings and in-laws are not covered by the FMLA.

A "serious health condition" means an illness, injury, impairment or a physical or mental

condition that involves inpatient care or continuing treatment by a health care provider. Additionally, an employee's serious health condition means the employee is unable to perform the functions of his or her job.

An employee with more than one qualifying event within a 12-month period is not entitled to a separate 12-week period of leave for each event.

It is not required that the leave be taken all at one time. Intermittent leave (leave taken in separate blocks of time) or reduced leave (decrease in the number of working hours per week) can be taken if the employee or a covered relation has a serious health condition, provided intermittent or reduced leave is medically necessary. (See Intermittent or Reduced Leave below).

TO REQUEST FAMILY MEDICAL LEAVE

To request family medical leave, the employee shall submit a written application to the Administrator. Applications for Family Medical Leave are available from the Administrator. The Application for Family Medical Leave form provides the Borough with, among other things, notice that leave will be taken, the amount of leave to be taken and the reason for the leave. In addition, if the leave involves an illness, the employee shall be required to submit a written Certification of Health Care Provider to the Administrator.

The Certification of Health Care Provider form must be completed by a health care provider. The Borough requires employees who take FMLA leave because of their own serious medical condition to submit a Certification of Health Care Provider for Employee's Serious Health Condition. The employee can obtain this form from the Administrator. It is also available at <http://www.dol.gov/whd/forms>. The Borough requires employees who take FMLA leave because of the serious medical condition of an employee's immediate family member to submit a Certification of Health Care Provider for Family Member's Serious Health Condition. The employee can obtain this form from the Administrator. It is also available at <http://www.dol.gov/whd/forms>.

The Borough may require subsequent recertification on a reasonable basis and to the extent permitted by law. Failure to provide any certification is grounds for denial of the leave. If the Borough has doubt as to the validity of the certification provided, the Borough may require, at its expense, that the employee obtain a second opinion from a health care provider selected by the Borough. If the second opinion differs from the first, a third mutually agreeable health care provider shall be selected, whose opinion shall be binding.

NOTIFICATION REQUIREMENTS

If the leave is foreseeable, the employee must provide at least 30 days' notice prior to the leave beginning. If the leave needs to begin in less than 30 days, the employee must provide such notice as is practicable.

INTERMITTENT OR REDUCED SCHEDULE LEAVE

Intermittent or reduced schedule leave may be available, depending upon the reason for the leave. Intermittent leave is leave taken in separate blocks of time, rather than one continuous period necessary to address the circumstances that precipitated the need for leave. Intermittent leave may be taken in one day increments. Reduced leave is a schedule in which the weekly hours or hours per day are reduced. The Borough provides intermittent or reduced schedule leave in accordance with the FMLA and the NJFLA.

COMPENSATION FOR FAMILY MEDICAL LEAVE TIME

FMLA leave time is generally unpaid. Unless otherwise provided by law or these policies, employees are required to use accrued but unused paid leave time toward the FMLA leave, depending on the reason for the FMLA leave. The application of accrued, unused paid time off to the leave does not extend the employee's FMLA leave; it is applied to the employee's 12 weeks of unpaid FMLA leave. The balance of any FMLA leave after exhaustion of paid time off will be unpaid.

HEALTH BENEFITS DURING FAMILY MEDICAL LEAVE

The Borough will pay health benefit costs for employees who are on family medical leave to the extent the Borough pays them for an active employee not on leave. Therefore, employees must continue to pay their regular payroll deduction for their benefits while on leave.

If on paid leave, the employee's contribution will be collected in the same manner as if the employee was reporting to work. During periods of unpaid leave, the employee must arrange with the Administrator or designee prior to taking the leave, for payment of the employee's share of the premium.

Life insurance benefits will continue during FMLA leave time. Pension service credit will also continue to accrue during FMLA leave time. Employees may purchase all or any portion of pension service credit accrued during unpaid FMLA leave.

ACCRUAL OF LEAVE TIME DURING FMLA LEAVE

Employees will accrue paid time off (i.e., personal leave, vacation time, sick time) while using accrued time toward FMLA leave. Employees who have exhausted all of their available time do not accrue leave time during unpaid leave.

COMMUNICATION DURING FAMILY OR MEDICAL LEAVE

All employees on family or medical leave will be required to report periodically during the leave on their status and intent to return to work. Supervisors or Department Heads will communicate with employees during the leave to determine the employee's intent to return to work. An employee must inform the Administrator immediately if the medical condition changes or if the employee does not intend to return to work.

RETURN FROM LEAVE

Upon return from leave, the Borough will restore an employee to his or her position or to a position with equivalent pay, benefits, and other terms and conditions of employment; however, the Borough cannot guarantee that an employee will be returned to his or her original job. The Borough will determine whether a position is an "equivalent position."

All employees who take leave for their own serious medical condition will be required to present a fitness-for-duty certification to be restored to employment.

CONSEQUENCES OF FAILING TO RETURN UPON EXPIRATION OF LEAVE

Unless the Borough grants an extension, an employee who fails to return to work upon the expiration of a family or medical leave will be subject to termination. Upon exhaustion of the FMLA and/or NJFLA leave, employees will immediately lose health insurance coverage. Please note that a thirty-day grace period does not exist. Employees who do not continue their employment may continue their health insurance coverage pursuant to COBRA at their own expense. If an employee does not return to work following leave for a reason other than: (1) the continuation, recurrence, or onset of a serious health condition which would entitled the employee to FMLA leave; or (2) other circumstances beyond the employee's control, the employee may be required to reimburse the Borough for its share of health insurance premiums paid on the employee's behalf during the leave. Employees should direct their written request for an extension of leave to the Administrator as soon as he or she realizes that he or she will not be able to return at the expiration of the leave.

If an employee fails to return to work following the expiration of the leave, the employee shall be considered to have abandoned his or her position and voluntarily resigned.

Employees may also be eligible for leave under the New Jersey Family Leave Act. Leave under the Family Medical Leave Act and the New Jersey Family Leave Act will run concurrently, unless otherwise provided by law. For additional information, contact the Administrator.

MILITARY FAMILY AND MEDICAL LEAVE

Pursuant to the Family and Medical Leave Act of 1993 (the "FMLA"), Borough employees who have worked for the Borough for at least twelve (12) months and have worked at least 1,250 hours over the previous 12 months are eligible for unpaid, job-protected leave:

1. Because of any qualifying exigency while the employee's spouse, son, daughter, or parent (the military member or member) is on covered active duty or called to covered active duty status (or has been notified of an impending call or order to covered active duty) (qualifying exigency leave) ;
2. To care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the service member (military care giver leave).

Eligible employees may take up to 12 weeks of job-protected leave in the applicable 12-month period for Qualified Exigency Leave. Eligible employees may take up to 26 weeks of job-protected leave in the applicable 12-month period for Military Care Giver Leave.

MILITARY FAMILY MEDICAL LEAVE ENTITLEMENTS

Military Care Giver Leave: The Borough provides an eligible employee who is a spouse, son, daughter, parent or next of kin of a covered service member with a serious injury or illness with up to a total of twenty-six (26) workweeks of unpaid leave during a "single 12-month period" to care for the service member.

A covered service member is (1) a current 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 (2) a covered veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness. A covered veteran is an individual who was discharged or released under conditions other than dishonorable at any time during the five year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran.

A serious injury or illness, in the case of a current member of the Armed Forces, including a member of the National Guard or Reserves, is one that was incurred by a service member in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces, and that may render the service member medically unfit to perform the duties of his or her office, grade, rank, or rating.

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

1. A continuation of a serious injury or illness that was incurred or aggravated when the veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating; or
2. A physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and the need for military caregiver leave is related to that condition; or
3. A physical or mental condition that substantially impairs the veteran's ability to work because of a disability or disabilities related to military service, or would do so absent treatment; or
4. An injury that is the basis for the veteran's enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

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

The "single 12-month period" for leave to care for a covered service member with a serious injury or illness begins on the first day the employee takes leave for this reason and ends 12 months later, regardless of the 12 month period established by the employer for other types of FMLA leave. An eligible employee is limited to a combined total of 26 workweeks of leave for any FMLA-qualifying reason during the "single 12-month period." (Only 12 of the 26 weeks total may be for a FMLA-qualifying reason other than to care for a covered service member).

Qualifying Exigency Leave: The Borough grants an eligible employee up to a total of 12 workweeks of unpaid leave during a 12-month period for a qualifying exigency while the employee's spouse, son, daughter, or parent (the military member or member) is on a covered active duty, or call to active duty status (or has been notified of an impending call or order to active duty). Covered active duty requires deployment to a foreign country. Qualifying exigency leave is available to a family member of a military member in the Regular Armed Forces, National Guard and Reserves; it does not extend to family members of military members in the Regular Armed Forces. Eligibility for Qualifying Exigency Leave is based on a rolling twelve-month period measured backward from the date an employee uses any FMLA leave.

Qualifying exigencies include:

- Issues arising from a covered military member's short notice of deployment (i.e., deployment on seven or less days of notice) for a period of seven days from the date of notification;
- Military events and related activities, such as official ceremonies, programs, or events sponsored by the military or family support or assistance programs and informational briefings, sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active duty status of a covered military member;
- Certain childcare and related activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, and attending certain meetings at a school or a day care facility if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member;
- Making or updating financial and legal arrangements to address a covered military member's absence;
- Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or the child or the covered military member, the need for which arises from the active duty or call to active duty status of the covered military member;
- Taking up to fifteen (15) calendar days of leave to spend time with a covered military member who is on short-term temporary, Rest and Recuperation leave during deployment;
- Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of 90 days following the termination of the covered military member's active duty status, and addressing issues arising from the death of a covered military member;
- Caring for a military member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty. Such care may include arranging for alternative care, providing care on an immediate need basis, admitting or transferring the parent to a care facility, or attending meetings with staff at a care facility.
- Any other event that the employee and the Borough agree is a qualifying exigency.

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

Spouses employed by the same employer are limited to a combined total of 26 workweeks in a "single 12 month period" if the leave is to care for a covered service member with a serious

injury or illness, and for the birth and care of a newborn child, for placement of a child for adoption or foster care, or to care for the employee's parent who has a serious health condition.

FMLA leave may be taken intermittently whenever medically necessary to care for a covered service member with a serious injury or illness. FMLA leave also may be taken intermittently for a qualifying exigency arising out of the active duty status or call to active duty of a covered military member. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the Borough's operation.

NOTICE REQUIREMENTS

Employees seeking to use military care giver leave must provide 30 days advance notice of the need to take FMLA leave for planned medical treatment for a serious injury or illness of a covered service member. If leave is foreseeable but 30 days advance notice is not practicable, the employee must provide notice as soon as practicable—generally, either the same or next business day. An employee must provide notice of the need for foreseeable leave due to a qualifying exigency as soon as practicable. When the need for military family leave is not foreseeable, the employee must provide notice to the employer as soon as practicable under the facts and circumstances of the particular case. Generally, it should be practicable to provide notice for unforeseeable leave within the time prescribed by the Borough's usual and customary notice requirements.

TO REQUEST MILITARY FAMILY MEDICAL LEAVE

To request military family medical leave, the employee shall submit a written application to the Administrator. Applications for Family Medical Leave are available from the Administrator. The Borough requires that an employee's request for military family leave be supported by an appropriate certification. The Borough requires that:

- Leave for a qualifying exigency be supported by a copy of the covered military member's active duty orders or Rest and Recuperation orders, as applicable, and Certification of Qualifying Exigency for Military Family Medical Leave. The employee can obtain the Certification from the Administrator. It is also available at <http://www.dol.gov/whd/forms>. The appropriate facts related to the particular qualifying exigency for which leave is sought must be provided, including contact information if the leave involves meeting with a third party;
- Leave to care for a covered service member with a serious injury or illness is to be supported by a Certification for Serious Injury or Illness of Current Service member for Military Family Medical Leave. The employee can obtain this form from the Administrator. It is also available at <http://www.dol.gov/whd/forms>. The form must be completed by an authorized health care provider or by a copy of an Invitational Travel

Order (“ITO”) or Invitational Travel Authorization (“ITA”) issued to any member of the covered service member’s family.

Leave to care for a covered veteran with a serious injury or illness must be supported by a Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave. The employee can obtain this form from the Administrator. It is also available at <http://www.dol.gov/whd/forms>. The form must be completed by an authorized health care provider.

COMPENSATION FOR MILITARY FAMILY MEDICAL LEAVE TIME

Unless otherwise provided by law or these policies, employees are required to use accrued but unused paid leave time toward the FMLA leave depending on the reason for the leave. The application of accrued, unused paid time off to the leave does not extend the employee’s FMLA leave; it is applied to the employee’s 12 weeks of unpaid FMLA leave. The balance of any FMLA leave after exhaustion of paid time off will be unpaid.

HEALTH BENEFITS DURING MILITARY FAMILY MEDICAL LEAVE

The Borough will pay health benefit costs for employees who are on military family medical leave to the extent the Borough pays them for an active employee not on leave. Therefore, employees must continue to pay their regular payroll deduction for their benefits while on leave. If on paid leave, the employee's contribution will be collected in the same manner as if the employee was reporting to work. During periods of unpaid leave, the employee must arrange with the Administrator or designee prior to taking the leave, for payment of the employee's share of the premium.

Life insurance benefits will continue during FMLA leave time. Pension service credit will also continue to accrue during FMLA leave time. Employees may purchase all or any portion of pension service credit accrued during unpaid FMLA leave.

ACCRUAL OF LEAVE TIME DURING MILITARY FMLA LEAVE

Employees will accrue paid time off (i.e., personal leave, vacation time, sick time) while using accrued time toward FMLA leave. Employees who have exhausted all of their available time do not accrue leave time during unpaid leave.

RETURN FROM LEAVE

Upon return from leave, the Borough will restore an employee to his or her position or to a position with equivalent pay, benefits, and other terms and conditions of employment; however, the Borough cannot guarantee that an employee will be returned to his or her original job. The Borough will determine whether a position is an "equivalent position."

CONSEQUENCES OF FAILING TO RETURN UPON EXPIRATION OF LEAVE

Unless the Borough grants an extension, an employee who fails to return to work upon the expiration of FMLA leave will be subject to termination. Upon exhaustion of the FMLA and/or NJFLA leave, employees will immediately lose health insurance coverage. Please note that a thirty-day grace period does not exist. Employees who do not continue their employment may continue their health insurance coverage pursuant to COBRA at their own expense. If an employee does not return to work following leave for a reason other than: (1) the continuation, recurrence, or onset of a serious health condition which would entitle the employee to FMLA leave; or (2) other circumstances beyond the employee's control, the employee may be required to reimburse the Borough for its share of health insurance premiums paid on the employee's behalf during the leave. Employees should direct their written request for an extension of leave to the Administrator as soon as he or she realizes that he or she will not be able to return at the expiration of the leave.

If an employee fails to return to work following the expiration of the leave, the employee shall be considered to have abandoned his or her position and voluntarily resigned.

EMPLOYEE RIGHTS UNDER THE FAMILY MEDICAL LEAVE ACT

The United States Department of Labor, Wage and Hour Division

LEAVE ENTITLEMENTS

Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within 1 year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered service member's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the service member with a serious injury or illness.

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

BENEFITS & PROTECTIONS

While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave. Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

ELIGIBILITY REQUIREMENTS

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave;* and
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

*Special "hours of service" requirements apply to airline flight crew employees.

REQUESTING LEAVE

Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures.

Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

EMPLOYER RESPONSIBILITIES

Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

ENFORCEMENT

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

For additional information or to file a complaint:
1-866-4-USWAGE
(1-866-487-9243) TTY: 1-877-889-5627
www.dol.gov/whd
U.S. Department of Labor Wage and Hour Division

NEW JERSEY FAMILY LEAVE

Employees who have worked for at least twelve months and for at least 1,000 hours during the twelve-month period immediately preceding the leave are entitled to twelve weeks of family leave in any twenty-four month period under the provisions of the New Jersey Family Leave Act. Employees may take leave because of:

1. The birth or adoption of a child; or
2. The serious health condition of a family member.

“Child” means a biological, adopted, or foster child, stepchild, legal ward, or child of a parent who is (1) under the age of 18, or (2) 18 years of age or older but incapable of self-care because of mental or physical impairment. “Parent” means a person who is the biological parent, adoptive parent, foster parent, step-parent, parent-in-law, or legal guardian, having a “parent-child relationship” with a child as defined by law, or having sole or joint legal or physical custody, care, guardianship, or visitation with a child. “Family member” means a child, parent, spouse, partner in a civil union or partner in a domestic partnership.

Eligibility for family leave is based on a rolling 24-month period measured backward from the date an employee uses any NJFLA leave. An employee may not take more than 12 weeks of NJFLA Leave in any given 24 month period, as measured back from the date a request for NJFLA Leave is to take effect.

Any employee who wishes to apply for Family Leave must request such leave from the Administrator thirty (30) days in advance in writing using the Application for Family and/or Medical Leave, available from the Administrator. This time and written application requirement may be waived in emergency situations by the Administrator.

Employees may also be eligible for leave under the federal Family Medical Leave Act. If an employee is eligible for leave under both the federal Family Medical Leave Act and the New Jersey Family Leave Act, leave will run concurrently. For additional information, contact the Administrator.

APPLICATION FOR FAMILY AND/OR MEDICAL LEAVE (FMLA)
AND/OR NEW JERSEY FAMILY LEAVE (NJFLA)

Name: _____ Department: _____

Title: _____ Date of Request: _____

Current Address: _____

Start Date of Anticipated Leave: _____

Expected Date of Return to Work: _____

Reason for Leave:

- ☐ I request medical leave to care for my own serious medical condition.
- ☐ I request family leave to care for my newborn child, my newly adopted child, or a newly placed foster child in my home.
- ☐ I request family leave to care for my family member with a serious health condition. I request family leave to care for:
 - ☐ Spouse ☐ Child ☐ Parent
 - ☐ Parent-in-law (NJFLA only) ☐ Civil Union Partner (NJFLA only)

Name: _____ Address: _____

- ☐ I request a military family leave because of a qualifying exigency while my
☐ Spouse ☐ Child ☐ Parent is on covered active duty (or has been notified of an impending call to active duty).
- ☐ I request military a family leave because of a qualifying exigency to care for a military member's parent, who is incapable of self-care while the member is on covered active duty.

Note: The employee does not need to be related to the military member's parent. However, (1) the military member must be the parent, spouse, son or daughter of the employee taking FMLA leave, and (2) the parent must be the parent of the military member (including an individual who stood in loco parentis to the military member when the member was a child).

- ☐ I request military family leave because I am the ☐ Spouse ☐ Child ☐ Parent
☐ Next of Kin of a covered service member with a serious injury or illness.

A leave request that involves a health condition, military care giving, or a qualifying exigency under military family medical leave, must be accompanied by the appropriate verifying Certification of Health Care Provider. The certification must be submitted in a timely manner. I understand that if I do not cooperate in providing a complete certification or if the certification is deficient and I do not cure the deficiencies within the time provided, my request for leave will be denied.

Method of Leave Requested:

- ☐ Consecutive Leave
☐ Intermittent or Reduced Leave Schedule (specify schedule below) (The availability of intermittent or reduced leave depends upon the reason for the requested leave. The Borough provides intermittent or reduced leave as required by law.)
-
-

Substitution of Paid Leave:

FMLA/NJFLA leave is generally unpaid. Unless otherwise provided by law or these policies, employees must use accrued but unused paid time toward the FMLA/NJFLA leave. The accrued paid time off, which must be applied, depends upon the reason for the FMLA/NJFLA leave.

I understand that if my family or medical leave (total of paid and unpaid time) does not exceed twelve (12) weeks, (twenty-six (26) weeks for military care giver leave), I will be returned to my same or equivalent position. I understand that if my family or medical leave exceeds twelve (12) weeks (twenty-six (26) weeks for military care giver leave), the Borough may terminate my employment in accordance with applicable law. If my request for a leave is approved, it is my understanding that unless the Borough has authorized an extension of my leave in writing, I must report to duty on the first workday following the date my leave is scheduled to end. I understand that

my failure to return to work following the expiration of the leave will constitute unequivocal notice of my intent not to return to work and the Borough may terminate my employment.

Signature:_____ Date:_____

Received by:_____
[Employer Representative]

This form is to be completed by the Administrator or designee and attached to the FMLA/NJFLA request.

Department: _____ Date of Request: _____

Leave Start Date:_____ Leave Return Date:_____

Yes	No	Has the employee taken ANY of the 12 weeks of NJFLA in prior rolling 24 months?

Hours worked 12 months prior to start date of the requested leave: _____
(Deduct paid sick, vacation and personal time)

If no, number of hours remaining:_____

Is the employee eligible for NJFLA?	Yes	No
-------------------------------------	-----	----

Date _____

NOTICE OF ELIGIBILITY AND RIGHTS AND RESPONSIBILITIES (FMLA/NJFLA)

In general to be eligible for FMLA leave, an employee must have worked for an employer for at least 12 months, have worked at least 1,250 hours in the 12 months preceding the leave, and work at a site with at least 50 employees within 75 miles.

In general, to be eligible for NJFLA leave, an employee must have worked for an employer for at least 12 months, and for at least 1,000 hours during the 12 months preceding the leave.

The Borough must provide this form to the employee within five business (5) days of the employee notifying the employer of the need for FMLA leave.

Part A: Notice of Eligibility

To: _____
Employee

From: _____
Employer Representative

Date: _____

On _____, you informed us that you needed leave beginning on _____ for:

- ☐ The birth of a child, or placement of a child with you for adoption or foster care.
- ☐ Your own serious medical condition.
- ☐ Because you are needed to care for your:
☐ Spouse ☐ Civil Union/Domestic Partner (NJFLA only) ☐ Child ☐ Parent ☐ Parent-in-law (NJFLA only) due to his/her serious health condition.
- ☐ Because of a qualifying exigency arising out of the fact that my ☐ Spouse ☐ Child ☐ Parent is on covered active duty or called to covered active duty status with the Armed Forces.
- ☐ Because you are the ☐ Spouse ☐ Child ☐ Parent ☐ Next of kin of a covered service member with a serious injury or illness.

This Notice is to inform you that you:

- ☐ Are eligible for FMLA leave (See Part B below for Rights and Responsibilities)

- ☐ Are not eligible for FMLA leave, because (only one reason need be checked, although you may not be eligible for other reasons):
 - ☐ You have not met the FMLA's 12-month length of service requirement. As of the first date of requested leave, you will have worked approximately ____ months towards this requirement.
 - ☐ You have not met the FMLA's 1,250 hours-worked requirement.

This Notice is to inform you that you:

- ☐ Are eligible for NJFLA leave (See Part B below for Rights and Responsibilities)
- ☐ Are not eligible for NJFLA leave, because (only one reason need be checked, although you may not be eligible for other reasons):
 - ☐ You have not met the NJFLA's 12-month length of service requirement. As of the first date of requested leave, you will have worked approximately ____ months towards this requirement.
 - ☐ You have not met the FMLA's 1,000 hours-worked requirement.
- ☐ Your FMLA leave will run concurrently with your NJFLA leave.

If you have any questions, please contact the Administrator or view the FMLA poster and the NJFLA poster, as applicable.

Part B: Rights and Responsibilities

- ☐ As explained in Part A, you meet the eligibility requirements for taking FMLA leave and still have FMLA leave available in the applicable 12-month period.
- ☐ As explained in Part A, you meet the eligibility requirements for taking NJFLA leave and still have NJFLA leave available in the applicable 24-month period.

For us to determine whether your absence qualifies as FMLA leave and/or NJFLA leave, you must return the following information to us by _____ (If a certification is requested, employers must allow at least 15 calendar days from receipt of this notice; additional time may be required in some circumstances.) If sufficient information is not provided in a timely manner, your leave may be denied.

- ☐ Sufficient certification to support your request for FMLA and/or NJFLA leave. A certification form that sets forth the information necessary to support your request is enclosed.
- ☐ Sufficient documentation to establish the required relationship between you and your family member.
- ☐ Other information needed (such as documentation for military family leave):

-
- ☐ No additional information requested.

If your leave qualifies as FMLA and/or NJFLA leave you will have the following responsibilities while on FMLA and/or NJFLA leave (only checked items apply):

- ☐ Contact _____ at _____ to make arrangements to continue to make your share of the premium payments on your health insurance to maintain health benefits while you are on leave. You have a minimum 30-day (or indicate longer period, if applicable) grace period in which to make premium payments. If payment is not made timely, your group health insurance may be cancelled, provided we notify you in writing at least 15 days before the date that your health coverage will lapse, or, at our option, we may pay your share of the premiums during FMLA leave and/or NJFLA leave, and recover these payments from you upon your return to work.
- ☐ You will be required to use your available paid ☐ sick, ☐ vacation, and/or ☐ other leave during your FMLA and/or NJFLA absence. ☐ This means that you will receive your paid leave and the leave will also be considered protected FMLA leave and counted against your FMLA leave entitlement. ☐ This means that you will receive your paid leave and the leave will also be considered protected NJFLA leave and counted against your NJFLA leave entitlement.
- ☐ Due to your status with the Borough, you are considered a “key employee” as defined in the FMLA. As a “key employee,” restoration to employment may be denied following FMLA leave on the grounds that such restoration will cause substantial and grievous economic injury to us. We have determined that restoring you to employment at the conclusion of FMLA leave ☐ will ☐ will not cause substantial and grievous economic harm to us. This paragraph applies to FMLA leave only.
- ☐ Due to your status with the Borough, your base salary ranks within the highest paid five percent or is one of the seven highest, whichever number of employees is greater (all employees of an employer whether employed in New Jersey or not shall be included in this calculation), and therefore, restoration to employment may be denied following NJFLA leave on the grounds that such restoration would cause a substantial and grievous economic injury to the employer's operations; and we have determined that restoring you to employment at the conclusion of NJFLA leave ☐ will ☐ will not cause substantial and grievous economic injury to us. This paragraph applies to NJFLA leave only.
- ☐ While on leave you will be required to furnish us with periodic reports of your status and intent to return to work every _____ (Indicate interval of periodic reports, as appropriate for the particular leave situation).

If the circumstances of your leave change, and you are able to return to work earlier than the date indicated on this form, you will be required to notify us at least two workdays prior to the date you intend to report for work.

If your leave qualifies as FMLA leave, you will have the following rights while on FMLA leave:

- You have a right under the FMLA to up to 12 weeks of unpaid leave in a 12-month period calculated as a “rolling” 12-month period measured backward from the date of any FMLA leave usage.
- You have a right under the FMLA for up to 26 weeks of unpaid leave in a single 12-month period to care for a covered service member with a serious injury or illness. This single 12-month period commenced on _____.
- Your health benefits must be maintained during any period of unpaid leave under the same conditions as if you continued to work.
- You must be reinstated to the same or an equivalent job with the same pay, benefits, and terms and conditions of employment on your return from FMLA-protected leave. (If your leave extends beyond the end of your FMLA entitlement, you do not have return rights under the FMLA).
- If you do not return to work following FMLA leave for a reason other than: 1) the continuation, recurrence, or onset of a serious health condition which would entitle you to FMLA leave; 2) the continuation, recurrence or onset of a covered servicemember’s serious injury or illness which would entitle you to FMLA leave; or 3) other circumstances beyond your control, you may be required to reimburse the Borough for the Borough’s share of health insurance premiums paid on your behalf during your FMLA leave.
- If the Borough has not informed you above that you must use accrued paid leave while taking your unpaid FMLA leave entitlement, you have the right to have ☐ sick ☐ vacation, and/or ☐ other leave run concurrently with your unpaid leave entitlement, provided you meet any applicable requirements of the leave policy. For a copy of conditions applicable to the use of paid leave, please refer to the Borough’s sick, vacation, and personal leave policies contained in the Borough’s Personnel Policies and Procedures Manual. If you do not meet the requirements for taking paid leave, you remain entitled to take unpaid FMLA leave.

If your leave qualifies as NJFLA leave, you will have the following rights while on NJFLA leave:

- You have a right under the NJFLA for up to 12 weeks of unpaid leave in a 24-month period calculated as a “rolling” 24-month period measured backward from the date of any NJFLA leave usage.
- Your health benefits must be maintained during any period of unpaid leave under the same conditions as if you continued to work.
- You must be reinstated to the same or an equivalent job with the same pay, benefits, and terms and conditions of employment on your return from NJFLA-protected leave. (If your leave extends beyond the end of your NJFLA entitlement, you do not have return rights under the NJFLA).

If you do not return to work following NJFLA leave for a reason other than: 1) the continuation, recurrence, or onset of a serious health condition which would entitle you to NJFLA leave; or 2) other circumstances beyond your control, you may be required to reimburse the Borough for the Borough’s share of health insurance premiums paid on your behalf during your NJFLA leave.

- If the Borough has not informed you above that you must use accrued paid leave while taking your unpaid NJFLA leave entitlement, you have the right to have ☐ sick ☐ vacation, and/or ☐ other leave run concurrently with your unpaid leave entitlement, provided you meet any applicable requirements of the leave policy. For a copy of conditions applicable to the use of paid leave, please refer to the Borough’s sick, vacation, and personal leave policies contained in the Borough’s Personnel Policies and Procedures Manual. If you do not meet the requirements for taking paid leave, you remain entitled to take unpaid NJFLA leave.

Once the Borough obtains the information from you as specified above, we will inform you, within 5 business days, whether your leave will be designated as FMLA and count toward your FMLA leave entitlement. The Borough will also inform you whether your leave will be designated as NJFLA and count toward your NJFLA leave entitlement. If you have any questions, please do not hesitate to contact the Administrator.

DESIGNATION NOTICE (FMLA/NJFLA)

Leave covered under the Family and Medical Leave Act (“FMLA”) must be designated as FMLA-protected and the Borough must inform the employee of the amount of leave that will be counted against the employee’s FMLA leave entitlement. The Borough also uses this form to designate leave under the New Jersey Family Leave Act (“NJFLA”) as NJFLA-protected and to inform the employee of the amount of leave that will be counted against the employee NJFLA leave entitlement. To determine whether leave is covered under the FMLA and/or the NJFLA, the Borough may request that the leave be supported by a certification. If the certification is incomplete or insufficient, the employer must state in writing the additional information necessary to make the certification complete and sufficient.

To: _____ Date: _____

We reviewed your request for leave under the FMLA and/or NJFLA and any supporting documentation that you have provided. We received your most recent information on _____ and decided:

- ☐ Your FMLA leave request is approved. All leave taken for this reason will be designated as FMLA leave.

The FMLA and/or NJFLA request that you notify us as soon as practicable if dates or scheduled leave change or are extended, or were initially unknown. Based on the information you have provided to date, we are providing the following information about the amount of time that will be counted against your leave entitlement:

- ☐ Provided there is no deviation from your anticipated leave schedule, the following number of hours, days, or weeks will be counted against your leave entitlement:
-
- ☐ Because the leave you will need will be unscheduled, it is not possible to provide the hours, days, or weeks that will be counted against your FMLA and/or NJFLA entitlement, as applicable, at this time. You have the right to request this information once in a 30-day period (if leave was taken in the 30-day period).

Please be advised (check if applicable):

- ☐ You are required to use paid leave during your FMLA leave. Any paid leave taken for this reason will count against your FMLA entitlement.

- ☐ You will be required to present a fitness-for-duty certificate to be restored to employment. If such certification is not timely received, your return to work may be delayed until certification is provided. A list of the essential functions of your position
- ☐ is
- ☐ is not attached. If attached, the fitness-for-duty certification must address your ability to perform these functions.

-
- ☐ Additional information is needed to determine if your FMLA leave request can be approved:

- ☐ The certification you have provided is not complete and sufficient to determine whether the FMLA applies to your leave request. You must provide the following information no later than _____ (provide at least seven calendar days), unless it is not practicable under the particular circumstances despite your diligent good faith efforts, or your leave may be denied.

The specific information needed to make the certification complete and sufficient is:

-
- ☐ The Borough is exercising its right to have you obtain a second or third opinion medical certification at our expense, and the Borough will provide further details at a later time.

-
- ☐ Your FMLA leave request is NOT APPROVED.
 - ☐ Your NJFLA leave request is NOT APPROVED.
 - ☐ The FMLA does not apply to your leave request.
 - ☐ The NJFLA does not apply to your leave request.
 - ☐ You have exhausted your FMLA leave entitlement in the applicable 12-month period.
 - ☐ You have exhausted your NJFLA leave entitlement in the applicable 24-month period.

**FAMILY AND/OR MEDICAL LEAVE
RETURN TO WORK MEDICAL CERTIFICATION**

Please return completed form in a sealed envelope marked CONFIDENTIAL to:

Administrator
Borough of Sea Girt
Baltimore and Fourth Avenue
P.O. Box 296
Sea Girt, New Jersey 08750-0296

Telephone: (732) 449 9433 Ext. 116
E-Mail: lcarafe@seagirtboro.com

PART I: TO BE COMPLETED BY EMPLOYEE (PLEASE TYPE OR PRINT)

Name of Employee: _____

Employee's Position: _____

Date leave commenced: _____

Date employee can return to work: _____

Signature of Employee

Date

**FAMILY AND/OR MEDICAL LEAVE
RETURN TO WORK MEDICAL CERTIFICATION (cont'd)**

PART II: TO BE COMPLETED BY HEALTH CARE PROVIDER

Employee Name: _____ Title: _____

☐ I have completely examined this employee. In my medical opinion, his/her functional capacity is limited such that there is no possible way to modify his/her work environment to accommodate his/her physical and/or mental limitations according to the attached job description that was reviewed by me.

☐ This employee's condition prevents him/her from safely performing the essential functions of his/her position and will be unable to return to work.

- or -

☐ This employee is unable to return to work at this time and should be out of work until (please provide date): _____

☐ I have completely examined this employee and in my medical opinion, his/her functional capacity is limited. This employee can continue to work safely if the job, according to the attached job description that was reviewed by me, is modified to match the modifications stated below: _____

Modified duty status should continue until _____
Date

☐ I have completely examined this employee. In my medical opinion I believe this employee can resume/perform all functions of his/her position without restrictions according to the attached job description that was reviewed by me.

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

Physician's Signature

Date

Health Care Provider's name, address and telephone number (please print clearly):

PAID FAMILY LEAVE UNDER THE NEW JERSEY TEMPORARY DISABILITY BENEFITS LAW

New Jersey law provides up to six (6) weeks of Family Leave Insurance benefits. Benefits are payable to covered employees to:

- Bond with a child during the first 12 months after the child's birth, if the covered individual or the domestic partner or civil union partner of the covered individual, is a biological parent of the child, or the first 12 months after the placement of the child for adoption with the covered individual.
- Care for a family member with a serious health condition supported by a certification provided by a health care provider. Claims may be filed for six (6) consecutive weeks, for intermittent weeks or for 42 intermittent days during a 12 month period beginning with the first day of the claim.

"Family member" means a child, spouse, domestic partner, civil union partner or parent of a covered individual.

"Child" means a biological, adopted, or foster child, stepchild or legal ward of a covered individual, child of a domestic partner of the covered individual, or child of a civil union of the covered individual, who is less than 19 years of age or older but incapable of self-care because of mental or physical impairment.

The Family Leave Insurance benefits program provides covered individuals Family Leave Insurance benefits, a wage replacement benefit, not a leave entitlement.

ELIGIBILITY

All individuals who have worked 20 calendar weeks in covered New Jersey employment or earned at least 1000 times the NJ minimum wage during the 52 weeks preceding the leave.

BENEFIT ENTITLEMENT

Employees on paid leave receive 2/3 of the employee's average weekly wage, up to a capped weekly amount set by the State. This program is funded by an employee payroll tax, and there are no employer contributions.

Employees receive six (6) weeks of benefits during any 12-month period for family leave or 42 days of benefits during any 12-month period taken on an intermittent basis to care for a sick family member. The Borough, however, requires employees to take two weeks of sick, vacation or other fully paid time off before using paid family leave. This paid leave may be taken during

the one week waiting period. Therefore, the total number of days of paid family leave benefits will be reduced by the number of days of paid time off (i.e., reducing the maximum benefit by two weeks from six weeks to four weeks).

The 12-month period is the 365 consecutive days that begins with the first day that the individual establishes a valid claim for Family Leave Insurance benefits.

NOTICE REQUIREMENTS

Employees must provide the Administrator with 30 days prior notice to care for a newborn or adopted child. The failure to provide the required notice will result in the loss of 2 weeks of benefits, unless the time of the leave is unforeseeable or the time of the leave changes for unforeseeable reasons. Intermittent leave to bond with a newborn or newly adopted child must be taken in periods of seven (7) days or more and the intermittent schedule must be agreed to by the Borough and the employee.

Employees must provide the Administrator with reasonable and practical notice to take leave to care for a family member with a serious health condition, unless an emergency or other unforeseen circumstances precludes prior notice. Employees who seek intermittent leave to care for a family member with a serious health condition must provide the Administrator with 15 days prior notice, unless an emergency or other unforeseen circumstances precludes prior notice.

FILING A CLAIM

Application forms are available on the New Jersey Department of Labor Workforce Development's web site at www.nj.gov/labor. Requests for application can be obtained by telephoning the Division of Temporary Disability Insurance at (609) 292-7060. Applications can be completed online or completed applications can be mailed to the Division of Temporary Disability Insurance, P.O. Box 387, Trenton, NJ 08625-0387 or faxed to 609-984-4138.

A claim must be filed within 30 days after the commencement of a period of family leave. A penalty may be imposed if the claim is filed late.

LEAVE OF ABSENCE POLICY

Employees who are not eligible for Family or Medical Leave or who want to take a leave of absence for a reason not covered by the federal Family Medical Leave Act (“FMLA”) or the New Jersey Family Leave Act (“NJFLA”), or beyond the leave time provided by those laws, may be granted a leave of absence for up to six (6) months at the sole discretion of the Mayor and Council if the leave does not cause undue operational disruption. Employees must exhaust all sick time, vacation time, personal days and compensatory time before petitioning the Mayor and Council for a leave of absence. The leave of absence will be without pay. A leave of absence may be granted to maintain continuity of service in instances where unusual or unavoidable circumstances require an employee’s absence.

TO REQUEST A LEAVE OF ABSENCE

Employees must submit their written request for an unpaid leave of absence to the Department Head. The Department Head will forward the request, with his or her recommendations, to the Administrator, who in turn will forward it to the Mayor and Council for consideration.

The employee’s request must set forth a proposed start date, return date, and reasons for the request. The request must be submitted at least sixty (60) days before the proposed start date. If the request is for an extension of family or medical leave, where the employee has/will take(n) the maximum amount of leave permitted under the FMLA and/or NJFLA, the request for continuation of the leave must be submitted thirty (30) days in advance of the expiration of the FMLA or NJFLA leave. The Mayor and Council can waive these notice requirements in their sole discretion and without precedential effect, depending upon the circumstances for the request for the leave. The request will not be considered unless supported by the recommendation of the employee’s Department Head and the Administrator.

In determining whether to grant a request for a leave of absence, the Mayor and Council will consider the reason for the leave, its probable duration, the immediate need for the employee’s service, the employee’s length of service, the employee’s previous record, and the effect the vacancy will have on the Borough’s ability to function at a high level. Each request submitted to the governing body will be considered on its own merits. When a request is granted, the Mayor and Council will fix a start date and return date and communicate these dates to the employee.

ACCRUAL OF BENEFITS DURING A LEAVE OF ABSENCE

An employee shall not accrue any benefits or seniority during an unpaid leave of absence. Benefits include accumulation of sick days, personal days and vacation days. In the event an employee is on unpaid leave at the beginning of the year (January) personal and vacation days will not be accumulated until the employee returns to work. At that time personal days and vacation days will be prorated for that year. Employees on a leave of absence during a paid holiday are not eligible to receive holiday pay. Unless otherwise provided by law, the cost of

health benefits shall be borne by the employee. The continuance of all other benefits shall be available only to the extent required by Federal, State and/or Local law or regulations.

REASONS FOR A LEAVE OF ABSENCE

A leave of absence may be granted for medical or educational reasons, family circumstances, or other good cause. Leaves are not granted for the purpose of seeking or accepting employment with another employer, or for extended vacation time.

An employee who accepts another position outside of Borough employment while on an unpaid leave of absence will be deemed to have resigned his or her position with the Borough. Employees must use leaves of absence for the purpose it was granted. The failure to use a leave of absence for the purpose it was granted may provide grounds for disciplinary action up to and including termination of employment.

EXTENSIONS OF A LEAVE OF ABSENCE

In the event an employee needs to extend his/her unpaid leave of absence, the employee shall submit a written request for an extension to his/her Department Head at least thirty (30) days before the original return date. The Department Head shall forward the request, with his or her recommendations, to the Administrator who in turn will forward it to the Mayor and Council for consideration. Extensions will not be granted absent exceptional circumstances. Any additional leave granted is at the complete discretion of the Council and will not be considered to set a precedent.

REINSTATEMENT

To return from a leave of absence due to medical reasons, the employee must submit a letter of release from a certified physician who is treating the employee stating that the employee can return to work and is capable of performing the functions of the position.

CONSEQUENCE OF FAILING TO RETURN FOLLOWING A LEAVE OF ABSENCE

An employee who leaves his/her position before the scheduled start date or fails to return on the scheduled return date, shall be deemed to have abandoned his or her position and to have resigned from the service of the Borough and his or her position will be considered vacant.

MILITARY LEAVE

The Borough provides military leave in accordance with applicable state and federal law.

ORGANIZED MILITIA

Any permanent or full-time temporary officer or employee, who is a member of the organized reserve of the Army of the United States, United States Naval Reserve, United States Air Force Reserve or United States Marine Corps Reserve, or other affiliated organization, including the National Guard of other states, shall be entitled to a leave of absence without loss of pay or time on all work days on which he or she is engaged in any period of Federal active duty, up to 30 work days in any calendar year. A military leave of absence is in addition to the employee's regular vacation or other accrued leave. Any leave of absence for such duty in excess of 30 work days will be without pay but without loss of time.

A full-time temporary officer or employee who has served under such temporary appointment for less than one year will receive military leave without pay but without loss of time.

NEW JERSEY ORGANIZED MILITIA

Any permanent or full-time officer or employee who is a member of the New Jersey organized militia shall be entitled, in addition to pay received, if any, as a member of the organized militia, to a leave of absence without loss of pay or time on all days during which he or she shall be engaged in State or Federal active duty, up to 90 work days in any calendar year. Any leave of absence for such duty in excess of 90 work days will be without pay but without loss of time.

A full-time temporary officer or employee who has served under such temporary appointment for less than one year will receive military leave without pay but without loss of time.

PROCEDURE

In all cases involving military leave, the employee must, as soon as possible, provide his or her Department Head with notice, i.e., a copy of the orders, of the call to military duty prior to beginning the military leave, unless giving notice is impossible, unreasonable, or precluded by military necessity. The Department Head will convey the request and supporting documentation to the Administrator by the end of the next working day.

HEALTH INSURANCE AND PENSION BENEFITS

Employees on military service will continue to receive paid health insurance coverage during the period of paid leave plus an additional thirty (30) calendar days after the paid leave is exhausted. After this period has expired, employees may continue coverage for themselves or their dependents under the Borough's group plan by taking advantage of the COBRA provision.

Members of the State administered retirement systems (PERS and PFRS) will continue accruing service and salary credit in the system during the period of paid leave. Employees may purchase pension service credit accrued during unpaid leave time.

REINSTATEMENT

To be reinstated by the Borough without loss of privileges or seniority following active military duty, the employee must report for duty with the Borough within the time provided by law following release from active duty under honorable circumstances. The Borough will follow federal and state law to determine an employee's entitlements related to reinstatement, including any exceptions to reemployment.

In accordance with legal requirement, employees who take military leave are required to:

- Provide the Borough with proper notice of the leave;
- Apply for reinstatement within the time required by law;
- Provide a certificate of satisfactory completion of military service under honorable conditions.

An employee's cumulative leave of absence from the Borough for military leave cannot exceed five (5) years, with limited exceptions as defined by law.

Failure to comply with the requirements enumerated above or as required by law will jeopardize an employee's reemployment rights.

This policy is intended to provide a basic overview of military leave entitlements. The Borough will follow applicable federal and state law to determine the specific rights and benefits available to employees who seek to take military leave. See The Uniformed Services Employment and Reemployment Act ("USERRA"), the New Jersey Soldiers' and Sailors' Relief Act ("NJSSRA") and N.J.S.A. 38:23-1 et seq.

EMERGENCY SERVICES VOLUNTEERS

Employees are encouraged to become members of volunteer fire companies or rescue squads. Employees who are volunteer members of the Borough's fire department and/or rescue squad should notify their immediate supervisor of their intent to serve in that capacity.

Employees who are volunteer members of the Borough fire department and/or rescue squad will be excused from attendance during their regular working hours for fire or rescue squad emergencies, except during Borough emergencies, and only for the duration of the fire or rescue squad emergency. Employees who receive a call during working hours or which will necessitate their absence during working hours shall notify their Department Head of the call, unless notification would impair the employee's ability to timely respond to the emergency.

Employees who respond to emergency calls during work hours are expected to return to their work stations as soon as possible after the emergency has been cleared. Employees who respond to emergency calls must, upon return to work, notify their Department Head of the nature of the emergency and the length of their absence. If the emergency call extends beyond the end of the employees' regular shift, employees will not be entitled to overtime compensation.

If more than one member of a department or office is a member of the above organizations, the Department Head may limit the response to insure that Borough functions are not being unusually interrupted, unless the magnitude of the emergency requires all members of the above organizations. Employees working on an overtime basis for the Borough will not be excused for fire fighting or rescue squad duties and should make necessary arrangements in advance so that other fire company or rescue squad members will be available. An employee shall not respond to a call if leaving the job site might cause a fellow employee to be endangered.

SAFETY

The health and safety of all employees and the public is a major concern of the Borough. For the protection and welfare of employees and the public, the Borough will insure its operations are in accordance with the safety provisions defined by the following:

PEOSHA (Public Employees Occupational Safety and Health Act)
Fire Prevention Bureau
New Jersey Department of Labor

It is essential that Borough employees perform their duties in a safe manner for the protection and welfare of all employees and the public.

Employees will receive periodic safety training and will be provided with appropriate safety equipment. Employees must work safely, wear required safety equipment, observe all posted safety rules and regulations and state law, and keep their work area neat and clean.

Safety equipment issued to employees must be worn and/or used on the job. Failure to do so will result in disciplinary action for any employee and his or her supervisor. Specific safety rules for Borough employees may be developed by the Department Heads.

Some of the best safety improvements ideas come from employees. Those with ideas, concerns, or suggestions for improved safety in the workplace are encouraged to raise them with the Department Head and/or bring them to the attention of the Mayor and Council. Reports and concerns about workplace safety issues may be made anonymously if the employee wishes. The Borough prohibits reprisals against any employee who reports a safety concern or violation.

REPORTING A SAFETY HAZARD

Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any occupational or public unsafe condition, practice, procedure or act to their Department Head. Employees who notify their Department Head of an unsafe condition or safety hazard pursuant to this policy must complete a Report of Unsafe Conditions form to document the unsafe condition or safety hazard. Report of Unsafe Conditions forms must be completed immediately. Employees may obtain Report of Unsafe Conditions forms from the Administrator. Employees who violate safety standards and cause hazardous or dangerous situations, or who fail to report, where appropriate, or remedy such situations, may be subject to disciplinary action, up to and including termination of employment.

In the case of accidents that result in injury, regardless of how minor the injury may appear, employees should immediately notify their Department Head and complete an Accident Report form. See Workers' Compensation Policy. Such reports are necessary to comply with laws and initiate insurance and workers' compensation benefits procedures. Any on-the-job accident

involving Borough facilities, equipment or motor vehicles must also be immediately reported. See Use of Borough Equipment and Vehicles Policy.

Employees have the right to file a complaint with or request an inspection by the Department of Labor and Workforce Development or the Department of Health and Senior Services if they believe unsafe or unhealthful conditions exist in their workplace. Complaints of unsafe and unhealthful conditions can be made 24 hours a day by calling the Department of Labor PEOSHA at 1-800-624-1644. Complaints regarding health conditions may be communicated to the Department of Health at (609) 984-1863.

The employee can request that their name be withheld. Employees will not be discharged, discriminated against or retaliated against in any way for filing health and safety complaints, raising a health or safety concern with the Borough, reporting a work related injury or illness or otherwise exercising their rights under the Public Employees Occupational Safety and Health Act.

REPORT OF UNSAFE CONDITIONS

Person Filing Report: _____ **Date:** _____

Identify Unsafe Condition:

Location: _____

Recommended Corrective Measures:

Referred To For Action: _____ **Date:** _____

Action Taken:

Completed By: _____ **Date:** _____

MILEAGE REIMBURSEMENT

If a Borough vehicle is not available to be used in conjunction with official Borough business and an employee must use his/her privately owned vehicle, mileage and toll reimbursement at the current IRS reimbursement rate may be granted for Borough business including:

- Attending a function pertaining to Borough business that is outside of an employee's regularly scheduled hours.
- Attending a job-related training session or seminar.

A Department Head must approve the mileage reimbursement request from a Borough employee before it is incurred.

An employee using his/her privately owned vehicle for Borough purposes assumes liability for his/her vehicle. All employees, who desire to use their privately owned vehicle for Borough business, must sign a statement verifying that they have a current driver's license and vehicle liability insurance in at least the minimum amounts required by state law.

Employees who receive a car allowance are not eligible for mileage reimbursement.

To receive reimbursement for mileage and tolls, employees must submit a request for reimbursement containing the following:

- Date of travel;
- Travel destination;
- Reason for Borough travel; and
- Number of miles traveled and tolls, including receipts, incurred on Borough business.

The request for reimbursement must be signed and dated by the employee and by the Department Head, who pre-approved the reimbursement request. Receipts for any tolls paid and parking receipts must be attached to the request for reimbursement. Approval for reimbursement will be based on the availability of funds in the current budget and the completeness and accuracy of the mileage report form(s).

TRAINING COURSES

It is the Borough's policy to encourage Borough employees to raise their level of competence in the performance of their duties and responsibilities. Therefore, in-service training courses may be attended by Borough employees if recommended by the Department Head and approved by the Borough Council who may reimburse the employee's necessary fees for such courses.

SMOKING

In accordance with State law, smoking is prohibited in all Borough buildings, including in all corridors, lobbies, landings, restrooms, assembly and meeting rooms and basements of Borough property. Smoking is prohibited in all offices to which the public is invited to conduct regular business. Smoking is prohibited by employees during face-to-face contact with citizens, applicants, and the general public. Smoking is also prohibited in all Borough vehicles.

While the Borough cannot regulate employee conduct off the job or outside of work hours, it is the Borough's responsibility, pursuant to State law, to provide a workplace free of exposure to hazardous substances. Employees who desire to smoke must remove themselves to designated areas outside of Borough buildings. Employees must not smoke outside entrances to Borough buildings used by the public and must not smoke in areas in which flammable materials are maintained or in the vicinity.

Smoking shall not interfere with the employee's productivity. Employees must use designated break times for smoking. All employees are expected to abide by this policy while at work. An employee leaving the work area to smoke may not leave his or her office unattended. Failure to comply shall result in disciplinary action up to and including termination of employment.

POLITICAL ACTIVITY

The Borough appoints employees without regard to political consideration. For the purposes of this section, “Borough employees” are defined to include full-time, temporary, seasonal, introductory, regular and part-time personnel receiving compensation for services.

PROHIBITED ACTIVITIES

In accordance with State law, employees are prohibited from engaging in political activities during working hours, on municipal property or while performing their public duties and from using Borough time, supplies or equipment in any political activity. Political activities include, but are not limited to, advocating the election or appointment of any candidate for office, verbally or otherwise, and soliciting funds for campaigns or campaign materials. No Borough officer or employee shall directly or indirectly use or seek to use his or her authority or official influence to control or modify the political action of another person.

No municipal official shall solicit payments or contributions from Borough employees for political campaign purposes. Solicitation for political contributions or financial support by or of Borough employees shall not be permitted on municipal property.

Employees must serve all Borough residents equally. The political opinions or affiliations of any residents must in no way affect the amount or quality of the service the residents receive from the Borough.

In accordance with the Hatch Act and federal regulations, an employee whose principal employment is with a program financed in whole or in part by Federal funds or loans shall not:

- Be a candidate for public office in a partisan election. This provision does not apply to the elected head of an executive department or an individual holding elective office, where that office is the sole employment connection to federally funded programs.
- Use his/her official authority to influence to interfere with or affect election results or nominations for office.
- Directly or indirectly coerce contributions from any Borough employee to support a political party or candidate.

Violations of either Federal or State laws are serious matters and such violations should not be taken lightly. Any employee engaging in such political activities during working hours will be subject to disciplinary action up to and including termination of employment.

Employees should report any violation of this policy to the Administrator. Any employee who has any questions about political activity laws should refer them to the Administrator in writing. For additional information, see Borough Communications on Religious and Political Matters policy.

PERMISSIBLE ACTIVITIES

Employees have exactly the same right as any other citizen to join political organizations and participate in political activities, as long as they maintain a clear separation between their official responsibilities and their political affiliations. Nothing in this section shall be construed to prevent Borough employees from (1) becoming or continuing to be members of any political party, club or organization, (2) attending political meetings, (3) expressing their views on political matters, or (4) voting with complete freedom in any election. Employees, however, who engage in political activities during their non-working hours, must not represent themselves as spokespersons for the Borough.

SOLICITATION

In an effort to assure a productive and harmonious work environment, persons not employed by the Borough may not solicit or distribute literature in the workplace at any time for any purpose.

The Borough recognizes that employees may have interests in events and organizations outside the workplace. The solicitation of any nature by an employee on Borough property, including the selling of any good or service, requires the prior approval of the Administrator. Employees who have obtained approval may not solicit or distribute literature concerning these activities during work time. Working time does not include lunch periods, work breaks, or any other periods in which employees are not on duty.

In addition, the posting of written solicitations on Borough bulletin boards is restricted. These bulletin boards display important information, and employees should consult them frequently for, among other things:

- Employee announcements
- Internal memoranda
- Job openings
- Borough announcements
- Payday notice
- Workers' compensation insurance information
- State disability insurance/unemployment insurance information.

The Borough reserves the right to remove material it deems inappropriate from its bulletin boards.

If employees have a message of interest to the workplace, they may submit it to their Department Head for approval. All approved messages will be posted by the Department Head or designee.

SECURITY

The Borough makes every effort to provide for employees' safety and security while at work. The Borough, however, does not accept responsibility for the protection of employees' personal property.

The Borough maintains a work environment that is free of illegal drugs, alcohol, unauthorized firearms, explosives, or other improper materials. To this end, Borough prohibits the possession, transfer, sale, or use of such materials on its premises. The Borough requires the cooperation of all employees in administering this policy.

Desks, lockers, other storage devices, and Borough vehicles may be provided for the convenience of employees but remains the sole property of the Borough. Accordingly, they, as well as any articles found within them, can be inspected by any agent or representative of the Borough at any time, either with or without prior notice. Any keys must be given to the Department Head or the Administrator.

The Borough may conduct video surveillance of workplace areas. Video monitoring is used to identify safety concerns, maintain quality control, detect theft and misconduct, and discourage or prevent acts of harassment and workplace violence. Additionally, the Borough may monitor employee telephone conversations and e-mails. Employees should not have any expectation of privacy in their workplace area, employee telephone conversations, internet and e-mail usage.

Security is everyone's responsibility. If any employee sees or suspects that an individual is breaching security, it is the employee's responsibility to notify his or her Department Head immediately. Employees who fail to report a breach of security or a suspected breach of security will be subjected to disciplinary action up to and including termination.

In the event a serious incident occurs, employees must report it to their Department Head immediately. The following are examples of serious incidents that should be reported immediately:

- Any accident which results in the injury of a citizen or vendor while on the premises.
- Any incident in which physical force is either used by or against an employee.
- Any incident which involves a crime, or an attempt to commit a crime, such as robbery or the theft of money.
- Any incident in which a serious unfavorable reaction from the public might be expected.
- The loss of Borough keys.
- Any other incident, which an employee believes is of a nature that it should be brought to the attention of the Department Head without delay.

Employees who notify their Department Head of an incident pursuant to this policy must complete an Incident Report form to document the incident. Incident Report forms should be

completed immediately, but in no event more than one working day after the incident.
Employees may obtain Incident Report forms from their Department Head or the Administrator.

INCIDENT REPORT

Date of Incident:_____ Time of Incident:_____

Date of Report:_____ Time of Report:_____

Location of Incident:

Persons Involved:

Description of Events:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper has a slight shadow on the right side, suggesting it's resting on a surface.

Printed Name

Signature

INCIDENT REPORT (cont'd)

Supervisor's Comments

Date of Report:_____ Time of Report:_____

Printed Name

Signature

Reviewed By:_____

Disposition or Action Taken (If Any):

Date of Report:_____ Time of Report:_____

Printed Name

Signature

CONDUCT

149

The Borough and all of its employees recognize that the citizens of the Borough expect and are entitled to receive service of the highest quality. The Borough and its employees will cooperate with each other to provide such services. Every Borough employee, including supervisory employees, will maintain the present level of productivity and will always strive to increase their level of productivity thus enabling the Borough to continue to improve services to the citizens of the community. Every Borough employee will perform to the best of his/her ability strive to be conscientious and to conduct themselves appropriately and to treat others with respect and courtesy.

It is the duty of all employees of the Borough to deal with the public in a pleasant and courteous business-like manner. If employees conduct themselves in a manner contrary to the provisions stated above, they may be subject to disciplinary action.

OUTSIDE CONDUCT

In the Borough of Sea Girt representative form of government, it is essential that Borough employees uphold the respect and confidence of Borough residents while also striving to maintain a high level of professionalism within the Borough's employ. As such, employees are expected to conduct themselves in a manner which exhibits professionalism both at work and outside of work. To that end, employees are required to notify the Borough Administrator of an arrests or convictions that occur outside of work within two (2) days of the event. The Borough will make a determination as to whether the conduct at issue touches upon the employee's position and whether any action will be taken by the Borough, including appropriate discipline. Employees who fail to notify the Borough Administrator of any such incidents, will be subject to discipline for failure to properly report, irrespective of whether the Borough determines that separate action is required based upon the conduct touching upon the employee's position with the Borough.

APPEARANCE

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image the Borough presents to customers and visitors.

Borough employees must project a professional image. As a result, Borough employees are required to present themselves in a neat, orderly, business-like manner and to dress appropriately for the work they perform. Uniforms and safety equipment, when provided by the Borough, must be worn and maintained by employees. Casual attire, such as jeans, sweat pants, shorts, tank tops and T-shirts are not permitted. Wearing clothing that is tattered, dirty or displays inappropriate or slag statements is unacceptable. Hair, sideburns, moustaches and beards must be clean, combed and neatly trimmed. Shaggy, unkempt hair is not permissible regardless of length. Tattoos and body piercings, other than earrings, may not be visible. The failure to comply with this policy reflects adversely on the Borough and will be regarded as improper conduct.

This policy incorporates, by reference, all references to uniform and dress contained in all Collective Bargaining Agreements in force between the Borough and its employees. Failure to abide by the terms of such agreements shall be deemed improper conduct. Additionally, some Departments, such as the Police Department, may have more detailed and restrictive rules governing appearance. Employees are required to abide by applicable Department rules.

Employees are prohibited from wearing Borough uniforms after official working hours except from coming to and returning home from work. Any violation of the above specified terms could result in disciplinary action.

ALCOHOL AND DRUG-FREE WORKPLACE POLICY

The Borough of Sea Girt is committed to providing a safe work environment and fostering the well-being and health of its employees. That commitment is jeopardized when any Borough employee improperly consumes alcohol or illegally uses drugs on the job, comes to work under their influence, or possesses, distributes or sells alcohol or drugs in the workplace. Therefore, the Borough has established the following policy:

- It is a violation of Borough policy for any employee to possess, manufacture, distribute, sell, trade, or offer for sale alcohol or illegal drugs or otherwise engage in the consumption of alcohol or illegal use of drugs on Borough premises, in Borough vehicles, or while on Borough business or during working hours.
- It is a violation of Borough policy for anyone to report to work under the influence of or exhibit signs of consumption of alcohol, illegal drugs or illegally-used prescription drugs. (Nothing in this policy, however, precludes the appropriate use of legally prescribed medications).

Violations of this policy are subject to disciplinary action up to and including termination.

Everyone shares responsibility for maintaining a safe work environment and co-workers should encourage anyone who may have an alcohol or drug problem to seek help.

EMPLOYEES EXCLUDED FROM POLICY

In keeping with U.S. Department of Transportation requirements, the Borough has adopted testing practices for applicants for positions that require a Commercial Driver's License ("CDL") and for employees holding Commercial Driver's Licenses ("CDL") to identify persons who improperly consume alcohol or use illegal drugs either on or off the job. All applicants for positions that require a CDL and all employees whose job requires them to possess a CDL shall be excluded from this Alcohol and Drug-Free Workplace policy. Instead, they are covered by the Borough's Drug and Alcohol Policy for Employees Required to Possess a Commercial Driver's License.

All drug testing of police officer applicants and employees shall be in accordance with the New Jersey Attorney General's Law Enforcement Drug Testing Policy.

DRUG AND ALCOHOL TESTING

The Borough adopts pre-employment drug testing, reasonable suspicion drug and alcohol testing, post-accident and follow-up drug and alcohol testing. Drug testing will be conducted through split-sample urinalysis, while alcohol testing will be conducted through breath or saliva screening.

Testing will be conducted by an independent medical facility chosen by the Borough.

The Borough adopts National Institute on Drug Abuse (NIDA) cutoff standards to determine positive results for initial and confirmation drug tests. An alcohol concentration of 0.04% or greater constitutes a positive alcohol screening test.

If an employee receives a positive drug test result, the employee can request a second drug test from a split sample at the employee's own cost. If the results of the second test conflict with the first, the employer will schedule a third and final test at a mutually agreed independent medical lab. All parties will be bound by the result of the third and final test. Both parties will share the cost of the third test. If a false positive test result is proven to have occurred, the cost of the second test and one-half of the cost of the third test will be reimbursed to the employee.

A. Pre-Employment Drug Testing

All job applicants extended a conditional offer of employment for a position with the Borough will undergo testing for the presence of illegal drugs as a condition of employment. Job offer letters will advise all applicants that pre-employment drug screening will be required and that the job offer is made contingent upon, among other things, passing the drug screening.

Any applicant with a confirmed positive test result will be denied employment. The Borough will not discriminate against applicants for employment because of a past history of alcohol or drug abuse. Therefore, individuals who have failed a pre-employment drug test may initiate another inquiry with the Borough after a period of no less than six months, but must present themselves drug-free. The Borough will cover the cost of pre-employment drug testing.

B. Reasonable Suspicion Drug and Alcohol Testing

All employees must submit to alcohol and/or drug testing when there is reasonable suspicion to believe that an employee is under the influence of alcohol or using illegal drugs. The Borough will cover the cost of reasonable suspicion drug and/or alcohol testing.

C. Post-Accident Alcohol and Drug Testing

All employees must submit to alcohol and/or drug testing when an employee is involved in an on-the-job accident where personal injury or damage to Borough property occurs. The Borough will cover the cost of post-accident drug and/or alcohol testing.

D. Follow-Up Alcohol and Drug Testing

All employees must submit to alcohol and/or drug testing where employment has been conditioned upon remaining alcohol or drug free following treatment. The employee will cover the cost of follow-up drug and/or alcohol testing.

REFUSAL TO TEST

Any employee who refuses to comply with a request for alcohol and/or drug testing shall be considered as having produced a positive test result and will be discharged. Any employee who provides false information in connection with a test, or who attempts to falsify test results through tampering, contamination, adulteration, or substitution, shall be terminated. If the laboratory detects that a substance has been added to the sample to interfere with the normal testing process, the employee will be deemed to have refused to test and the same sanctions will apply.

PRESCRIPTION DRUGS

Prescription drugs must not be used by any person other than the individual to whom it is prescribed. Prescribed drugs and over-the-counter drugs should be used only as prescribed or indicated. Employees are prohibited from consuming or being under the influence of prescription drugs that are not prescribed in their name on Borough property or while performing Borough business. Soliciting or distributing prescription drugs for or to other employees is also strictly prohibited.

If an employee takes an over-the-counter medication or a prescribed drug, the employee must consult his or her prescribing medication professional to determine whether the drug may have an adverse effect on his or her personal safety or job performance while at work. If the effects of the medication could pose a danger to the employee's safety, or the safety of a co-worker or any other person, or otherwise impair the employee's ability to perform his or her job, the employee must inform the Administrator. The Administrator is required to maintain the confidentiality of any information regarding an employee's medical condition.

The Administrator may require the employee to produce acceptable medical documentation of the employee's ability to safely and properly perform all of their job duties. Failure or refusal by an employee to properly inform the Administrator or to produce acceptable medical documentation, upon request, may result in discipline, up to and including termination of employment.

The Borough does not accommodate the medical use of marijuana in its workplace or on any Borough premises. The medical use of marijuana in the workplace means the use of marijuana at any time which

produces a level of THC (Tetrahydrocannabinol), or its metabolite, within a person's bodily systems that equals or exceeds the detection levels established by the Federal Motor Carrier Safety Regulations, 49 CFR Part 40.

RIGHT TO INSPECT

Pursuant to its independent authority as an employer, the Borough reserves the right to inspect, investigate, and search for controlled substances at any time, with or without prior notice, on or in any and all Borough premises and vehicles. Borough premises include Borough offices, work locations, desks, parking lots and any vehicle engaged in Borough operation. Searches of Borough premises, including personal effects when entering Borough premises and employee vehicles parked at Borough premises, may be conducted pursuant to a lawful investigation. Employees have no expectation of privacy regarding illegal drug activities.

Refusal to cooperate with any inspection, investigation, or search that is authorized by a Borough representative will result in termination of employment. The Borough may take into custody any alcohol found on Borough premises and use it as evidence in disciplinary proceedings. Illegal drugs will be confiscated and turned over to law enforcement officials as appropriate. Employees who refuse to comply with a lawful legal investigation as described in this policy will be subject to discipline, up to and including termination.

REHABILITATION

The goal of this policy is to balance our respect for individuals with the need to maintain a safe, productive and alcohol/drug-free environment. The intent of this policy is to offer a helping hand to those who need it, while sending a clear message that the improper consumption of alcohol or illegal use of drugs is incompatible with employment with the Borough. Therefore, the Borough strongly encourages an employee with a drug/alcohol abuse problem to voluntarily step forward to tell the Administrator or any other management representative with whom the employee feels comfortable.

The Borough recognizes the health implications of alcohol abuse and drug use on its employees and considers it a treatable illness. As with other illnesses, the Borough's primary objective is to assist in the employee's rehabilitation. The Borough designed this policy to encourage employees to voluntarily seek help for any substance abuse problems.

An employee may voluntarily admit to the Borough, through the Administrator or any other supervisory employee with whom the employee feels comfortable, that he or she has an alcohol or substance abuse problem without fear of discipline or discharge. Upon admission of an alcohol or substance abuse problem, the Borough will provide the employee with information on where he or she may seek counseling and the individual will immediately enroll himself or herself in a

rehabilitation program. The costs of counseling may be covered by the employee's medical insurance. If not, the cost of outside services is the employee's responsibility.

An unpaid leave of absence will be granted for rehabilitation and treatment consistent with applicable law. The Borough will not take disciplinary action against an employee who voluntarily admits having an alcohol or substance abuse problem.

It is crucial to note that the accommodations in this section apply only when an employee voluntarily comes forward. If a substance abuse problem is disclosed to the Borough only after there has been (1) an alcohol or drug test scheduled, (2) a violation of a Borough policy, rule or standard, (3) a violation of law, or (4) a violation of this policy, the Borough will not consider the employee to have voluntarily come forward.

Upon return to work, as part of the rehabilitation program, if, following an individualized assessment, follow-up testing is necessary to ensure that the employee poses no safety risk to himself/herself or others in the workplace, the Borough may require an employee to submit to follow-up drug and alcohol testing.

As a condition of employment, employees must abide by the terms of this policy and must notify the Administrator in writing of any conviction of a violation of a criminal drug statute, whether or not the violation occurred in the workplace, no later than five (5) calendar days after the conviction.

RESPONSIBILITY

The Borough Administrator or designee will be responsible for the overall implementation of the Borough's Alcohol and Drug-free Workplace Policy. Among other things, the Borough Administrator or designee will select a qualified laboratory to perform the appropriate drug and/or alcohol screening tests and require drug and/or alcohol screening tests in accordance with this policy.

**ALCOHOL AND DRUG-FREE WORKPLACE POLICY FOR EMPLOYEES
REQUIRED TO POSSESS A
COMMERCIAL DRIVER'S LICENSE**

NOTE: THIS POLICY IS DESIGNED TO PROVIDE THE BOROUGH OF SEA GIRT AND ITS AUTHORIZED AGENTS WITH GUIDELINES CONCERNING DEPARTMENT OF TRANSPORTATION MANDATED DRUG AND ALCOHOL TESTING REQUIREMENTS. IT IS NEITHER INTENDED TO NOR SHOULD IT BE CONSTRUED AS CREATING ANY ENFORCEABLE RIGHTS IN THE BOROUGH'S EMPLOYEES. THIS POLICY IS NOT IN ANY WAY INTENDED, NOR SHOULD IT BE CONSTRUED AS, AN EXPRESSED OR IMPLIED CONTRACTUAL PROMISE, COMMITMENT OR CONTRACT. THE BOROUGH OF SEA GIRT RESERVES THE RIGHT TO CHANGE THIS POLICY AND/OR ANY EDUCATIONAL MATERIALS AT ANY TIME, WITH OR WITHOUT NOTICE.

I. Purpose

The Borough of Sea Girt is committed to providing a safe environment and fostering the well-being and health of our employees and residents. Illegal drug and improper alcohol use undermines our capability to keep this commitment.

To keep this commitment and to comply with the provisions of the Omnibus Transportation Employee Testing Act of 1991, this policy outlines mandated drug and alcohol testing requirements. Specifically, this policy describes, among other things, the positions subject to testing, prohibited conduct, the circumstances under which a driver will be required to submit to drug and/or alcohol testing, testing procedures, and the consequences of violating the policy.

The Borough of Sea Girt, pursuant to its own independent authority as an employer, has established the following policy:

1. It is a violation of Borough policy for any employee to possess, manufacture, distribute, sell, trade, or offer for sale alcohol or illegal drugs or otherwise engage in the consumption of alcohol or illegal use of drugs on Borough premises, in Borough vehicles, or while on Borough business or during working hours.
2. It is a violation of Borough policy for anyone to report to work under the influence of or exhibit signs of consumption of alcohol, illegal drugs or illegally-used prescription drugs. (Nothing in this policy, however, precludes the appropriate use of legally prescribed medications).
3. The Borough does not accommodate the medical use of marijuana in its workplace

or on any Borough premises. The medical use of marijuana in the workplace means the use of marijuana at any time which produces a level of THC (Tetrahydrocannabinol), or its metabolite, within a person's bodily systems that equals or exceeds the detection levels established by the Federal Motor Carrier Safety Regulations, 49 CFR Part 40.

The Borough conducts drug and alcohol testing of its CDL employees in accordance with U.S. Department of Transportation regulations, including 49 CFR Part 40. The drug and alcohol testing procedure, the classes of drugs tested and the cut-off concentrations, among other things, are determined by 49 CFR Part 40.

Violations of this policy are subject to disciplinary action up to and including termination.

Everyone shares responsibility for maintaining a safe work environment and co-workers should encourage anyone who may have an alcohol or drug problem to seek help.

Drivers with questions concerning this policy should contact the Administrator. The Administrator may be reached at 732.449.9433, Ext. 116.

II. Positions Subject to Testing

A. Drivers whose position requires them to possess a Commercial Driver's License ("CDL") must undergo drug and alcohol testing in accordance with DOT regulations. A CDL is required for drivers who drive motor vehicles which:

1. Have a gross combination weight rating or gross combination weight of 26,001 pounds or more, whichever is greater, inclusive of a towed unit with a gross vehicle weight rating or gross vehicle weight of more than 10,000 pounds, whichever is greater; or
2. Have a gross vehicle weight rating or gross vehicle weight of 26,001 pounds or more, whichever is greater; or
3. Are designed to transport 16 or more passengers, including the driver; or
4. Are of any size and are used in the transportation of materials found to be hazardous and which require the motor vehicle to be placarded.

**ALCOHOL AND DRUG-FREE WORKPLACE POLICY FOR EMPLOYEES
REQUIRED TO POSSESS A CDL (cont'd)**

B. Safety-sensitive functions as used in this policy means all time from the time a driver begins to work or is required to be ready to work and all responsibility for performing work. For example, safety-sensitive functions include:

1. All time at work, unless the Borough relieved the driver from work;
2. All time inspecting, servicing, or conditioning a commercial motor vehicle;
3. All time spent at the driving controls of a commercial motor vehicle in operation;
4. All time, other than driving time, in or upon any commercial motor vehicle;
5. All time loading or unloading a vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, or remaining in readiness to operate the vehicle;
6. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

III. Prohibited Conduct

A. Alcohol

1. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. Pursuant to its independent authority as an employer, the Borough prohibits any driver from reporting for duty or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 or greater.
2. No supervisor having knowledge that a driver has an alcohol concentration of 0.04 or greater shall permit the driver to perform or continue to perform safety-sensitive functions. Pursuant to its independent authority as an employer, the Borough prohibits any supervisor having knowledge that a driver has an alcohol concentration of 0.02 or greater from permitting a driver to perform or continue to perform safety-sensitive functions.
3. No driver shall be on duty or operate a commercial motor vehicle while the driver possesses alcohol, unless the alcohol is manifested and transported as part of a shipment. No supervisor having actual knowledge

**ALCOHOL AND DRUG-FREE WORKPLACE POLICY FOR EMPLOYEES
REQUIRED TO POSSESS A CDL (cont'd)**

that a driver possesses unmanifested alcohol may permit the driver to drive or continue to drive a commercial motor vehicle.

4. No driver shall use alcohol while performing a safety-sensitive function. No supervisor having actual knowledge that a driver is using alcohol while performing safety-sensitive functions shall permit the driver to perform or continue to perform safety-sensitive functions.
5. No driver shall perform safety-sensitive functions within four (4) hours after using alcohol. No supervisor having actual knowledge that a driver has used alcohol within four (4) hours shall permit a driver to perform or continue to perform safety-sensitive functions.
6. No driver required to take a post-accident alcohol test shall use alcohol within eight (8) hours following the accident, unless the driver undergoes a post-accident alcohol test, whichever occurs first.
7. No driver shall refuse to submit to a post-accident alcohol test, a random alcohol test, a reasonable suspicion alcohol test, a return-to-duty alcohol test, or a follow-up alcohol test. No supervisor shall permit a driver who refuses to submit to such tests to perform or continue to perform safety-sensitive functions. A driver refuses to submit to an alcohol test by:
 - a. Failing to appear for the test within a reasonable time after being directed to do so by the Borough;
 - b. Failing to remain at the testing site until the testing process is complete;
 - c. Failing to or declining to take a second test the Borough or collector has directed the driver to take;
 - d. Failing to provide an adequate amount of saliva or breath for the alcohol test;
 - e. Failing to provide a sufficient breath specimen and the physician has determined, through a required medical evaluation, that there was not adequate medical explanation for the failure;
 - f. Failing to undergo a medical examination or evaluation as directed; and
 - g. Failing to cooperate with any part of the testing process.

**ALCOHOL AND DRUG-FREE WORKPLACE POLICY FOR EMPLOYEES
REQUIRED TO POSSESS A CDL (cont'd)**

8. The Borough will treat a driver's refusal to submit to an alcohol test required under this Policy as a verified positive test result.
9. Pursuant to the Borough's independent authority as an employer, any supervisor who knew, but who fails to report prohibited conduct by an employee will be subject to disciplinary action.

B. Drugs

1. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any drug or substance identified in 21 C.F.R. § 1308.11 Schedule I.
2. As to drugs or substances not identified in 21 C.F.R. § 1308.11 Schedule I, no driver shall report for duty or remain on duty when the driver uses any drug, except when the driver uses a drug pursuant to the instructions of a licensed medical practitioner who has provided written documentation to the driver that the drug will not adversely affect the driver's ability to safely operate a commercial motor vehicle and the driver provided that documentation to the Administrator. No supervisor having actual knowledge that a driver has used a drug shall permit the driver to perform or continue to perform a safety-sensitive function.

Special Note Regarding Prescription and Over-the-Counter Medication:

Prescription Medications: As a CDL driver, when prescribed a medication, an employee has an obligation to discuss with the prescribing physician the possible side-effects of that medication when operating commercial motor vehicles. When prescribed a medication, the employee also has an obligation to provide documentation from the licensed physician that states that the medication does not adversely affect his or her ability to safely operate a commercial motor vehicle. If the prescribing physician advises that the medication may affect the employee's ability to safely operate a commercial motor vehicle and the employee was advised against performing safety sensitive functions, the employee must provide documentation to the Administrator from the licensed physician that states that he or she is not able to safely perform safety sensitive functions. The Borough will maintain the confidentiality of employee medical information.

ALCOHOL AND DRUG-FREE WORKPLACE POLICY FOR EMPLOYEES REQUIRED TO POSSESS A CDL (cont'd)

Prescription drugs must not be used by any person other than the individual to whom it is prescribed. Prescribed drugs and over-the-counter drugs must be used only as prescribed or indicated. Employees are prohibited from consuming or being under the influence of prescription drugs that are not prescribed in their name on Borough property or while performing Borough business. Soliciting or distributing prescription drugs for or to other employees is also strictly prohibited.

Over-the-Counter Medications: As a CDL driver, an employee has an obligation to be aware of how over-the-counter medications affect his/her ability to safely operate a commercial motor vehicle. Many over-the-counter medications include warnings against operating heavy equipment or advise that they may cause drowsiness. The employee should ask his/her pharmacist for alternatives that do not cause drowsiness. If an employee takes a medication with such a warning, the employee must disclose such use to the Administrator. The Administrator will decide the appropriate action based on assignment, the individual's previous experience with the medication and other relevant factors. The Borough will maintain the confidentiality of employee medical information.

Pursuant to the Borough's independent authority as an employer, failure or refusal by an employee to provide acceptable medical documentation may result in discipline up to and including termination of employment. The Administrator will determine whether the Borough should temporarily change the employee's job assignment during the period of treatment.

2. No driver shall report for duty, remain on duty or perform a safety-sensitive function, if the driver tests positive or has adulterated or substituted a test specimen for drugs. No supervisor having knowledge that a driver has tested positive or has adulterated or substituted a test specimen for drugs shall permit the driver to perform or continue to perform safety-sensitive functions.
3. No driver shall refuse to submit to a pre-employment drug test, a post-accident drug test, a random drug test, a reasonable suspicion drug test, a return-to-duty drug test, or a follow-up drug test.
4. No supervisor shall permit a driver who refuses to submit to such tests to perform or continue to perform safety-sensitive functions. A driver refuses to submit to a drug test by:
 - a. Failing to appear for the test within a reasonable time after being directed to do so by the Borough;

**ALCOHOL AND DRUG-FREE WORKPLACE POLICY FOR EMPLOYEES
REQUIRED TO POSSESS A CDL (cont'd)**

- b. Failing to remain at the testing site until the testing process is complete;
 - c. Failing to provide a urine specimen;
 - d. In the case of a directly observed or monitored collection, failing to permit the observation or monitoring of the driver's provision of a specimen;
 - e. Failing to provide a sufficient amount of urine when directed without an adequate medical explanation for the failure;
 - f. Failing to or declining to take an additional drug test the Borough or collector has directed the driver to take;
 - g. Failing to undergo a medical examination or evaluation as directed; and
 - h. Failing to cooperate with any part of the testing process.
 - i. Producing a verified adulterated or substituted test result.
5. A driver's refusal to submit to a drug test required under this Policy constitutes a verified positive test result. Similarly, an adulterated or substituted result constitutes a positive test result.
6. Pursuant to the Borough's independent authority as an employer, any supervisor who knew of, but who fails to report, prohibited conduct by an employee will be subject to disciplinary action.

**ALCOHOL AND DRUG-FREE WORKPLACE POLICY FOR EMPLOYEES
REQUIRED TO POSSESS A CDL (cont'd)**

IV. Required Testing

Pursuant to DOT regulations, the Borough will conduct the following alcohol and drug testing:

A. Pre-Employment Testing

1. Pre-Employment Drug Testing

- a. Prior to the first time a driver reports to duty, but after the Borough extends an offer of employment, the driver shall undergo drug testing. Pursuant to its independent authority, the Borough will not hire drivers who test positive for drug use.
- b. Pre-employment drug testing applies to post-offer applicants and employees transferred into a safety-sensitive position.
- c. The Borough will notify a driver of the results of a pre-employment drug test if the driver requests such results within sixty (60) calendar days of being notified of the disposition of the employment application.

2. Pre-Employment Alcohol Testing

A driver shall not be required to submit to alcohol testing prior to the first time the driver reports to duty.

3. Pre-Employment Record Check

As part of the pre-employment process, the Borough will check the drug and alcohol testing record of post-offer applicants/new hires or employees transferred into safety-sensitive positions.

- a. A post-offer applicant/new hire must provide the Borough with his or her written consent permitting the Borough to check his or her drug and alcohol testing records with previous employers over the past two years. See Authorization for Release of CDL Alcohol and Controlled Substances Test Results.
- b. The Borough will obtain and review this information before the employee first performs safety-sensitive functions. If this is not feasible, the Borough will obtain and review the information as soon as possible, but the Borough will not permit the employee to

**ALCOHOL AND DRUG-FREE WORKPLACE POLICY FOR EMPLOYEES
REQUIRED TO POSSESS A CDL (cont'd)**

perform safety-sensitive functions after thirty (30) days from the date on which the employee first performed safety-sensitive functions, unless the Borough obtained or made and documented a good faith effort to obtain the information.

- c. The Borough will not permit an individual to perform safety-sensitive functions if it obtains information indicating that the individual tested with an alcohol concentration of 0.04 or greater, received a verified positive result on a controlled substances test, or refused to be tested, unless the Borough also obtains information that the individual was evaluated and treated by a Substance Abuse Professional and successfully passed return-to-duty testing.

B. Post-Accident Testing

As soon as practicable following an accident involving a commercial motor vehicle, the driver shall submit to post-accident alcohol and drug testing. The driver must submit to post-accident alcohol and drug testing if the accident involved a fatality or if the driver received a citation under State or local law for a moving traffic violation arising from the accident.

The Borough of Sea Girt, pursuant to its independent authority, will require a driver to submit to post-accident alcohol and drug testing if the accident results in personal injury or property damage, including damage to Borough property.

A driver who is subject to post-accident testing must remain readily available for testing or the Borough may deem the driver to have refused to submit to testing.

1. Alcohol Testing

Post-accident alcohol testing must take place as quickly as possible. The driver will make every effort to submit to post-accident alcohol testing within two (2) hours after the accident. If the driver cannot submit to testing within two (2) hours, the driver should continue to try to submit to testing up to eight (8) hours after the accident. The supervisor will produce a written report recording the reason why the driver could not submit to testing within two (2) hours after the accident. The supervisor must submit the report to the Administrator.

For purposes of this section, the time of the accident will be the time indicated in the official accident report.

ALCOHOL AND DRUG-FREE WORKPLACE POLICY FOR EMPLOYEES REQUIRED TO POSSESS A CDL (cont'd)

Law enforcement agencies with the authority to do so may perform post-accident alcohol testing. The results of those tests will be used as a basis for appropriate action by the Borough provided the tests are performed in compliance with federal, state and local requirements.

2. Drug Testing

Post-accident drug testing shall take place as quickly as possible. The driver must make every effort to submit to post-accident drug testing within thirty-two (32) hours following the accident.

If the driver is unable to submit to drug testing within thirty-two (32) hours after the accident, the driver should stop trying to submit to testing. The supervisor will produce a written report recording the reason why the driver could not submit to testing. The supervisor must submit the written report to the Administrator.

For purposes of this section, the time of the accident will be the time indicated in the official accident report.

Law enforcement agencies with the authority to do so may perform post-accident drug testing. The results of those tests will be used as a basis for appropriate action by the Borough provided the tests are performed in compliance with federal, state and local requirements.

3. Accident Reporting Procedures

- a. Nothing in this section is intended to prevent an injured person from obtaining immediate medical attention or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.
- b. Upon being involved in a motor vehicle accident while operating a commercial motor vehicle, the operator shall follow standard reporting procedures including:
 - i. Unless unable to do so because taken into custody or transported for medical care, the employee must notify the Superintendent of Public Works of the accident by the fastest means possible and remain available at the scene pending further instructions. If taken into custody or transported for medical care, the employee will ask law

**ALCOHOL AND DRUG-FREE WORKPLACE POLICY FOR EMPLOYEES
REQUIRED TO POSSESS A CDL (cont'd)**

enforcement or medical personnel to notify the Superintendent of Public Works as soon as possible if the employee cannot do so.

- ii. When contacted, the vehicle identification number and location of the accident will be relayed to the Superintendent of Public Works;
- iii. If law enforcement is not already on the scene, the Superintendent of Public Works will contact the appropriate law enforcement agency. The Superintendent of Public Works will contact the Administrator or his or her designee to advise of the accident.
- iv. Whenever possible, the Superintendent of Public Works or his or her designee will respond to the scene of the accident to determine whether (1) a fatality has occurred or (2) the covered employee received a summons for a moving violation and the accident involved bodily injury to any person who, as a result of the injury, immediately received medical treatment away from the scene, or one or more motor vehicles incurred disabling damage requiring the motor vehicle to be removed from the scene by a tow truck. If the Superintendent of Public Works is not able to respond to the scene, he or she will obtain this information from the employee or law enforcement officials.
- v. If the accident results in (1) a death or (2) the issuance of a moving violation citation to the driver and the accident involved bodily injury to any person who, as a result of the injury, immediately received medical treatment away from the scene, or one or more motor vehicles incurred disabling damage requiring the motor vehicle to be removed from the scene by a tow truck, the Superintendent of Public Works must contact the Administrator or his or her designee for further instructions on arranging for alcohol and/or drug testing of the employee.

**ALCOHOL AND DRUG-FREE WORKPLACE POLICY FOR EMPLOYEES
REQUIRED TO POSSESS A CDL (cont'd)**

C. Random Testing

1. All drivers shall be subject to drug and alcohol random testing. Random alcohol testing will be done just before, during or just after performing a safety-sensitive function.
2. Annually, a specific percentage of the drivers will undergo drug testing and a specific percentage of the drivers will undergo alcohol testing. The percentage is determined annually by the U.S. Department of Transportation. Random drug and alcohol testing will be unannounced and the dates for administering random alcohol and drug tests shall be spread reasonably throughout the calendar year.
3. Drivers for random alcohol and drug testing shall be selected by a scientifically valid method, such as a random number table or a computer based random number generator. Once chosen to undergo testing, the employee's name will be re-entered into the system for the next round of testing announcements. Under this selection process, each driver shall have an equal chance of being tested each time selections are made.
4. Upon selection, the driver shall report to the test site immediately. If the driver is performing a safety-sensitive function, other than driving a commercial motor vehicle, at the time of notification, the driver shall stop performing that function in a manner consistent with safety, and proceed to the test site as soon as possible.
5. In the event the selected employee is off from work, the employee's name will be skipped and the next person on the list will be selected for testing.

D. Reasonable Suspicion Testing

1. Alcohol Testing
 - a. A supervisor shall require a driver to submit to an alcohol test when he or she has reasonable suspicion to believe that the driver has violated the prohibitions against alcohol concentration, on-duty use of alcohol, pre-duty use or use following an accident.
 - b. The supervisor's determination that reasonable suspicion exists to require the driver to undergo an alcohol test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver.

**ALCOHOL AND DRUG-FREE WORKPLACE POLICY FOR EMPLOYEES
REQUIRED TO POSSESS A CDL (cont'd)**

- c. When a supervisor or other trained Borough official has reasonable suspicion that a driver may be under the influence of alcohol, he or she shall:
 - i. Complete the Supervisor's Report of Reasonable Suspicion form, following the appropriate instructions. The Supervisor's Report of Reasonable Suspicion should be completed as promptly as practicable, but in no event later than twenty-four hours after the observed behavior or after the results of the alcohol test is released, whichever is earlier.
 - ii. Contact the Administrator, who will provide further instruction.
- d. Reasonable suspicion alcohol testing is authorized only if the required observations are made just before, during or immediately after performing safety-sensitive functions.
- e. Every effort should be made to conduct alcohol testing no more than two (2) hours after the supervisor determines reasonable suspicion exists.
- f. If the required testing is not performed within two (2) hours after the supervisor determines reasonable suspicion exists, the supervisor shall prepare a report indicating the reasons the alcohol test was not promptly administered and submit the written report to the Administrator.
- g. If the required test is not performed within eight (8) hours after the supervisor determines reasonable suspicion exists, the supervisor and the Borough shall cease attempts to administer an alcohol test and the supervisor will state in the report the reasons for not administering the required test. The supervisor must submit the written report to the Administrator.

2. Drug Testing

- a. A supervisor shall require a driver to submit to a drug test when he or she has reasonable suspicion to believe that the driver violated the prohibitions against drug use.

**ALCOHOL AND DRUG-FREE WORKPLACE POLICY FOR EMPLOYEES
REQUIRED TO POSSESS A CDL (cont'd)**

- b. The supervisor's determination that reasonable suspicion exists to require the driver to undergo a drug test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver. The observations may include indications of the chronic and withdrawal effects of drugs.
- c. When a supervisor or other trained Borough official has reasonable suspicion that a driver may be under the influence of drugs, he or she shall:
 - i. Complete the Supervisor's Report of Reasonable Suspicion form, following the appropriate instructions. The Supervisor's Report of Reasonable Suspicion should be completed as promptly as practicable, but in no event later than twenty-four (24) hours after the observed behavior or after the results of the drug test is released, whichever is earlier.
 - ii. Contact the Administrator, who will provide further instruction.

E. Return-to-Duty Testing

1. Return-to-Duty Alcohol Testing

- a. If a driver has an alcohol test with a result indicating an alcohol concentration of 0.04 or greater, the driver must be evaluated by a Substance Abuse Professional. The driver shall be responsible for the cost of the Substance Abuse Professional. The driver must complete all treatment recommended by the Substance Abuse Professional.
- b. Prior to returning to duty, any driver who has an alcohol test with a result indicating an alcohol concentration of 0.04 or greater must undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02. The driver shall be responsible for the cost of return-to-duty testing.
- c. Pursuant to the Borough's independent authority as an employer, prior to returning to duty, any driver who has an alcohol test with a result indicating an alcohol concentration of 0.02 to 0.39 must undergo evaluation and treatment by a Substance Abuse

**ALCOHOL AND DRUG-FREE WORKPLACE POLICY FOR EMPLOYEES
REQUIRED TO POSSESS A CDL (cont'd)**

Professional and submit to a return-to-duty test which results in a breath alcohol concentration of less than 0.02.

2. Return-to-Duty Drug Testing
 - a. If a driver tests positive for drugs, the driver must be evaluated by a Substance Abuse Professional. The driver shall be responsible for the cost of the Substance Abuse Professional. The driver must complete all treatment recommended by the Substance Abuse Professional.
 - b. Prior to returning to duty, any driver who engaged in drug use prohibited by the DOT regulations and this policy must undergo a return-to-duty drug test with a result indicating a verified negative result for drug use. All return-to-duty drug testing collection will be under direct observation. The driver will be responsible for the cost of return-to-duty testing.

F. Follow-Up Testing

1. Any driver required to be evaluated, and/or treated by a Substance Abuse Professional shall be subject to unannounced follow-up testing as the Substance Abuse Professional directs. All follow-up drug testing collection will be under direct observation. The driver will be responsible for the cost of follow-up testing.
2. Follow-up alcohol testing shall be conducted only when the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing safety-sensitive functions.
3. Follow-up testing shall consist of at least six (6) tests in the first twelve (12) months following the driver's return to duty. In no event will the follow-up testing exceed sixty (60) months from the date of the driver's return to duty.
4. The Substance Abuse Professional may excuse the requirement for follow-up testing at any time after the first six (6) tests have been administered if he or she determines that they are no longer required.
5. The driver shall be further evaluated by the Substance Abuse Professional to ensure that he or she has properly followed any prescribed rehabilitation program.

**ALCOHOL AND DRUG-FREE WORKPLACE POLICY FOR EMPLOYEES
REQUIRED TO POSSESS A CDL (cont'd)**

V. Alcohol and Drug Testing Procedures

A. Alcohol Testing Procedures

1. Drivers shall submit to breath or saliva screening tests which indicate their breath alcohol content. Alcohol screening tests shall be administered by a trained Breath Alcohol Technician or trained Screening Test Technician.
2. When a driver receives notice to report to the alcohol testing site for a breath alcohol test, the driver must:
 - a. Proceed immediately to the testing site;
 - b. Present positive identification, such as a photo driver's license, to the Breath Alcohol Technician or Screening Test Technician; and
 - c. Follow the Breath Alcohol Technician or the Screening Test Technician's instructions on completing the DOT Alcohol Testing Form.
3. Procedure for breath alcohol screening tests:
 - a. The Breath Alcohol Technician or Screening Test Technician shall conduct the breath alcohol test on a breath testing device approved for testing by the U.S. Department of Transportation. External calibration checks must be performed at regular intervals to ensure the accuracy of the breath testing device.
 - b. The Breath Alcohol Technician or Screening Test Technician shall open an individually-sealed mouthpiece and attach it to the breath testing device in the driver's presence. The Breath Alcohol Technician or Screening Test Technician shall instruct the driver to blow forcefully into the mouthpiece for at least six (6) seconds or until the breath testing device indicates that an adequate amount of breath has been obtained. The Breath Alcohol Technician or Screening Test Technician shall show the driver the results displayed on the breath testing device and complete required paperwork.
 - c. If a breath tube alcohol screening device is used, the Breath Alcohol Technician or Screening Test Technician must remove the device from the package and secure an inflation bag on to the

**ALCOHOL AND DRUG-FREE WORKPLACE POLICY FOR EMPLOYEES
REQUIRED TO POSSESS A CDL (cont'd)**

appropriate end of the device and break the tube's ampoule in the presence of the employee. The Breath Alcohol Technician or the Screening Test Technician must offer the driver the opportunity to hold the device. The Breath Alcohol Technician or Screening Test Technician must instruct the driver to blow forcefully and steadily into the blowing end of the device until the inflation bag fills with air (approximately twelve (12) seconds). The Breath Alcohol Technician or Screening Test Technician must show the driver the analyzer result and complete required paperwork.

4. Procedure for a saliva alcohol screening test:
 - a. The Breath Alcohol Technician or Screening Test Technician will conduct the saliva breath alcohol test with a saliva testing device approved for testing by the U.S. Department of Transportation.
 - b. The Breath Alcohol Technician or Screening Test Technician will check the expiration date on the saliva screening device and show it to the driver. The Breath Alcohol Technician or Screening Test Technician will open an individually-wrapped or sealed package containing the device in the presence of the driver and offer the driver the opportunity to use the device. Either the driver or the Breath Alcohol Technician or the Screening Test Technician will insert the device into the driver's mouth and gather saliva.
5. Test Results
 - a. If the alcohol screening test results in a breath alcohol concentration of less than 0.02, the driver shall complete any remaining paperwork and shall be free to leave the testing site.
 - b. If the breath alcohol screening test results in a breath alcohol concentration of 0.02 or greater, the Breath Alcohol Technician must conduct a confirmation breath alcohol test.
 - i. The confirmation breath alcohol test will be administered at least fifteen (15) minutes but no more than thirty (30) minutes after the completion of the breath alcohol screening test.
 - ii. The Breath Alcohol Technician shall instruct the driver not to eat, drink, or put any object or substance in his or her mouth, and, to the extent possible, not to belch during the

**ALCOHOL AND DRUG-FREE WORKPLACE POLICY FOR EMPLOYEES
REQUIRED TO POSSESS A CDL (cont'd)**

waiting period before the confirmation test. The Breath Alcohol Technician will explain to the driver that this prevents any accumulation of mouth alcohol which could lead to an artificially high reading and is for the driver's benefit.

- iii. The Breath Alcohol Technician shall provide the driver with a new mouthpiece for the confirmatory test and ensure that the breath testing device registers 0.00 on an air blank.
 - c. If the confirmation breath alcohol test results in a breath alcohol concentration of less than 0.02, the driver shall complete any remaining paperwork and will be free to leave the testing site.
 - d. If the confirmation breath alcohol test results in a breath alcohol concentration of 0.02 or greater, but less than 0.04, the driver shall not perform safety-sensitive functions for at least 24 hours. Pursuant to the Borough's independent authority as an employer, prior to returning for duty, the driver must undergo evaluation and treatment by a Substance Abuse Professional and submit to a return-to-duty test which results in a breath alcohol concentration of less than 0.02.
 - e. If the confirmatory breath alcohol test results in a breath alcohol concentration of 0.04 or greater, the driver shall not perform safety-sensitive functions until a Substance Abuse Professional evaluates the driver. Prior to returning for duty, the driver must complete any treatment prescribed by the Substance Abuse Professional and submit to a return-to-duty test which results in a breath alcohol concentration of less than 0.02.
6. If a driver is unable to provide enough breath to complete the breath alcohol test, he or she shall be referred to a medical doctor acceptable to the Borough for evaluation. If that evaluation fails to detect any medical reason for the inability to provide sufficient breath, the driver shall be deemed to have refused testing.

**ALCOHOL AND DRUG-FREE WORKPLACE FOR EMPLOYEES
REQUIRED TO POSSESS A CDL (cont'd)**

B. Drug Testing Procedures

1. Drivers shall submit to urine tests to detect the presence of one or more of the following drugs: marijuana, cocaine, amphetamines, opiates and phencyclidine. (See prohibitions concerning medical marijuana in section I, paragraph 4 above.)
2. When a driver receives notice to report to the testing site for a drug test, the driver must:
 - a. Proceed immediately to the testing site;
 - b. Present positive identification, such as a photo driver's license, to the collector;
 - c. Follow the collector's instructions on completing the Custody and Control Form.
3. The collector shall present the collection container to the driver sealed in its wrapper or shall unwrap the collection container in the driver's presence. The driver shall void at least 45 ml of urine in the collection container, in accordance with the collector's instructions.
4. In the presence of the driver, the collector will pour thirty (30) ml of urine in one specimen bottle, unwrapped in the driver's presence, and at least fifteen (15) ml of urine into another specimen bottle, also unwrapped in the driver's presence, to be used as a split sample.
 - a. If the driver cannot provide the required quantity of urine, the collector shall urge the driver to drink not more than forty (40) ounces of fluids and, after a period of up to three (3) hours, again attempt to provide a complete sample using a fresh collection container. The driver's refusal to drink does not constitute a refusal to test.
 - b. If the driver is still unable to provide an adequate specimen, the collector shall discontinue testing and notify the Administrator. The Administrator, after consultation with the Medical Review Officer, will refer the driver for a medical evaluation by a physician acceptable to the Borough to determine whether the inability to provide a specimen is genuine or constitutes a refusal to

**ALCOHOL AND DRUG-FREE WORKPLACE FOR EMPLOYEES
REQUIRED TO POSSESS A CDL (cont'd)**

test. The medical doctor must provide the Administrator with written documentation of his or her finding.

5. To safeguard the collection process:
 - a. the specimen bottles shall be sealed with a tamper-proof sealing system which ensures against undetected opening;
 - b. the specimen bottles shall be identified with a unique identifying number identical to that appearing on the Custody and Control Form;
 - c. the driver shall initial the specimen bottles in the space provided, to affirm the identity of the specimens; and
 - d. The shipping container in which the specimens and associated paperwork may be transferred shall also be sealed to prevent undetected tampering.
 - e. The Custody and Control Form shall be used to maintain control and accountability of each specimen from collection to testing completion. The Custody and Control Form shall identify every individual in the chain of custody.
6. The collector will ship both specimen bottles to the laboratory for analysis. The laboratory will test the specimen containing thirty (30) ml of urine in the initial screening, and reserve the specimen containing at least fifteen (15) ml of urine.
7. The laboratory will forward the results of the initial screening to the Borough's Medical Review Officer. If the tests results are negative, the Medical Review Officer will forward the results to the Administrator.
8. If the test result is confirmed positive, adulterated, or substituted, the Medical Review Officer will contact the driver to determine whether a medical explanation for the test result exists. The Medical Review Officer will release the test result to the Administrator only after speaking with the driver. If the driver tests positive because of the use of a prescription drug, the driver must provide the prescription to justify the positive result. Verification on the prescribing medical professional's letterhead is acceptable. If the driver declines to speak with the Medical Review

**ALCOHOL AND DRUG-FREE WORKPLACE FOR EMPLOYEES
REQUIRED TO POSSESS A CDL (cont'd)**

Officer, the Medical Review Officer will release the test result to the Administrator in any event.

9. If a positive test result is identified as dilute, the result is a verified positive test. If a negative test result is identified as dilute, the driver will be re-tested. The results of the second test will be the test of record. If this result is also negative and dilute, then the test of record is negative.
10. In the event of a confirmed positive, adulterated, or substituted test, the Medical Review Officer shall make all reasonable efforts to notify the driver that the driver has seventy-two (72) hours to request a test of the split specimen. If the driver requests a test of the split specimen, the Medical Review Officer shall contact the laboratory, which will forward the sample to a different certified laboratory for testing. The driver may not perform safety-sensitive functions until:
 - a. The split sample yields a negative test result; or
 - b. If the split sample reconfirms a positive, adulterated or substituted test result, the driver is referred to, evaluated and treated, if necessary, by a Substance Abuse Professional.

VI. Penalties for Violations

- A. Laws provide for civil and criminal penalties for drivers convicted of operating a commercial motor vehicle under the influence of alcohol or a controlled substance. Penalties include loss of license and incarceration.
- B. The Borough of Sea Girt, pursuant to its independent authority as an employer, implements the following penalties for violations of this policy:
 1. Penalties for Alcohol Violations
 - a. If an alcohol test yields a breath alcohol concentration of more than 0.02, the driver will be subject to an immediate suspension without pay and disciplinary action up to and including termination of employment.
 - b. Any driver who refuses to take an alcohol test shall be terminated.

**ALCOHOL AND DRUG-FREE WORKPLACE FOR EMPLOYEES
REQUIRED TO POSSESS A CDL (cont'd)**

2. Penalties for Drug Violations

- a. If any drug test yields positive results, the driver will be subject to an immediate suspension without pay and disciplinary action up to and including termination of employment.
- b. Any driver who refuses to take a drug test will be terminated.
- c. Any driver who adulterates his or her urine sample or otherwise engages in conduct that obstructs the testing process will be terminated.

VII. Rehabilitation

The Borough of Sea Girt, pursuant to its independent authority, offers its employees the following opportunity for rehabilitation:

- A. The Borough strongly encourages an employee with a drug/alcohol abuse problem to voluntarily step forward to tell the Administrator or any other management representative with whom the employee feels comfortable.
- B. An employee may voluntarily admit to the Borough, through the Administrator or any other supervisory employee with whom the employee feels comfortable, that he or she has an alcohol or substance abuse problem without fear of discipline or discharge. This section only applies if:
 - 1. The employee does not voluntarily admit that he or she has an alcohol or substance abuse problem to avoid testing under the Department of Transportation regulations;
 - 2. The employee admits alcohol misuse or controlled substances use prior to performing a safety-sensitive function (i.e., prior to reporting for duty); and
 - 3. The employee does not perform a safety sensitive function until the Borough is satisfied that the employee has been evaluated and has successfully completed education or treatment requirements in accordance with the self-identification program guidelines.
- C. Upon admission of an alcohol or substance abuse problem, the Borough will provide the employee with information on where he or she may seek counseling and the individual will immediately enroll himself or herself in a rehabilitation

**ALCOHOL AND DRUG-FREE WORKPLACE FOR EMPLOYEES
REQUIRED TO POSSESS A
COMMERCIAL DRIVER'S LICENSE (cont'd)**

program. The costs of counseling may be covered by the employee's medical insurance. If not, the cost of outside services is the employee's responsibility. An unpaid leave of absence will be granted for rehabilitation and treatment, consistent with applicable law.

- D. The Borough will not take disciplinary action against an employee who voluntarily admits having an alcohol or substance abuse problem as provided in paragraph B above.
- E. Employees will not return to safety-sensitive duties until:
 - 1. The employee successfully completes an educational or treatment program, as determined by a drug and alcohol abuse evaluation expert, i.e., employee assistance professional, substance abuse professional, or qualified drug and alcohol counselor; and
 - 2. The employee undergoes a return-to-duty test with a result indicating an alcohol concentration of less than 0.02; and/or
 - 3. The employee undergoes a return-to-duty controlled substance test with a verified negative test result for controlled substances use; and
 - 4. The employee complies with any required non-DOT follow up testing.

VIII. Record Keeping, Document Retention, and Confidentiality

A. Records to be Maintained

The Borough and/or its designated provider of DOT alcohol and controlled substances testing services will maintain the following specific records in a secure location with controlled access:

- 1. Records Related to the Collection Process
 - a. Collection logbooks.
 - b. Documents relating to the random selection process.
 - c. Calibration documentation for evidential breath testing devices.
 - d. Documentation of breath alcohol technician training.

**ALCOHOL AND DRUG-FREE WORKPLACE FOR EMPLOYEES
REQUIRED TO POSSESS A
COMMERCIAL DRIVER'S LICENSE (cont'd)**

- e. Documents generated in connection with decisions to administer reasonable suspicion alcohol or controlled substances tests.
 - f. Documents generated in connection with decisions on post-accident tests.
 - g. Documents verifying the existence or lack of a medical explanation for the inability of an individual to provide adequate breath or to provide a urine specimen for testing.
 - h. Consolidated annual calendar year summaries as required by 49 C.F.R. § 382.403.
2. Records Related to Test Results
- a. A copy of the alcohol test form, including the results of the test.
 - b. A copy of the controlled substances test chain of custody and control form.
 - c. Documents sent by the MRO to the Administrator or his or her designee.
 - d. Documents related to the refusal of any covered employee to submit to a required alcohol or controlled substances test required under DOT Drug and Alcohol Testing Regulations.
 - e. Documents presented by covered employees to dispute the result of an alcohol or controlled substances test administered under DOT Drug and Alcohol Testing Regulations.
 - f. Documents generated in connection with verifications of prior employers' alcohol or controlled substances test results;
3. Records related to other violations of 49 CFR Part 382.
4. Records Related to Evaluations
- a. Records pertaining to a determination by a Substance Abuse Professional concerning a covered employee's need for assistance.

**ALCOHOL AND DRUG-FREE WORKPLACE FOR EMPLOYEES
REQUIRED TO POSSESS A
COMMERCIAL DRIVER'S LICENSE (cont'd)**

- b. Records concerning a covered employee's compliance with recommendations of the Substance Abuse Professional.

5. Records Related to Education and Training

- a. Materials on alcohol misuse and controlled substance use awareness, including the policy and materials distributed to employees.
- b. Documentation of compliance with the requirements of 49 C.F.R. § 382.601, including the covered employee's signed receipt of education materials.
- c. Documentation of training provided to supervisors for the purpose of qualifying the supervisors to make a determination concerning the need for alcohol and/or controlled substances testing based on reasonable suspicion.
- d. Certification that any training conducted under this Policy complies with the requirements for such training.

6. Records Related to Alcohol and Drug Testing

- a. Agreements with collection site facilities, laboratories, Medical Review Officers, etc.
- b. Names and positions of officials and their role in the Borough's alcohol and controlled substances testing policy.
- c. Semi-annual laboratory statistical summaries of urinalysis required by 49 C.F.R. § 40.111(a).
- d. The Borough's alcohol and drug testing policy and procedures (including this policy).

B. Retention of Documents

The following documents shall be maintained in a secure location with controlled access.

**ALCOHOL AND DRUG-FREE WORKPLACE FOR EMPLOYEES
REQUIRED TO POSSESS A
COMMERCIAL DRIVER'S LICENSE (cont'd)**

1. Five-Year Documents

The Borough or its designated provider of DOT alcohol and controlled substances testing services will retain for a period of not less than five (5) years the following records relating to this policy:

- a. Records of alcohol test results indicating an alcohol concentration of 0.02 or greater.
- b. Records of verified positive controlled substances tests.
- c. Documentation of refusals to submit to required alcohol and/or controlled substances testing, including substituted or adulterated drug test results.
- d. Breath testing equipment calibration documentation.
- e. Evaluations and referrals of covered employees.
- f. SAP reports.
- g. All follow-up tests and schedules for follow-up tests.
- h. Records related to the administration of the alcohol and controlled substances testing program.
- i. A copy of each calendar year summary as required by 49 C.F.R. § 382.403.

2. Three-Year Documents

The Borough or its designated provider of DOT alcohol and controlled substances testing services will retain for a period of not less than three (3) years information obtained from previous employers under 49 C.F.R. § 40.25 concerning drug and alcohol test result of employees.

3. Two-Year Documents

The Borough or its designated provider of DOT alcohol and controlled substances testing services will retain for a period of not less than two (2) years records related to the alcohol and controlled substances collection

**ALCOHOL AND DRUG-FREE WORKPLACE FOR EMPLOYEES
REQUIRED TO POSSESS A
COMMERCIAL DRIVER'S LICENSE (cont'd)**

process (other than calibration documentation, which shall be held for five years).

4. One-Year Documents

The Borough or its designated provider of DOT alcohol and controlled substances testing services will retain for a period of not less than one (1) year the following records relating to this policy:

- a. Records of negative and canceled controlled substances test results.
- b. Records of alcohol test results with a concentration of less than 0.02.

5. Indefinite Documents

Records related to the education and training of supervisors and drivers must be maintained by the Borough while the individual performs the functions which require the training and for two years after ceasing to perform those functions.

C. Confidentiality

- 1. Except as required by law or expressly authorized or required by the DOT, the Borough will not release information contained in records maintained pursuant to this policy.
- 2. Any covered employee currently employed by the Borough may request, in writing, copies of any written records pertaining to his or her own use of alcohol and/or controlled substances. There will be no charge for these records.
- 3. A covered employee's alcohol and controlled substance records will be made available to subsequent employers upon receipt of a written request from the covered employee.
- 4. The Borough may disclose information required to be maintained under this Policy to a covered employee, the decision maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of that individual, and arising from the results of an alcohol and/or controlled substances test administered under this Policy, or from the Borough's determination that

**ALCOHOL AND DRUG-FREE WORKPLACE FOR EMPLOYEES
REQUIRED TO POSSESS A
COMMERCIAL DRIVER'S LICENSE (cont'd)**

the individual engaged in conduct prohibited by this Policy (including, but not limited to, a worker's compensation, unemployment compensation, or other proceeding relating to a benefit sought by the covered employee).

5. The Borough will release information regarding a covered employee's records as directed by the specific, written consent of the employee authorizing release of the information to an identified person.

IX. Employee Access to Records

- A. A driver is entitled to obtain copies of any records pertaining to the driver's use of alcohol or controlled substances, including any records pertaining to his or her alcohol or controlled substances tests.
- B. Procedure to Obtain Records:
 1. To obtain copies of any records pertaining to the driver's use of alcohol or controlled substances, including any records pertaining to his or her alcohol or controlled substances tests, the driver must submit a written request to the Administrator.
 2. The Administrator will promptly provide the records requested by the driver.

X. Right to Inspect

Pursuant to its independent authority as an employer, the Borough reserves the right to inspect, investigate, and search for controlled substances at any time, with or without prior notice, on or in any and all Borough premises and vehicles. Borough premises include Borough offices, work locations, desks, parking lots and any vehicle engaged in Borough operation. Searches of Borough premises, including personal effects when entering Borough premises and employee vehicles parked at Borough premises, may be conducted pursuant to a lawful investigation. Employees have no expectation of privacy regarding illegal drug activities.

Refusal to cooperate with any inspection, investigation, or search that is authorized by a Borough representative will result in termination of employment. The Borough may take into custody any alcohol found on Borough premises and use it as evidence in disciplinary proceedings. Illegal drugs will be confiscated and turned over to law enforcement officials as appropriate. Employees who refuse to comply with a lawful

**ALCOHOL AND DRUG-FREE WORKPLACE FOR EMPLOYEES
REQUIRED TO POSSESS A
COMMERCIAL DRIVER'S LICENSE (cont'd)**

legal investigation as described in this policy will be subject to discipline, up to and including termination.

XI. Supervisor Training

The Borough will provide supervisors designated to determine whether reasonable suspicion exists with at least sixty (60) minutes of training on alcohol misuse and at least sixty (60) minutes of training on drug use. The training will cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and drug use.

**NOTICE OF BOROUGH OF SEA GIRT
ALCOHOL AND DRUG-FREE WORKPLACE POLICY
FOR EMPLOYEES REQUIRED TO POSSESS
A COMMERCIAL DRIVER'S LICENSE
&
CERTIFICATE OF RECEIPT**

Attached for your use is a copy of the Borough's Alcohol & Drug-Free Workplace Policy for Employees Required to Possess a Commercial Driver's License. Please review the Policy carefully to learn, among other things:

- (1) The categories of employees who are covered by the provisions of this Policy;
- (2) The period of the work day during which employees are required to be in compliance with this Policy;
- (3) Specific information concerning conduct that is prohibited by this Policy;
- (4) The circumstances under which an employee will be tested for alcohol and/or controlled substances;
- (5) The procedures that will be used to test for the presence of alcohol and controlled substances, protect the integrity of the testing processes, safeguard the validity of test results, and ensure that those results are attributed to the correct employee;
- (6) The requirement that employees submit to alcohol and controlled substances tests administered in accordance with this Policy;
- (7) An explanation of what constitutes a refusal to submit to an alcohol or controlled substances test and the attendant consequences;
- (8) The consequences for employees found to have violated this Policy, including the requirement that an employee be removed immediately from safety-sensitive functions and, when appropriate, referred to a Substance Abuse Professional; and
- (9) The consequences for employees found to have an alcohol concentration of 0.02 or greater but less than 0.04.
- (10) Procedures to be followed in the event of an accident.

In addition to the Policy, the Borough is also distributing educational materials concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal

life, the signs and symptoms of an alcohol or a controlled substances problem, and available methods of intervening when an alcohol or a controlled substances problem is suspected, including confrontation and/or referral to a Substance Abuse Professional.

The Borough designated the Administrator to answer questions you may have about this Policy or any of the educational materials.

I, _____, CERTIFY THAT I HAVE RECEIVED:

- THE BOROUGH OF SEA GIRT'S **ALCOHOL AND DRUG-FREE WORKPLACE** POLICY FOR EMPLOYEES REQUIRED TO POSSESS A COMMERCIAL DRIVER'S LICENSE, AND
- EDUCATIONAL MATERIALS ON ALCOHOL AND CONTROLLED SUBSTANCES ABUSE.

Employee Name: _____

Employee Signature: _____

Date: _____

Department: _____

Position: _____

Supervisor: _____

**BOROUGH OF SEA GIRT
PREVIOUS PRE-EMPLOYMENT EMPLOYEE ALCOHOL
AND DRUG TEST STATEMENT**

Sec. 40.25(j) As the employer, the Borough must ask the prospective employee whether he or she has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which the prospective employee applied for, but did not obtain, safety-sensitive transportation work covered by DOT agency drug and alcohol testing rules during the past two years. If the prospective employee admits that he or she had a positive test or a refusal to test, the Borough must not use the prospective employee to perform safety-sensitive functions for the Borough, until and unless the prospective employee documents successful completion of the return-to-duty process (see paragraphs (b)(5) and (e) of this section).

Prospective Employee Printed Name: _____

Prospective Employee ID Number: _____

The prospective employee is required by Sec. 40.25(j) to respond to the following questions.

1. Have you tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which you applied for, but did not obtain, safety-sensitive transportation work covered by DOT agency drug and alcohol testing rules during the past two years?

Check one: ☐ Yes ☐ No

2. If you answered yes, can you provide/obtain proof that you've successfully completed the DOT return-to-duty requirements?

Check one: ☐ Yes ☐ No

I certify that the information provided on this document is true and correct.

Prospective Employee Signature: _____ Date: _____

Witness Signature: _____ Date: _____

Record retention guidelines:

- If “yes” to question 1, retain this form and documentation provided for 5 years.
- If “no” to question 1, discard after employment terminates but not less than 2 years from date of statement.

BOROUGH OF SEA GIRT
RELEASE OF INFORMATION FORM
49 CFR PART 40 DRUG AND ALCOHOL TESTING

Section I. To be completed by the new employer, signed by the employee, and transmitted to the previous employer:

Employee Printed or Typed Name: _____

Employee SS or ID Number: _____

I hereby authorize release of information from my Department of Transportation-regulated drug and alcohol testing records by my previous employer, listed in Section I-B, to the employer listed in Section I-A. This release is in accordance with DOT Regulation 49 CFR Part 40, Section 40.25. I understand that information to be released in Section II-A by my previous employer, is limited to the following DOT-regulated testing items:

1. Alcohol tests with a result of 0.04 or higher;
2. Verified positive drug tests;
3. Refusals to be tested;
4. Other violations of DOT agency drug and alcohol testing regulations;
5. Information obtained from previous employer of a drug and alcohol rule violation;
6. Documentation, if any, of completion of the return-to-duty process following a rule violation.

Employee Signature: _____ Date: _____

I-A.

New Employer Name: _____

Address: _____

Phone #: _____ Fax #: _____

Designated Employer Representative: _____

I-B.

Previous Employer Name: _____

Address: _____

Phone #: _____

Designated Employer Representative (if known): _____

BOROUGH OF SEA GIRT
RELEASE OF INFORMATION FORM
49 CFR PART 40 DRUG AND ALCOHOL TESTING (cont'd)

Section II. To be completed by the previous employer and transmitted by mail or fax to the new employer:

II-A. In the two years prior to the date of the employee's signature (in Section I), for DOT-regulated testing:

1. Did the employee have alcohol tests with a result of 0.04 or higher?
☐ Yes ☐ No
2. Did the employee have (a) verified positive drug test(s)? ☐ Yes ☐ No
3. Did the employee refuse to be tested? ☐ Yes ☐ No
4. Did the employee have other violations of DOT agency drug and alcohol testing regulations? ☐ Yes ☐ No
5. Did a previous employer report a drug and alcohol rule violation to you?
☐ Yes ☐ No
6. If you answered "yes" to any of the above items, did the employee complete the return-to-duty process? ☐ N/A ☐ Yes ☐ No

Note: If you answered "yes" to item 5, you must provide the previous employer's report. If you answered "yes" to item 6, you must also transmit the appropriate return-to-duty documentation (e.g., SAP report (s), follow-up testing record).

II-B.

Name of person providing information in Section II-A: _____

Title: _____

Phone #: _____

Date: _____

COMMUNICATION MEDIA

The availability and use of the Communication Media, access to the internet and use of e-mail within the work environment has provided many opportunities to enhance productivity and effectiveness. These new technologies also entail the opportunity for rapid transfer and broad distribution of sensitive information that can have damaging effects on the Borough and employees using these electronic systems. The goal of this Policy is to provide the availability and use of such technology in a manner that protects the Borough's data and software from accidental or intentional unauthorized disclosure, modification or loss. Therefore, all Borough employees must abide by the guidelines set forth in this policy when using Borough personal computers, services of external databases and information exchange networks, and voice mail, mobile digital terminals and related electronic messaging devices.

Definition

Communication Media : Communication Media includes all electronic media forms provided by the Borough such as telephones, cellular telephones, smart phones, personal computers, laptops, electronic tablets, electronic mail systems, voice mail systems, paging systems, electronic bulletin boards and internet services, intranet, mobile digital terminals, facsimile transmissions and any other Communication Media device.

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

General Principles

1. Use of any Communication Media for personal use is prohibited by the Borough.
2. All Communication Media communications, including voice mail and any technology-based messaging are public records subject to possible disclosure to the public pursuant to the provisions of the Open Public Records Act (OPRA). Employees should always ensure that the business information contained in Communication Media is accurate, appropriate, ethical and lawful. Employees are required to use their assigned municipal email account for all Borough business and correspondence.

3. All employees, who have been granted access to electronically-stored data, must use a logon ID assigned by the Borough. Certain data, or applications that process data, may require additional security measures as determined by the Borough. Employees must not share their passwords; and each employee is responsible for all activity that occurs in connection with his/her passwords.
4. Transmission of electronic messages and information on Communication Media provided to employees must be treated with the same degree of propriety and professionalism as official written correspondence. Borough supplied e-mail accounts and internet IDs should not be used for anything other than Borough-sanctioned communications.
5. Correspondence via e-mail is not guaranteed to be private and is not private to the individual. Confidential e-mails should not be sent without encryption or password protection. If the Borough determines that encryption software is appropriate, encryption software must be provided or approved by the Department Head. The Department Head must be given a copy of all passwords, and encryption and decryption "keys." The existence of passwords does not restrict or eliminate the Borough's ability or right to access electronic communications. The Borough, however, will not require an employee to provide a password to his or her personal account.
6. Use of Communication Media will be monitored for security and/or management reasons. Users are subject to limitations on their use of such resources.
7. The distribution of any information through Communication Media is subject to all policies and procedures applicable to dissemination of information by non-electronic means. The Borough reserves the right to determine the suitability of this information.
8. No employee shall access any file or database unless they have a need and a right to such information. Additionally, personal identification and access codes must not be revealed to an unauthorized source.
9. To avoid any breaches of security, employees must log off any personal computer which has access to the Borough's computer network, electronic mail system, the Internet or sensitive information whenever they leave their workstation.
10. Employees are expected to operate care in the use of Communication Media to avoid damage to any Borough equipment or software.

Usage Rules

The Borough prohibits any employee using Borough Communication Media resources from:

1. Viewing, downloading and/or transmitting materials (other than as required for law enforcement business) that is defamatory, obscene, harassing or in violation of any Borough rule or policy. Examples of forbidden transmissions or downloads include, but are not limited to sexually-explicit images or messages, unwelcome propositions, ethnic or racial slurs or any other message that can be construed as 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, whether or not a recipient has consented to or requested such material;
2. Violating policies prohibiting harassment, workplace violence or sexual harassment;
3. Sending or receiving e-mails that are unrelated to Borough business activities;
4. Soliciting business for personal gain or profit or gambling;
5. Soliciting for religious, political, charitable or other causes, unless the employee conducts such solicitation as part of his/her job responsibilities;
6. Using Communication Media to invade the privacy of others;
7. Using Communication Media for any illegal or fraudulent purpose;
8. Representing personal opinions as those of the Borough;
9. Making or posting indecent remarks, proposals, or materials;
10. Uploading, downloading, or otherwise transmitting commercial software or any copyrighted materials belonging to parties outside of the Borough, or licensed to the Borough. Employees must observe the copyright and licensing restrictions of all software applications and must not copy software from internal or external sources unless legally authorized. The Borough may remove any software for which proof of licensing (original disks, original manuals and/or license) cannot be provided;
11. Downloading or installing any software or electronic files (including sound and video files and files attached to e-mail messages), software, fonts, templates, scripts or other materials from the Internet or other external sources onto any computer without the prior approval of the Department Head. After receipt of approval from the Department Head, and before being entered into any personal computer, drive and/or shared system, material

installed/downloaded must be scanned for viruses with virus protection software approved by the Borough. In no case shall external materials or applications be downloaded directly to any shared (network) drive without consulting the Department Head;

12. Making any hardware modifications to Communication Media without the prior approval of the Department Head. The Department Head is responsible for determining proper installation procedures if approved;
13. Modifying workstation settings and configurations or network settings without prior approval of the Department Head;
14. Intentionally interfering with the normal operation of the Borough's computers and/or network, including the propagation of computer viruses and sustained high volume network traffic which substantially hinders others in their use of the network;
15. Revealing or publicizing confidential Borough information either through Borough Communication Media or an employee's Communication Media. Confidential, proprietary or sensitive information may be disseminated only to individuals with a need and a right to know and when there is sufficient assurance that appropriate security of such information will be maintained. Such information includes but is not limited to the transmittal of personnel information, such as social security numbers, , medical records/documents, internal reports, Borough records or documents or similar confidential, proprietary or sensitive information. In law enforcement operations, confidential, proprietary or sensitive information also includes criminal history information, confidential informant identification, and intelligence and tactical operations files.
16. Examining, changing or using another person's files, output, or user name without explicit authorization;
17. Sending anonymous e-mail messages;
18. Refusing to cooperate with a security investigation;
19. Attempting to break into the computer system of another organization or person;
20. Sharing or stealing passwords or permitting unauthorized persons to use the Borough's electronic mail system;
21. Sending or posting messages that defame or slander other individuals;
22. Misrepresenting, obscuring, suppressing or replacing user's identity on a Communication Media;

23. Sending unsolicited advertising;
24. Wasting time on non-Borough business, including playing games on the internet or "surfing" the Web on Borough time.
25. Use of private e-mail accounts for Borough business.
26. Performing any other inappropriate uses;

No Expectation of Privacy

Employees shall use computer equipment and on-line access for Borough purposes only. The Borough reserves the right to monitor, obtain, review and disclose all e-mail messages, computer files, voice mail, internet messages on Borough Communication Media as deemed necessary and appropriate. Communication Media equipment and its contents, and all information gathered via on-line resources belong to the Borough. Additionally, all information stored on Borough computers and other Borough Communication Media belongs to the Borough. Personal material and electronic data must not be created or stored on the Borough's computers.

The Borough may access and review (1) all communications using the Borough's computers or other Borough Communication Media, even if not connected to the Borough's internet service system and even if using a personal e-mail account; and, (2) all communications using the Borough's e-mail system, even if created on a non-Borough owned computer or personal Communication Media. The Borough may inspect all Communication Media, including computers and information, at any time as necessary for the conduct of its business. Law enforcement Communication Media is subject to additional restrictions.

The Borough retains the right to monitor all on-line communications to ensure that employees pursue only appropriate business purposes. Monitoring may include, but is not limited to, review of data, including e-mail content and attachments, e-mail addresses, tracking internet sites visited by each user, the frequency and time spent on the internet by each user, blocking access to certain types of sites, and ensuring compliance with this Policy. Employees must have no expectation of privacy in any Communication Media equipment or its contents.

By using Borough Communication Media, each user agrees that the Borough has unrestricted access and the right to disclose all information communicated or stored on Communication Media for any security, health, employment or other legitimate business reasons. Legitimate reasons also include, but is not limited to, systems maintenance, message routing, retrieval of business information, trouble-shooting hardware and software problems, preventing system misuse,

protecting confidential proprietary information, insuring compliance with software license policies and complying with legal and regulatory requests for information.

Additional Restrictions

Employees are prohibited from releasing or disclosing any photographs, pictures, digital images of any crime scenes, traffic crashes, arrestees, detainees, people or job related incident or occurrence taken with the Borough's Communication Media to any person, entity, business or media or internet outlet whether on or off duty without the express written permission of the Administrator. Except in "emergency situations, employees are prohibited from taking digital images or photographs with media equipment not owned by the Borough. For purposes of this section, an "emergency situation" involves a sudden and unforeseen combination of circumstances or the resulting state that calls for immediate action, assistance or relief, and may include accidents, crimes and flights from accidents or crimes in which the employee does not have access to the Borough's Communication Media. If such situation occurs, any such images belong to the Borough. Employees are to release the image to the Borough and ensure its permanent deletion from any personal media device upon direction from the Borough.

Reporting Violation of Policy

Employees learning of any misuse of the Borough's Internet access or e-mail resources shall notify the Administrator. Users who violate this policy may be subject to disciplinary action up to and including termination of employment. The Borough also retains the right to report any illegal violations to the appropriate authorities.

SOCIAL MEDIA

The purpose of this policy is to provide employees with guidance concerning their personal web pages, websites and electronic social networking activities on their own time using their own facilities hereafter referred to collectively as “social media”. Examples of social media include, but are not limited to, Twitter, Facebook, LinkedIn, MySpace, YouTube and blogs.

This Policy will be enforced in accordance with applicable laws, rules and regulations. It is not intended to interfere with any rights an employee may have pursuant to law. This includes, but is not limited to, an employee’s right to engage in protected concerted activity. Nor is this Policy intended to unlawfully restrict the flow of information among employees.

Adherence to Workplace Policies and Rules

Employees must not make comments or otherwise communicate about coworkers, supervisors, members of the governing body, vendors, suppliers, residents or any other third party with whom they interact in the course of the work day in a manner that violates Borough personnel policies or that is vulgar, obscene, threatening, intimidating, harassing, libelous, or discriminatory.

Guidelines for communicating through social media are the same as the values, ethics, confidentiality and workplace policies employees are expected to abide by whether talking to or communicating with other employees, supervisors, members of the governing body, vendors, suppliers, residents or any members of the public. Employees are expected to abide by all workplace policies and rules when engaging in social media communication. Borough reserves the right to investigate any communication, private or public, that violates workplace policies and rules, including but not limited to, the prohibition of harassment and discrimination on account of any protected classification, where such postings are lawfully made available to Borough by other employees or third parties. Employees are not required to provide to the Borough passwords to their personal accounts.

Common Sense as a Guide

Employees should use common sense in all forms of communication when engaged in social media activities.

Employees should also be mindful that personal communication through social media channels are not truly private. What an employee posts or publishes may go beyond its intended recipient(s) and remain in the social media domain. Even if a message is posted anonymously, it may be possible to trace it back to the sender.

Employees are accountable for their actions and statements, which could have an impact on

others. Employees should refrain from posting statements or images of others (i.e., employees, supervisors, members of the governing body) without their consent. By posting to any social media site the poster is representing that he/she owns, has the right to lawfully use the content or is permitted to post the statement or image.

Personal communication through social media can result in disciplinary action if the commentary, content, images, pictures, video and the like adversely reflects on the employee's fitness for duty or constitutes a violation of any Borough rule or policy.

Personal Opinions Not Endorsed by Borough

Misrepresenting that an employee's personal opinions are endorsed by Borough or any of its employees is strictly prohibited. The Borough's name and/or identifying factors may not be used to endorse any opinion, product, private business, cause, or political candidate. Employees who identify themselves as Borough employees, or if they discuss matters related to the Borough on a social media site, the site must include a disclaimer on the front page, stating that it does not express the views of the Borough, and the employee is expressing only his/her personal views. For example: *"While I am an employee of Borough, comments made on this account are my own and not that of the Borough"*. However a disclaimer will not shield an employee from disciplinary action if he/she posts information on a social media site that is in violation of Borough policy and/or federal, state or local law.

To the extent that an employee appropriately uses social media while engaging in protected concerted activity, employees will not be subject to discipline. For all other communications related to Borough matters, the employee must include a disclaimer as described above.

If an Employee Makes a Mistake

Employees should correct any mistakes they have made concerning social media communications. If an employee inadvertently posts or transmits confidential or internal Borough information, the employee must immediately contact the Administrator so the Borough can take the appropriate steps to minimize the impact the communication may have. However correcting a mistake or advising the Administrator of an inadvertent posting or transmission of confidential or internal information will not shield an employee from disciplinary action and/or violation of federal, state or local law.

Violations

Any employee who violates this Social Media Policy will be subject to disciplinary action up to and including termination. The employee may also be required to correct, edit or remove a post or statement. Depending on the nature of the conduct, the employee may also be subject to civil

or criminal penalties.

Employees must not reveal or publicize confidential Borough information, including, but not limited to, personnel information, such as social security numbers, medical records/documents, internal reports, Borough records or documents or similar confidential, proprietary or sensitive information, as well as internal Borough documents or information. In law enforcement operations, confidential, proprietary or sensitive information also includes criminal history information, confidential informant identification, and intelligence and tactical operations files. Employees are also prohibited from posting any internal work documents to social media sites. Prohibited social media activities includes but is not limited to posting screenshots of computer stations, pictures of monitors and/or actual documents themselves containing confidential or internal Borough information. Below are some policies that employees should keep in mind when engaging in social media activities. These policies are not all inclusive as an employee's social media activities may implicate other Borough policies, procedures, rules and regulations not listed below.

- Prohibition of Harassment in the Workplace
- Ethics Guidelines
- Prohibition Against Workplace Violence
- Personnel Records
- Information on Employees
- Identity Theft Prevention Policy
- Communication Media Policy

An employee's responsibilities to comply with these expectations regarding social media activity may apply even after the employee is no longer employed by Borough. Employees are personally responsible for the commentary they choose to express and the material that they post in online sites.

This Policy will be enforced in accordance with applicable laws, rules and regulations. It is not intended to interfere with any rights an employee may have pursuant to law. This includes, but is not limited to, an employee's right to engage in protected concerted activity. Nor is this Policy intended to unlawfully restrict the flow of information among employees.

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

Any employee with questions regarding Borough's Social Media Policy should contact the Administrator.

VIDEO SURVEILLANCE

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

The Borough's video surveillance camera systems are a significant tool to which the employees of the Borough will avail themselves in order to complete the goals and objectives of the Borough. Employees are only permitted to use the video surveillance camera systems for legitimate purpose and with proper authorization. The Borough Administrator will be responsible for authorization of users. The improper use of these systems can result in discipline up to and including termination.

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

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

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

TELEPHONE AND CELLULAR TELEPHONE USAGE

BOROUGH TELEPHONES

Telephones are only to be used for the daily business of the Borough. Personal calls should be avoided except for essential calls. Collect calls are not permitted and will not be accepted.

Office telephones should be staffed at all times during the work day. Telephones should be answered promptly and courteously. The employee should identify the Department (or Office) and him- or herself by name.

All employees are responsible for:

- Restricting personal calls during business hours to essential urgent personal situations;
- Confining personal calls to lunch and rest periods unless an essential urgent personal situation arises;
- Spending as little time as possible on any personal call whenever made during business hours;
- Using a personal cellular telephone or coin-operated telephone for a personal call whenever such a phone is available;
- Ensuring that the Borough is not obliged to bear the cost of any personal call made by that employee on a Borough telephone. Employees may:
 - Use a personal cellular telephone or coin-operated telephone.
 - Charge the call to a home phone.
 - Charge the call to a personal credit card.
 - Reverse the charges (calling collect)
 - Log the time and destination of the call to establish personal accountability for accepting future charges.
 - Discourage personal incoming calls except for emergency situations.

Employees may be subject to discipline, up to and including discharge, if they abuse the Borough's telephones for personal business.

PERSONAL CELLULAR TELEPHONES

Personal cellular telephones may be used for personal calls and/or personal messaging during working hours only on an emergency basis. Personal calls/messaging on cellular telephones during work hours must not amount to more than emergent, occasional use.

Borough employees should make every effort to confine personal use of all cellular telephones to authorized break times or lunch or meal periods and only in authorized areas. Employees shall not take photographs, video recordings and or sound recordings without the prior written approval of the Department Head while on Borough premises or while performing Borough business.

BOROUGH-ISSUED CELLULAR TELEPHONES

All cellular telephones, service plans, and related equipment, including but not limited to, earpieces, headsets, hands free car kits, power chargers, power adapters, batteries, cases, belt clips, etc., funded and purchased by and/or through the Borough shall be considered Borough property. This includes all portable telephones, analog or digital, vehicle mounted telephones, and Nextel type telephones.

Employees must insure that the equipment assigned and entrusted to them is not lost, damaged, misused, or destroyed. Employees must protect the equipment from theft, damage, destruction, misuse and tampering. The employee shall reimburse the Borough for any lost, damaged misused, and/or destroyed equipment.

Borough provided cellular equipment assigned to the employee is intended for the authorized use by the employee and is not intended for the use by non-Borough employees or any other unauthorized individuals. The employee must insure that all Borough provided cellular equipment is not used in an unauthorized manner and is not used by any non-Borough employee or by any other unauthorized individuals.

Use of Borough provided cellular telephones is strictly limited to use by Borough employees for conducting official Borough business. Personal use of Borough provided cellular telephones shall be strictly limited to emergent matters when no other form of telephone communication is readily available, and only on an emergency basis. Moreover, unless the employee is a first responder for the Borough, all employees must leave their Borough-issued cellular telephone at their work station after working hours.

Employees shall reimburse the Borough, on a monthly basis, for all costs associated with any personal use of Borough provided cellular telephones. The Borough will carefully monitor and review all of their employees' cellular telephone usage invoices, including personal usage.

Employees are strictly prohibited from making or receiving collect calls, credit card calls, using *69, directory assistance or any other such phone service. All costs incurred for the use of these and other such features are the employees' responsibility and they shall reimburse the Borough for the cost of the use of such features.

Cellular telephones having camera, e-mail, game, music, internet, and other such functions shall not be approved unless the need for such functions is specifically demonstrated to the Administrator.

Borough employees found to be in violation of this policy, in addition to returning cellular telephone equipment, will be subject to disciplinary action, up to and including termination of employment.

USING CELLULAR TELEPHONE WHILE DRIVING

Except for high priority business purposes, emergencies, or other situations approved by a Department Head, employees must refrain from cellular telephone use while operating a Borough vehicle. During operation of a Borough vehicle, Borough employees should turn off cellular telephones and rely on voice mail features which can be checked at appropriate times after the operation of the vehicle has ended.

Borough employees who must use cellular telephones during operation of a Borough vehicle may do so only in compliance with all laws, including New Jersey law, which at N.J.S.A. § 39:4-97.3 provides:

1. The use of a wireless telephone or electronic communications device by an operator of a moving motor vehicle on a public road or highway shall be unlawful except when the telephone is a hands-free wireless telephone or the electronic communication device is used hands-free, provided that its placement does not interfere with the operation of a federally required safety equipment and the operator exercises a high degree of caution in the operation of the motor vehicle.
2. The operator of a motor vehicle may use a hand-held wireless telephone while driving with one hand on the steering wheel only if: (1) The operator has reason to fear for his life or safety, or believes that a criminal act may be perpetrated against himself or another person; or (2) The operator is using the telephone to report to appropriate authorities a fire, a traffic accident, a serious road hazard or medical or hazardous materials emergency, or to report the operator of another motor vehicle who is driving in a reckless, careless or otherwise unsafe manner or who appears to be driving under the influence of alcohol or drugs.

USE OF MUNICIPAL VEHICLES

PURPOSE

The maintenance of a municipal vehicle fleet is necessary to effectively deliver local governmental services. This policy establishes comprehensive procedures outlining the authorized usage of municipal vehicles which must be implemented by all departments.

Municipal vehicles are to be used for official business of the Borough of Sea Girt only. Personal use of municipal vehicles is prohibited and shall be cause for disciplinary action up to and including termination from employment. Only authorized municipal personnel or persons conducting business with the Borough may be transported in municipal vehicles. At no time shall children be in the Borough vehicle when responding to an emergency. Any violation of this policy constitutes cause for disciplinary action.

No family member or private citizens shall be transported in a municipal vehicle. An exception to this requirement will be the transport of persons in police vehicles in the line of duty as authorized by the Chief of Police or the designated Command Officer.

CLASSIFICATION CATEGORIES

Certain Borough employees may be permitted to take municipal vehicles to their residence during non-working hours. This permission can be offered on an emergency, temporary, or long-term basis, contingent upon the satisfaction of an evaluation criteria for such special usage of municipal vehicles. Factors to be addressed and assessed to determine usage on such a basis are as follows. This is not an exhaustive list of factors, but consists of the general considerations for such usage. Moreover, the Borough in its discretion, will determine whether an employee will be permitted to use a municipal vehicle. The assignment of a municipal vehicle during non-working hours, whether on a temporary or long term basis, is at the discretion of the Borough Administrator. In the case of the Administrator himself, it is at the discretion of the Council President.

1. Scope of work responsibilities and duties;
2. On call status;
3. Place of residence;
4. Assignment of work responsibilities and duties due to weather conditions;
5. Assignment of work duties associated with a particular job or project;
6. Planned attendance of an out of town, work related event, meeting, seminar, or sanctioned program;
7. The employee's driving record and capacity to exercise due care in the use of a Borough vehicle.

The Policy of the Borough of Sea Girt is that it shall maintain different categories of vehicles. These categories are defined by the position and responsibilities of the person to whom the vehicle is issued.

CLASS A:

Description: Vehicles assigned to Directors, Assistant Directors, the Fire Chief and Deputy Fire Chief(s), the Police Chief and Deputy Police Chief along with designated managerial positions.

Authorization: Borough Council and Mayor.

Restrictions: Permitted for business use and commuting. Incidental stops within a reasonable distance of route to and from work site are permitted. No unofficial passengers are authorized. Restricted to travel within a 200 mile radius of the Borough of Sea Girt. Alternatively, the employee may notify any supervisory employee who he/she feels comfortable in disclosing the matter.

CLASS B:

Description: Vehicles assigned to individuals with 24-hour on-call responsibilities.

Authorization: Borough Administrator.

Restrictions: Permitted for business use and commuting. Incidental stops within a reasonable distance of route to and from work site are permitted. No unofficial passengers are authorized. Restricted to travel within a 200 mile radius of the Borough of Sea Girt.

CLASS C:

Description: Work vehicles.

Authorization: Department Heads, Managers, Supervisors.

Restrictions: Permitted for work only. Vehicles will be picked up and properly dispatched from the appropriate central facility and returned and end of assignment/day/shift. No unauthorized/non-work related passengers.

Memoranda authorizing individuals authorized under Classes A and B will be forwarded to the Office of the Borough Administrator. Individuals authorizing employees to use Borough vehicles under Classes A and B are responsible for ensuring that the employee is properly licensed to operate the assigned vehicle under New Jersey State Law.

EMERGENCY VEHICLE ASSIGNMENT

The Department Head may direct the assignment of a municipal vehicle during non-working hours for the timely handling of an unforeseeable situation or emergency condition. Written notification to the Administrator is not required. An emergency vehicle assignment may not exceed five (5) working days.

TEMPORARY VEHICLE ASSIGNMENT

Assignment of a municipal vehicle during non-working hours on a temporary basis for the proper handling of a short-term event, job or occurrence, may be authorized by the Department Head. The Department Head must provide written notification to the Administrator of this temporary assignment prior to granting permission. A temporary assignment may not exceed thirty (30) working days.

PROCEDURE

- A. Annual evaluation of the long-term municipal vehicle assignment shall be performed to determine if acceptable assignment criteria still exist.
- B. Assigned drivers are responsible for ensuring that the vehicles are kept clean, in good operating condition, and are serviced in accordance with a preventive maintenance schedule.
- C. Assigned drivers must have a valid New Jersey Driver's License and a Commercial Driver's License ("CDL") which authorizes them to operate equipment that requires a CDL. Employees whose licenses have been suspended or expired are not to operate Borough vehicles until their licenses have been restored. Employees whose operator's licenses have been suspended or expired must inform their immediate supervisor. These individuals must not operate Borough vehicles until their driver's licenses have been restored. Failure of an employee to inform his supervisor and to operate a Borough vehicle without a valid license will result in disciplinary action.
- D. Borough employees must follow and adhere to all applicable motor vehicle and traffic control laws while operating a municipal vehicle.
- E. Individual employees will be held personally responsible for any moving motor vehicle violation issued while operating a municipal vehicle. This also includes parking summons.

- F. Any Borough employee involved in a motor vehicle accident, no matter how minor, must report the incident to their direct supervisor immediately and in accordance with established Borough policy on reporting accidents. This includes the timely completion and submission of all necessary documentation generated as a result of the accident.
- G. No Borough employee shall operate a municipal vehicle while under the influence of alcohol, illegal drugs, chemicals or mind-altering substances.
- H. Any Borough employee who is under the care of a medical professional and is being administered prescriptions drugs that might hinder the ability of the employee to safely operate a municipal vehicle, shall notify their direct supervisor immediately to determine future action, if needed.
- I. Any employee leaving the boundaries of the municipality with a Borough owned vehicle shall report that they will be out of the Borough to the Police Department dispatcher. They shall also report their return to the Police Department dispatcher.
- J. Municipal vehicles may only be driven by the persons they are assigned to, unless special permission is granted as provided under this policy.
- K. Municipal vehicles can be used to attend work related events such as meetings, educational seminars, professional conventions and other sanctioned and approved events in accordance with this policy.

Any violations of this policy may subject the employee to disciplinary action, up to and including termination.

RESPONSIBILITIES OF AGENCY HEADS AND DIRECTORS

- A. The Borough requires each Department Head, including the Police and Fire Chief, to maintain a current listing of eligible vehicle operators, and a list of departmental vehicles with assigned “primary operator/s” of each vehicle. The list is also to include names of those individuals who receive an “auto allowance”. This list shall be submitted to the Borough Administrator, who will distribute it to the appropriate individuals (including, Office of Risk Management, Police Department and Fleet Management).
- B. The Borough Administrator may, after review of driving records and consultation with the Insurance Commission, remove authorization to operate a Borough of Sea Girt vehicle from any employee.
- C. Any person other than the primary operator who is to operate the vehicle must be authorized to do so by the Borough Administrator or his designees, in writing. This

written authorization is to include the destination, purpose and approximate duration of use. Upon return, the written request must be updated with the mileage and the time of return.

- D. The information must be kept on file within the department. It will be subject to audit by the Borough Administrator, Fleet Manager, Insurance Commission or their designees.

MOTOR VEHICLE ACCIDENTS INVOLVING BOROUGH-OWNED VEHICLES

1. An employee who is involved in an accident, who damages Borough equipment, or who damages the equipment or property of other persons in the performance of his/her duties must immediately report the accident and/or damage to his/her Department Head and the local police, no matter how minor the accident, or whether it involves property, other vehicles or personal injury. The Department Head will, in turn, immediately advise the Administrator. An accident that results in injury to the employee must be brought to the attention of the Administrator or designee to facilitate compliance with health and safety regulations.
2. The operator shall obtain all pertinent information pertaining to persons and vehicles involved in the accident, including:
 - All drivers' names, addresses and drivers' license numbers.
 - All passengers' names and addresses.
 - All vehicle license plates numbers,
 - Insurance policies, names and numbers.
 - All witnesses' names and addresses.
3. The Department Head will oversee and/or assist the operator in completing a written report. The operator shall prepare and sign all report forms required by New Jersey Law. The completed accident report form shall then be submitted to the Administrator. Failure to report a motor vehicle accident will result in disciplinary action.
4. Drivers of Borough-owned vehicles are responsible for the safe operation of those vehicles and complying with this policy.
5. Operators and occupants of Borough-owned vehicles are obligated to obey all laws pertaining to the operating of motor vehicles and accident reporting requirements.
6. The first priority should be to ensure the safety of all parties who may have been involved in the accident and to summon medical assistance for anyone who might be injured.
7. The operator or crew's supervisor will be contacted as soon as possible. The supervisor is responsible for ensuring that the appropriate departmental incident reports are

completed and that the vehicle is recovered and taken to a repair facility. If possible, photographs of the vehicle should be taken.

8. In the event that a Borough vehicle strikes an unoccupied vehicle, the above procedures still apply. Every effort shall be made to contact the owner.
9. Copies of all incident reports and police reports should be provided to the Borough Administrator as soon as possible.

TICKETS ISSUED TO BOROUGH EMPLOYEES

All tickets issued to Borough employees while operating a Borough vehicle shall be reported to the Department Head. All tickets issued to Borough vehicles while being used by a Borough employee shall be the responsibility of the employee using the vehicle at the time the ticket was given.

USE OF MUNICIPAL PROPERTY

Employees are responsible for taking care of any equipment assigned to them. Supplies are to be properly used. Employees shall not remove, or in any way assist in the removal of supplies, materials, goods or equipment belonging to Borough offices, unless such removal has been authorized in advance in writing by the Administrator. Employees are not to use equipment, copiers, faxes, supplies, postage, or other materials of the Borough for personal use or appropriate them for use by any third party. Employees must not have personal or business mail or packages sent to them at work.

Equipment essential in accomplishing job duties is expensive and may be difficult to replace. When using Borough property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

Unauthorized use or removal of municipal equipment and supplies may be cause for disciplinary action up to and including termination of employment.

EMPLOYEE POSITION DESCRIPTION, PERFORMANCE STANDARDS, APPRAISAL AND FEEDBACK PROGRAM POLICY

This policy establishes the Sea Girt Employee Position Description, Performance Standards, Appraisal and Feedback Program for Borough employees, consistent with the Joint Insurance Fund (JIF).

PURPOSE OF THE PROGRAM

1. To provide a descriptive overview of duties and expected standards of performance. It also provides an annual appraisal coupled with meaningful feedback to individuals as to what is specifically expected of them; how well they are meeting those expectations; and, advice on how to better meet those expectations, if necessary.
2. To provide a reliable, long-term, cumulative record of performance and potential based on the employee's performance of his/her job duties.
3. Provide Borough leadership with a memorialized written record to form a sound and fair basis to make future personnel decisions.

THE IMPORTANCE OF JOB PERFORMANCE

To accomplish the basic objectives, the evaluation system focuses on performance and how well the individual does his/her job. The qualities the individual brings to the job are of paramount importance to the Borough.

Performance is most important for the success of employees. It is equally important along with leadership and managerial skills when evaluating supervisory personnel. Performance is similarly important for the development of skills and leadership abilities. An employee's performance is also considered when determining advancement.

The evaluation system emphasizes the importance of performance utilizing periodic performance feedback as the basis for formal evaluation reports.

Effective evaluators are expected to have an adequate understanding of the process as it applies to the employees they supervise.

The Program was implemented by the Borough in September 2008, with the first appraisals due in January 2009. Thereafter appraisals are to be performed the end of January each year.

MEETING PROGRAM OBJECTIVES

The primary objective of the process is to provide a meaningful and efficient method for the evaluation of individual and organizational performance. To that end, supervisors and managers

are to ensure employees clearly understand their performance standards. Performance is also to be rated in a timely manner. The program is intended to achieve these objectives as follows:

- a. Meet organizational and mission goals, objectives and management processes.
- b. Serve as a tool for executing management and supervisory responsibilities; communicating and clarifying organizational goals and objectives to employees.
- c. Involve employees in improving the organization's effectiveness and in accomplishing the Borough's mission and goals in serving the public.
- d. Assess individual, team (where team management concepts apply) and organizational effectiveness and performance.
- e. Identify accountability for the accomplishment of organizational and/or Borough goals and objectives.
- f. Provide for planning, monitoring, developing, and evaluating performance using appropriate measures of performance.
- g. Recognize and reward employees with the results of performance appraisal as a basis for appropriate personnel actions.
- h. Provide education and individual development for employees.
- i. Encourage employees to take responsibility for their performance.
- j. Allow for continuous improvement of performance, professional development, and work to full potential.

Borough of Sea Girt			
EMPLOYEE POSITION DESCRIPTION, PERFORMANCE STANDARDS AND APPRAISAL FORM			
Employee Name		Period Beginning:	Ending:
Position/Title		Type of Review:	<u>Annual</u> Interim

PART A: MAJOR POSITION DESCRIPTION SUMMARY: Under the general supervision of the department chair this position is responsible for providing paraprofessional support to the chair and department staff; coordinating and maintaining the department budgets; supervising employees; maintaining and managing the department records and reports; and providing general office support.

Position Description

PART B: PERFORMANCE STANDARDS (JOB-RELATED SKILLS AND COMPETENCIES): Select from the following list of relevant and observable job-related skills and competencies and use them to describe how the employee performs his/her job: Communication, Decision Making, Dependability, Initiative, Job Knowledge, Judgment, Leadership, Planning, Problem Solving, Responsiveness to Constituents, Teamwork, and Work Environment / Safety. There may be a set of common standards and behaviors that are expected from everyone. For example, all supervisors may be expected to perform similarly around several functions, or everyone in the unit will be held to the same standards around teamwork, customer service, etc. In cases like this, you might want to make a list of the common standards that apply and attach to each individual's performance management plan.

Numeric Rating Value			
4 - Achieved with Distinction	3 - Achieved Results	2 - Inconsistently Achieved	1 - Did Not Achieve

Performance Standards		
Core Performance Factors	Core Performance Standards	Numeric Rating
Customer Service	Describes how well the employee works with internal and external customers to achieve desired results and maintain positive customer relationships and professional image.	4 3 2 1
Interpersonal Skills	Describes how well the employee establishes and maintains effective work relationships. Demonstrates sensitivity to others and has good communication and listening skills.	4 3 2 1 0
Dependability	Describes how well the employee completes assigned work in a timely manner, keeps commitments, is accountable, and stays balanced under pressure. The employee meets attendance requirements.	4 3 2 1 0

Quality / Work Knowledge	Describes the employee's work in terms of consistency, thoroughness, and accuracy. The employee supports and participates in continuous improvement in work processes, services or products. Demonstrates ethical dealings, effective problem solving skills and meets quality standards set by supervisor.	4 3 2 1 0
Productivity	Describes how the employee manages and completes workload expectations by setting and following priorities, using time effectively and achieves work goals. Demonstrates the knowledge and skills needed to do the job.	4 3 2 1 0
Adaptability/Flexibility	Describes how well the employee adapts to change and is open to new ways of doing things. Demonstrates willingness to learn and apply new skills or methods in completing work assignments or projects.	4 3 2 1 0
Work Environment/Safety Compliance with laws, policies and procedures	Describes how well the employee promotes and supports a respectful workplace. Demonstrates support and compliance with EEO, AA, and workplace safety policies.	4 3 2 1 0

Supervisor Performance Standards		
Core Performance Factors	Core Performance Standards	Numeric Rating
Managing Performance	Describes how well the manager sets clear, consistent job expectations, gives active and concrete assistance and instructions, and provides effective and timely feedback /coaching about performance.	4 3 2 1 0
Communication	Describes how effectively the manager shares information, builds relationships, and influences positive outcomes. Demonstrates good collaboration and listening skills and effective verbal and written communication skills.	4 3 2 1 0
Decision Making/Problem Solving	Describes how well the manager makes timely and rational decisions based on analysis of relevant information/data. Accepts responsibility for decisions and takes proper action	4 3 2 1 0
Results Focus	Describes how well the manager targets and achieves expected outcomes, established performance expectations and goals, supports and contributes to continual quality improvements that support Sea Girt Borough's strategic vision and department mission and goals.	4 3 2 1 0
Work Center Focus / Execution	Describes how well the manager fosters and models a commitment to his/her functions, builds confidence and increases satisfaction.	4 3 2 1 0
Work Environment/Safety Compliance with Laws, Policies and Procedures	Describes how well the manager promotes and supports a respectful workplace; complies with and supports general conditions of employment, EEO, security, and workplace safety policies..	4 3 2 1 0

PART C: PERFORMANCE OF TOP 2 DUTIES/KEY ACTIVITIES: For each major duty/key activity, rate the employee's performance during the prior year and recent years, as appropriate, and indicate any suggested changes or improvements needed for the upcoming year.

Key Activity:
Type:
Description of Employee's Performance:

Key Activity:
Type:
Description of Employee's Performance:
Suggested Changes or Improvements:

Suggested Changes or Improvements:

Continuing Education:

PART D: OVERALL PERFORMANCE: Consider the Job-Related Skills and Competencies and all Key Activities (as well as the relative importance of each) to decide the overall rating. Please check one of the three ratings noted below:

☐ Meets Performance Standards
 ☐ Exceeds Performance Standards
 ☐ Does Not Meet Performance Standards

Provide a brief summary of the employee's overall performance for the past year:
Continuing Comments/Recommendations:

Employee Comments:

I have had the opportunity to read and discuss this appraisal with my supervisor. (Signature does not imply agreement or disagreement.)

Semi-Annual Feedback:

Supervisors will conduct an annual feedback session with all employees in the month of July during the current performance appraisal period. Discussion should include positive feedback as well as negative feedback.

I have had the opportunity to read and discuss this appraisal with my supervisor. (Signature does not imply agreement or disagreement.)

Employee Signature: _____ **Date:** _____

Appraisal Completed by Supervisor: _____ Date: _____

Approved by Borough Administrator: _____ Date: _____

OUTSIDE EMPLOYMENT

No Borough employee shall undertake any employment or service, whether compensated or not, that will interfere with the performance of his/her official duties or which might reasonably be expected to impair his/her objectivity and independence of judgment in the exercise of his/her official duties.

Prior to commencing outside employment, the employee shall advise the Department Head and Administrator, in writing. The written advisement shall set forth, among other things, the name and address of the employer, telephone number, the hours to be worked, the nature of the work, whether the employee is eligible for workers' compensation; and must certify that the work will not adversely affect the employee's performance of his/her responsibilities to the Borough. Employees should submit their written advisement of outside employment using the Outside Employment Advisement Form. A record of outside employment shall be maintained in the employee's personnel file.

Employees are cautioned to consider the demands that additional employment creates. Outside employment shall not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours. If outside employment does cause or contribute to any of these situations, such employment must be discontinued; and, if necessary, the employee may be subjected to disciplinary action.

All employees are expressly prohibited from engaging in any activity from which even an appearance of compromise of Borough interest is possible. This prohibition includes performing any services on non-working time that are normally performed by Borough staff, the unauthorized use of Borough tools or equipment, and the unauthorized use of any confidential information that may not be generally available to the public. In addition, employees are not permitted to conduct any outside business during paid working time.

OUTSIDE EMPLOYMENT ADVISEMENT FORM

Name of Employee: _____

Employee I.D. _____

I submit the outside employment advisement form to notify the Borough that I

- ☐ currently hold outside employment (This box should only be checked for employment accepted prior to the date the Borough adopted its current Outside Employment Policy);
- ☐ intend to accept outside employment effective on _____;
- ☐ intend to change my outside employment effective on _____.

Name of Outside Employer : _____

Address of Outside Employer: _____

Telephone Number: _____

Name of Direct Supervisor: _____

Title: _____

Nature of Work: _____

Hours of Work: _____

Days of the Week of Work: _____

Total Number of Hours Worked Per Week: _____

I am ☐ eligible ☐ not eligible for workers' compensation if I am injured on my outside job.

I certify that my outside employment will not adversely affect my performance of my responsibilities for the Borough.

Employee Signature

PROBLEM RESOLUTION

Employees' problems are addressed through an "open door" approach. Employees are encouraged to meet with their supervisors and/or Department Heads to discuss their problems, concerns or ideas.

If an employee believes a situation has been handled improperly or feels he/she has been treated inappropriately, the employee should discuss these issues with his/her supervisor. Discussion may continue through ascending levels of management until a problem is resolved.

If an employee believes he cannot resolve his problem fairly through this process of discussion, he may initiate a "grievance." Employees covered under a recognized collective bargaining agreement shall be governed by the grievance procedure established in the applicable collective bargaining agreement. All other employees shall follow the procedure set forth below.

STEP ONE: MAKING AN INITIAL GRIEVANCE:

Whenever an employee has a grievance, he/she should first present it verbally (or in writing if the employee chooses) to his/her Department Head as soon as possible after the event giving rise to the grievance. The Department Head should attempt to arrange a mutually satisfactory settlement of the grievance or should advise the employee of his/her inability to do so.

When an employee is informed by his/her Department Head that the Department Head is unable, within the discretion permitted him/her, to arrange a mutually satisfactory solution to the grievance, the employee, if he or she wishes to present the grievance to a higher authority, must do so in writing in the following manner:

STEP TWO: PRESENT A FORMAL WRITTEN GRIEVANCE:

The employee shall prepare the written grievance in duplicate. The grievance should be stated as completely and as clearly as possible and should recommend a remedy. One (1) copy of the grievance shall be immediately provided to the Administrator.

The employee shall present the other copy of the grievance to his/her Department Head (to whom the grievance was originally made either verbally or in writing).

After receipt of the formal written grievance, the Department Head must present the written grievance, with the information required, to the Administrator. The Department Head will report in writing the facts and events that led up to the formal grievance presentation.

The Administrator shall attempt to find a mutually satisfactory solution to the grievance.

STEP THREE: INTERVENTION BY MAYOR AND COUNCIL:

Should the Administrator fail to find a mutually satisfactory solution, the complaint, prepared by the Administrator, and accompanied by a written report on the matter, must be forwarded to the Mayor and Council, upon the written request of the grieving employee.

The Mayor and Council shall review the grievance and prepare a response or schedule a meeting with the parties involved in the grievance. The Mayor and Council's decision shall be final and binding. All grievances will be decided on their own merits, without setting precedent for future grievance resolutions.

DISCIPLINE

The Borough may immediately terminate an employee who has engaged in impermissible behavior. The Borough cannot possibly provide its employees with an exhaustive list of impermissible behavior; however, the following provides some examples:

- Insubordination or serious breach of discipline
- Neglect of duty
- Incompetency or inefficiency
- Incapacity or inability to perform duties due to mental or physical disability or illness
- Fighting, engaging in horseplay or creating a disturbance among fellow employees or threatening violence in the work place
- Except for police officers acting in a required capacity, possession of firearms or weapons during working hours or on Borough property without the prior written approval of the Administrator or Chief of Police
- Sleeping on duty
- Gambling while on duty or on Borough property
- Using loud or abusive language while on duty or on Borough property
- Possession, distribution, sale, transfer or use of intoxicants, narcotics or controlled substances without a prescription, being intoxicated or narcotized while on duty or while operating a Borough-owned vehicle or equipment or while on Borough business
- Violation of safety or health rules
- Smoking in prohibited areas
- Absence without leave or failure to report after authorized leave has expired or after such leave has been disapproved or revoked; provided that any regular member or officers of the police department who shall be absent from duty without just cause for a period of five days shall cease to be a member of the police department, as provided by N.J.S.A. 40A:14-122, as amended
- Unauthorized absence from work station during the work day
- Using leave for purposes other than for which it was granted
- False statements, misrepresentation, or fraud in application form or any other matter concerning employment
- Falsifying records or reports, or claims of illness or injury
- Chronic or excessive absenteeism
- Disorderly or immoral conduct
- Theft, bribery or unauthorized use or possession of Borough property
- Negligence or willful damage to public property or waste of public supplies
- Conviction of a crime

- The use or attempted use of one's authority or official influence to control or modify the political action of any employee or engaging in any form of political activity during working hours
- Willful falsification of attendance records
- Violation of any of the provisions of the statutes, rules or regulations relating to the employment of public employees
- Infringement of policies defined in this handbook or failure to comply with departmental rules and regulations
- Rude, discourteous or disrespectful conduct toward the public or other employees in the Borough service
- Restricting, delaying, interrupting or interfering with the work of others
- Unauthorized disclosure of business transactions or confidential information
- Misusing Borough records or other materials in care, custody or control
- Removing Borough property, records, or other materials from Borough property without prior written authorization by the Administrator
- Taking of fees, gifts or other valuable consideration in exchange for preferential treatment, in violation of the Local Government Ethics Law
- Unauthorized use of computers, internet, and e-mail
- Other actions disruptive to the effective, efficient, economical operation of Borough affairs
- Conduct unbecoming a public employee.

It is important that all employees perform to the best of their abilities at all times. There will be occasions, however, where employees perform at an unsatisfactory level, violate a policy, or engage in inappropriate behavior. As previously noted, except as otherwise provided by a collective bargaining agreement or by law, employment may be terminated at will by the employee or the Borough at any time with or without cause and without following any system of discipline or warnings.

Nevertheless, the Borough may choose to exercise its discretion to use disciplinary measures that are less severe than termination in certain cases. Less severe forms of discipline include, but are not limited to, verbal warnings, written warnings, probation, suspension, and demotion.

WORKERS' COMPENSATION INSURANCE

The Borough provides a comprehensive workers' compensation insurance program at no cost to the employee. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, workers' compensation insurance provides benefits after a short waiting period or, if the employee is hospitalized, immediately. The Borough's obligation if any, to hold an employee's position while out due to illness or injury is governed by the Family and Medical Leave Act of 1993 and is not enlarged by this policy. Accordingly, the payment of Workers' Compensation differential benefits does not bar the Borough from filling the employee's position.

NOTIFICATION

Employees who sustain work-related injuries or illness should inform their Department Head immediately. The Department Head will immediately notify the Administrator. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible. The failure to report the injury may result in the delay or denial of benefits.

The employee will be required file an Accident Report with the Administrator either by day's end, or if hospitalization is required, at the earliest possible date. The employee must provide the information necessary for the filing of an accident report.

COMPENSATION FOR WORK-RELATED ILLNESS OR INJURY

In the event of a work related illness or injury, the Borough will continue to pay the employee his regular salary as of the commencement of his absence period for the time period described in the next paragraph, subject, however, to the condition that the employee pay over to the Borough all payments received by way of temporary benefits under workmen's compensation insurance during and for the time periods provided in the next paragraph, crediting such payments to the appropriate budgetary salary appropriation.

Salary continuation will be determined and limited by the following formula: For each year of full time regular employment, the employee will receive such benefits for a period of two (2) weeks, to be accumulated without limitation, and will continue to the exhaustion of the employee's accumulated benefits or the termination of his work related illness or injury, whichever occurs first, provided, however, that the number of days of each absence will be deducted from the total number of accumulated days standing to the employee's credit immediately prior to each such absence; provided further that an employee will for each separate or individual absence receive such benefits for a minimum period of four (4) weeks. These provisions are retroactive to the employee's date of employment.

In the event the absence of the employee continues beyond the time period as above provided, benefits to the employee will be limited to worker's compensation insurance benefits to be retained by him or her.

In no event will the benefit period described above exceed any statutory imposed cap, (i.e., N.J.S.A. § 40A: 14-137).

RETURN TO WORK

The Borough reserves the right to require a medical examination by a licensed physician designated by the governing body at any time during the employee's absence and requires a certificate of fitness to work, prior to allowing the employee to return to work.

Once the injured employee is released by the authorized physician to return to work and to perform his/her regular assigned duties, all subsequent absences related to the injury prompting the leave of absence, must be evidenced by a certificate from the authorized physician. Otherwise, sick or vacation time will be charged to the employee. If accrued sick and vacation time has been expended, then the Borough reserves the right to make the necessary payroll deductions. All absences must be evidence by an authorized physician. Physician's certificates must be submitted to the Administrator.

SENIORITY

An employee's prolonged absence from work because of job related injury or disability will not affect the employee's seniority for the purposes of lay-offs provided that the employee has applied for and has been granted a leave of absence as provided in this Manual. Additionally, the injured or disabled employee's anniversary date shall not be change due to absences caused by job related injury or disability.

COMPENSATION WHILE AWAITING DETERMINATION

When doubt exists whether an injury or illness is eligible for Worker's Compensation, the time will be treated as sick time until a determination is made. If determination is made that the illness or injury was a Worker's Compensation case, adjustments will be made to records.

ACCRUAL OF LEAVE TIME

During the period that an employee is being covered by Worker's Compensation, he or she is considered inactive and will not accrue vacation or sick time.

EXCLUDED ACTIVITIES

The Borough will not be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by the Borough.

Additionally, the Borough will not be liable for payment of workers' compensation benefits for injuries sustained while in employment other than with the Borough.

ACCIDENT REPORT

Name of Injured Employee: _____

Address: _____ Telephone No.: _____

Age: _____ Sex: _____ Employee ID No. _____

Place of Accident: _____

Time of Accident: ____ a.m. ____ p.m. Date of Accident: _____

Employed by: _____

Address: _____ Telephone No.: _____

Department: _____ Job Title: _____

Rate of Pay: _____ Hourly _____ Weekly _____ Other _____

Supervisor: _____

Nature of Injury: _____

How did accident occur? _____

Did injured accept treatment: _____ or refuse treatment: _____

Name of Treating Doctor: _____

Address: _____

Name of Hospital: _____

Address:_____

Able to work:_____Yes _____No

If no, approximate length of time injured will be unable to work: _____

Was injured wearing:

Safety helmet Yes:_____ No:_____

Safety glasses Yes:_____ No:_____

Leather work gloves Yes:_____ No:_____

Safety work shoes Yes:_____ No:_____

Safety work vest Yes:_____ No:_____

What was employee doing at the time he was injured?_____

Report prepared by:_____

Reviewed by Department Head:_____

Received by Administrator's Office:_____ (Date)

TEMPORARY LAYOFFS AND REDUCTIONS IN FORCE

TEMPORARY WORK FORCE REDUCTIONS

Although the Borough extends every effort to provide employees with steady work, there may be times when it is necessary to reduce the workforce temporarily. The Borough tries to spread the work evenly and transfer people rather than have layoffs. When the need for a temporary work force reduction arises, the Borough will consider seniority, individual employee qualifications and special skills.

Where possible, the last person laid off will be the first recalled when work is available. The Borough will provide as much advance notice as possible if a layoff occurs. Temporary work force reductions for unionized employees shall be conducted in accordance with the negotiated collective bargaining agreement between the Borough and the employee representative.

REDUCTIONS IN FORCE ("RIF")

Seniority, training, and efficiency all count in promotions, shift preference, layoffs, and return from layoffs. When the work force in a department is decreased for five working days or less, employees will be loaned to other departments or sent home according to their seniority within their department. When the work force is decreased for more than five working days, employees will be transferred to other departments or laid off according to their seniority. Nevertheless, an employee who has a particular skill may be retained by the department in which he or she works when more senior employees are transferred or laid off. The governing body, in consultation with the Department Head, determines which employees will no longer be needed when it eliminates a function or department.

When a layoff is necessary, temporary and seasonal and then introductory employees will be laid off first, in that order, in each affected job class. If a greater work force reduction is required, regular employees will be laid off on the basis of seniority applied in each affected department commencing with the least senior employees in the same classification in a department. When two employees in the same classification and department have the same seniority date, the individual who is best qualified will be retained. The same "best qualified" condition is applied equally to recall procedure following a temporary layoff. When openings exist in other classifications, employees scheduled to be laid off will be offered a transfer to other work for which they are qualified in lieu of layoff. Qualified employees transferred to lower-rated jobs receive the pay for the lower-rated job if rate reduction is required. The Borough will select employees to fill such openings on a seniority basis when skill factors are substantially equal.

The Borough will maintain a recall list of laid off employees for one (1) year following the layoff. The Borough will not hire new employees while there are employees on the recall list qualified to perform the duties of the vacant position, unless the employees on recall refuse to

accept the employment. Employees who are re-hired after a layoff may not be entitled to the same salary, benefits, or other work conditions that he or she experienced prior to the layoff. RIF's for unionized employees shall be conducted in accordance with the negotiated collective bargaining agreement between the Borough and the employee representative.

UNEMPLOYMENT INSURANCE

The Unemployment Compensation Law sets up a program for the payment of cash benefits to covered workers who have lost their jobs through circumstances beyond their control, or are working less than full-time because of a lack of full-time work.

This program is financed by a payroll tax paid by the Borough and the employee. The Borough is authorized to deduct the worker's contribution (tax) from the employee's wages.

If an employee becomes totally or partially unemployed, he or she should file a claim for benefits as soon as possible at the Unemployment Insurance Claims office.

RESIGNATION

Borough employees may resign in good standing by giving their Department Head at least two weeks' written notice of their intent to resign, to provide sufficient time for appointing and training the successor. The employee shall simultaneously provide a copy of the written notice to the Administrator. The Administrator shall notify the Mayor and Council of the employee's resignation at the next regularly scheduled meeting. After giving notice, employees are expected to assist their supervisor and co-employees by providing information concerning their current projects and help in the training of a replacement.

The Borough will retain the employee's written resignation in the employee's personnel file. The Administrator or designee will conduct an exit interview with the employee prior to the effective date of the employee's separation.

If an employee resigns without giving the required notice or fails to cooperate in the transition, the employee shall be held as having resigned not in good standing, and will not be considered for reemployment. Any employee who is absent from duty for three (3) or more consecutive work days without proper notification will be considered as having resigned, not in good standing.

The Borough will pay employees who resign in good standing for their prorated accrued but unused vacation time. Upon separation of employment (including retirement) with the Borough of Sea Girt, each full-time employees shall be entitled to one-half (1/2) day's pay at the rate in effect at the time of separation for each unused sick leave day. Each employee shall give six (6) months' notice of separation except in cases of emergency or by mutual agreement. All employees commencing service after January 1, 1981, shall receive upon separation of employment with the Borough of Sea Girt, one-half (1/2) day's pay, at the rate in effect at the time of separation, for each unused accumulated sick day up to a maximum accumulation of one-hundred fifty (150) days.—See Ordinance 513.

Payment for other accrued but unused leave time upon resignation shall be in accordance with the applicable collective bargaining agreement. During the last two weeks, the employee may not use paid time off, except for paid holidays.

Employees are not entitled to retro-active pay increases if the employee has left the employ of the Borough due to resignation, or termination during the introductory period.

RETIREMENT

As a condition of employment, all full-time policemen are enrolled in the Police and Firemen's Retirement System of New Jersey ("PFRS") and all other full-time and permanent part-time employees are enrolled in the Public Employee's Retirement System of New Jersey ("PERS"). All rules and regulations pertaining to retirement as it applies to these plans are explained in detail in the latest edition of the New Jersey Public Employee Benefit Manual. Employees may obtain a copy of the manual from the State of New Jersey Division of Pensions. Employees covered under PFRS or PERS shall be governed by the requirements and provision of the system relating to the retirement benefits. The Borough will contribute the employer's contributions, as required by law, to the appropriate New Jersey State employee's retirement system.

PFRS or PERS provides employees with retirement benefits based on eligibility requirements and years of service. There are different types of retirement within the PFRS and PERS system. Employees are encouraged to visit the pension and benefit website www.state.nj.us/treasury/pensions for information about each type of retirement.

Changes regarding retirement benefits enacted by the State of New Jersey will be applicable as prescribed by law and as promulgated in the applicable statutes, rules and regulations.

If there is anything in the policy and procedures manual that conflicts or is inconsistent with that which is provided by the New Jersey Division of Pensions and Benefits, applicable statutes or regulations, that which is provided by the Division of Pensions and Benefits, applicable statutes and regulations will govern.

An employee intending to retire should give the Borough at least nine months' written notice, and must provide at least six (6) months' notice of retirement except in cases of emergency or by mutual agreement. Employees may retire from their position by providing written notice of their intent to retire to their Department Head and the Administrator. The Administrator will notify the Mayor and Council at the next regularly scheduled meeting.

Upon retirement, the Borough will compensate employees for their prorated accrued but unused vacation days. Upon retirement, each full-time employees shall be entitled to one-half (1/2) day's pay at the rate in effect at the time of retirement for each unused sick leave day. All employees commencing service after January 1, 1981, shall receive upon separation of employment with the Borough of Sea Girt, one-half (1/2) day's pay, at the rate in effect at the time of retirement, for each unused accumulated sick day up to a maximum accumulation of one-hundred fifty (150) days.

Additionally, the employee should apply to PFRS or PERS for pension benefits and information at least six months prior to planned retirement to assure that all necessary paperwork from the State is processed in a timely manner.

After giving notice of their intent to retire, 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.

Employees are not entitled to retro-active pay increases if the employee retires from the employ of the Borough.

EXIT INTERVIEWS

When an employee resigns or is terminated from employment with the Borough, the employee will be scheduled for an exit interview with the Administrator or designee.

At the time of the interview, the Administrator or designee will advise the employee of the right to continue, convert, terminate or vest (as applicable) any benefits. The employee shall provide a forwarding address and other pertinent information.

The purpose of the exit interview is to:

1. Answer questions the employee may have about the departure.
2. Provide Borough personnel with insight concerning the employee's position.
3. Determine whether any monies are owed to or by the employee before the final paycheck is issued.
4. Arrange and obtain the return of any Borough property in the possession of the employee, including the Employee Identification Card, all keys and equipment. The Administrator or designee shall see that a written report of the exit interview is placed in the employee's personnel file.

Exit interviews must be recorded on forms prescribed by the Administrator and the record of the interview will become a part of the employee's personnel file.

DOMESTIC VIOLENCE LEAVE

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

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

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

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

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

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

The Borough of Sea Girt shall protect the privacy of employees who seek leave by holding the request for leave, the leave itself or the failure to return to work “in the strictest confidence”.

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

TIMESHEETS

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

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

PAYMENT FOR ACCUMULATED ABSENCE:

To the extent that local ordinance, collective bargaining agreement or an employment agreement provides for the payment of compensation for pay while absent from work, the Borough of Sea Girt shall only make such a payment if the Chief Financial Officer certifies that such amount is due and that proper documentation establishing that the amount of the accumulated absence has been provided and funds are available to pay. Proper documentation includes:

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

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