



TOWNSHIP OF CLINTON

PERSONNEL POLICIES, PRACTICES AND REGULATIONS

(Updating and Amending 1999 Manual)

ADOPTED: SEPTEMBER 22, 2021
EFFECTIVE: NOVEMBER 1, 2021

The Township of CLINTON is an Equal Opportunity Employer

IMPORTANT NOTICE TO EMPLOYEES
PLEASE READ

This Handbook does not create a promise of any kind by the Township of Clinton (“the Township”). Absent statutory authority, individual contract or collective negotiations agreement to the contrary, your employment relationship with the Township will be “at-will.” This means that you have the right to quit your job at any time and for any reason you deem appropriate. Likewise, the Township may terminate the employment relationship, or change wages, benefits or working conditions, at any time with or without cause, and for any reason it deems appropriate. While you may receive salary increases, favorable performance evaluations, commendations, bonuses, promotions and the like, your “at-will” status will not change. No promise or guarantee of employment shall occur unless the promise or guarantee is clearly stated in a Resolution and/or letter signed by the Mayor and the Township Administrator (“Administrator”), or as required by law. To the extent there is an inconsistency, a written contract including a collective negotiations agreement will supersede this Manual. This Manual overrides and replaces all past handbooks and Manuals, whether oral or written.

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CHAPTER 1

THE MANUAL

The purpose of this Manual is to provide employees with an easy-to-read reference about the Township's personnel policies. The first such document was printed many years ago, and was updated from time to time. This edition shall also be updated in the future as necessary. Amendments to the Manual can only be made by Resolution of the governing body and such amendments shall be distributed to all employees.

This Manual is to be used by all employees.

Overall, we trust that the use of the standardized procedures set forth in this Manual will result in the uniform handling of personnel matters throughout all departments and for all employees.

Conditions or situations not specifically covered in this Manual shall be referred to the Administrator and the Mayor and Council for decision.

In cases where a current employee contract or collective negotiations agreement exists, portions of this document will be superseded by the contract. Therefore, both documents should be considered when researching a particular subject. Any conflict between this document and an employee contract shall be resolved in favor of the contract.

The Township reserves the right to interpret the procedures outlined in this Manual when applied to any individual case. The Township also reserves the right to modify or discontinue any or all of the policies and practices outlined in this Manual.

The supervision and administration of the personnel practices and policies outlined herein shall be the responsibility of the Mayor and Council. The Township Mayor and Council may delegate those responsibilities to the Township Administrator.

CHAPTER 2

GENERAL PERSONNEL POLICY STATEMENT

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

All employees, officers and Department Heads shall be appointed with the recommendation of the Administrator and the approval of the Mayor and Council.

The Mayor and Council and the Administrator are responsible for personnel policies and procedures. The Township has appointed the Administrator to assist in implementing personnel practices. The Mayor and Council, through the Administrator, shall also have access to the Employment Attorney appointed by the Township for guidance in personnel matters.

The Township is committed to the principle of equal employment opportunity and anti-discrimination pursuant to Title VII of the 1964 Civil Rights Act as amended by the Equal Opportunity Act of 1972 (Title VII) and the New Jersey Law Against Discrimination as amended by the New Jersey Pregnant Worker's Fairness Act (LAD). Under no circumstances will the Township discriminate on the basis of sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, civil union status, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), pregnancy (including pregnancy related medical condition), childbirth, breastfeeding, liability for service in the United States armed forces, gender identity or expression, and/or any other characteristic protected by law. Decisions regarding the hiring, promotion, transfer, demotion or termination are based solely on the qualifications and performance of the employee or prospective employee. The Township is also committed to providing equal pay as required by the federal Equal Pay Act and the Diane B. Allen Equal Pay Act. If any employee or prospective employee feels they have been treated unfairly, they have the right to address their concern with the Administrator.

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

The Personnel Policies and Procedures Manual adopted by the Township is intended to provide guidelines covering public service by Township employees and is not a contract. This Manual contains many, but not necessarily all of the rules, regulations, and conditions of employment for

Township personnel. The provisions of this Manual may be amended and supplemented from time to time without notice and at the sole discretion of the Township.

To the maximum extent permitted by law, the employment practices of the Township shall operate under the legal doctrine known as “employment at will.” Unless otherwise provided by Federal and State law, individual employment contract or any applicable collective negotiations agreement, the Township shall have the right to terminate an employee at any time and for any reason, with or without cause or with or without notice.

GENERAL PERSONNEL POLICIES

2.1 Employment Classifications

All employees will be informed of their employment classification and of their status as an exempt or non-exempt employee. If an employee changes positions as a result of promotion, transfer or otherwise, he/she will be informed of any change in his/her exemption status.

A. Full-Time

Employees hired to work a 35-hour work week or, in the case of the Police and Public Works departments, a 40-hour work week on a regular basis.

B. Part-Time

Employees hired to work fewer than 35 hours per week on a regular basis.

C. Part-time Temporary/Seasonal Employees

Employees who are either salaried or hourly who work on an as needed basis.

D. Temporary Employees

Employees hired to work full-time or part-time with the understanding that their employment will be terminated no later than on completion of a specific assignment.

E. Non-Exempt Employees

Employees who are eligible for overtime/compensatory time for hours worked beyond forty hours in a work week, in accordance with applicable federal wage and hour laws. Overtime work is subject to pre-authorization by the Administrator or his/her designee(s).

F. Exempt Employees

Employees who are exempt from the overtime requirement of federal wage and hour laws, and not eligible for overtime pay or compensatory time off, based on standards established by federal wage and hour laws.

2.2 Conflict of Interest/Nepotism

The Township shall not hire immediate relatives of the Township Mayor and Council. For purposes of this policy, immediate relative includes spouse or significant other, child, parent, stepchild, sibling, grandparents, daughter-in-law, son-in-law, grandchildren, niece, nephew, uncle, aunt, or any person related by blood or marriage residing in an employee's household. Family members of present employees may be hired only if no other person is available and if the family member is assigned to work in a department other than that of the present employee. Part-time employees may be exempt from this section at the discretion of the Township Mayor and Council.

2.3 Medical Examinations

- A. Pursuant to the Americans with Disabilities Act, after a conditional offer of employment is made and prior to commencing employment, the prospective applicant may be required to undergo a physical examination in order to ensure that they can perform the duties of their position without injury to themselves or others. The same post-offer physical examination must be performed on all applicants for that particular job title. The examination is to be administered by a physician designated or approved by the Township. The applicant will be required to sign an Informed Consent and Release of Liability Form in conjunction with this pre-employment physical.
- B. Medical examinations required by the Township will be paid for by the Township and must be performed by a physician designated or approved by it. Examinations not made mandatory by this policy are the responsibility of the employee.
- C. Once employed, an employee may be subject to physical and/or psychological evaluation only when such evaluation(s) are job related and consistent with business necessity. Such evaluation(s) shall be limited to determining whether the employee can fulfill the essential functions of the job, with or without reasonable accommodation that does constitute an undue burden, without posing a direct threat to health and safety.

- D. All medical records of employees and prospective employees are confidential and are to be maintained by the Executive Director separate from the employee's official personnel file. Medical exams may include tests for drug and alcohol use.

2.4 Hours of Operation

- A. The Municipal Administrative Offices shall be open for business daily, Monday through Friday, from 8:30 a.m. to 4:00 p.m., and can be adjusted by the Mayor and Administrator.
- B. The regular working hours of the Public Works Department shall be 7:00 a.m. to 3:30 p.m. daily, Monday through Friday, with one-half (½) hour lunch period at a time approved by the Department Head.
- C. Each employee must be on time and prepared to begin work at the assigned work station at the start of the workday.
- D. Seasonal or part-time employees must comply with regular work schedules unless approved by the Mayor and Administrator.
- E. Each Department Head will regulate the lunch period of employees so that the office is open during the lunch period and can be adjusted by the Mayor and Administrator.
- F. Adjustment of work hours must be approved by the Administrator and kept on file in written form.
- G. The adjustment of a workday whereby an employee works through lunch is only permitted with permission of the Administrator and under extraordinary circumstances.
- H. The Administrative Secretarial Staff of the Police Department and Police Chief shall work the same hours as all other Municipal Administrative Offices.
- I. With special permission from the Administrator working with the Mayor and Department Head, variance from the normal shift schedules may be permitted if justified and practical.

2.5 Township Closings

- A. During ice storms, snowstorms, electric blackouts, hurricanes and other natural disasters and emergencies, it will be expected that weather-essential employees will continue municipal operations.

- B. The Administrator, after consultation with the Mayor, may declare the municipal offices closed. Such time is with pay and is applicable only to those employees working at the time the decision is made and may require that employees work from home.
- C. If the Municipal Offices are not declared closed, non-weather-essential employees may choose not to report to work as previously scheduled or choose to leave work early with prior permission from the Department Head or Administrator. However, for the period not worked, the employee must choose to charge those hours to a category of authorized leave such as vacation time, compensatory time, personal leave or unpaid leave.

2.6 Regular Pay Procedures

- A. No salary or wage will be issued until a Resolution, adopted by Council and signed by the Mayor and Township Clerk. A copy of the Resolution shall be filed in the employee personnel folder.
- B. All new employees must complete and return to the Personnel Department the following forms before the first paycheck is issued:
 - W-4,
 - Eligibility Verification
 - Health Benefit Application (if applicable)
 - Pension Forms.
 - Personnel Manual acknowledgements.
- C. Employees will be paid twice a month on the 15th and 30th through direct deposit to an account provided by the employee and on record in the Payroll Office.
- D. Employees shall only be paid after submission of an approved time sheet. Payment for leave may only take place with approval of a Leave Form, which may be obtained from Payroll Office.
- E. All employees are responsible to notify their department head, Payroll and Municipal Clerk of any changes in address, telephone number, account number for wage direct deposit or any change that may affect required deductions or benefits.

2.7 Overtime/Compensatory Time

- A. Department Heads who meet the federal law requirements for exemption from overtime pay are not entitled to overtime/compensatory time.

- B. As to all other employees (non-department heads), the Township recognizes the need for and right to require reasonable amounts of overtime.
- C. The schedule for working such overtime will be established by the Township.
- D. In lieu of pay for hours worked over 35/40, non-exempt employees may receive one (1) comp time hour (or a fraction thereof) for each authorized hour (or a fraction thereof) actually worked in excess of thirty-five (35) hours in the work week. Employees will receive an additional one-half (0.5) comp time hour (or a fraction thereof) for each authorized hour (or fraction thereof) actually worked in excess of forty (40) hours in the work week. Compensatory time cannot be utilized in increments of less than one-half hour.
- E. The maximum accrual for compensatory time off for employees engaged in public safety, emergency response or seasonal activities is set per contract. The maximum accrual of compensatory time off for non-exempt, non-contractual, employees is thirty-five (35) hours.
- F. Non-exempt employees who are required to work overtime due to after-hours meetings, emergency call-ins and special projects (not part of their agreed upon terms of employment) authorized by the Administrator, shall be given the option of receiving compensatory time or paid compensation as outlined in "D" above.
- G. Absent special circumstances, compensatory time must be used within six (6) months of generation. At the end of the six-month period, accumulated compensatory time will be cashed out at the employee's then-current rate of pay and then removed from an employee's records. Requests to take compensatory time off should be made at least one week in advance.
- H. No overtime shall be worked by non-contractual employees unless first authorized by a Department Head, with approval of the Administrator. Extended periods of overtime work shall be authorized in advance by the Township Mayor and Council.
- I. All employees shall make every effort to work emergency overtime when requested, unless excused by the Employer.

2.8. Employee Personnel Files

- A. A personnel history file will be established and maintained by the Administrator and Clerk. Each Department Head will furnish and continuously update information to the Administrator for each department employee. Personnel history files are confidential records that will be secured in a locked cabinet and will only be available to the Township Mayor and Council, Administrator or Supervisor on a need-to-know basis. Records

relating to any medical condition will be maintained in a separate locked file that may be accessed only by those whom the law entitles to have access.

- B. An employee may review his or her file in the presence of the Administrator. A Department Head may access only the records of employees or designee directly under his supervision, and in the presence of the Administrator. Under no circumstances may any or all personnel history files be removed from the Municipal building. Department Heads may keep records on personnel other than the formal municipal file provided, however, that Department Heads may not maintain records containing medical or psychological information unless otherwise required by law.

2.9 Requests for Employment Verification and Reference Procedure

- A. Inquiries and written requests for references or employment verification regarding a current or former employee must be referred to the Administrator. No employee may issue a reference letter without the permission of the Administrator. Under no circumstances should any information be released over the phone.
- B. In response to a request for information, the Administrator will only verify an employee's name, dates of employment, job title, department and final salary. Additional information shall be released only when authorized in writing by the employee/former employee, stating the specific additional information to be produced and to whom it is to be provided. Notwithstanding the foregoing, to the extent the law requires the Township to disclose employment information regarding employees or former employees, the Township will comply with all such legal requirements.

2.10 Employment Procedure

- A. Recruitment: The Administrator will coordinate the employment recruitment process for all vacancies to ensure compliance with contractual, legal, and equal opportunity requirements. When a vacancy occurs, it is the responsibility of the Department Head to notify the Administrator. The Administrator will undertake to recruit qualified applicants in accordance with applicable Federal and State law. Where positions are advertised, the media or other periodical utilized must have as wide circulation as possible to encourage applications from candidates from diverse backgrounds and must prominently state that the Township is an equal opportunity employer.
- B. Applications: The application is a confidential document and will not be available to anyone who is not directly involved in the hiring process, except as required by law.
- C. Interviews: The Administrator and Department Head will coordinate the interview process including the scheduling of applicants, development of appropriate interview questions and

standards to measure candidate responses. The Township will make reasonable accommodations to known physical and mental limitations of all applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided the accommodation does not impose an unreasonable hardship on the Township.

- D. **Physical Examinations:** Pursuant to the Americans with Disabilities Act, after an offer of employment is made and prior to commencing employment, the Township may require applicants to pass a physical examination in order to ensure that they can perform the duties of their position without injury to themselves or others. The same post-offer physical examination must be performed on all applicants for a particular position. The Township may require periodic physical examinations to determine the employee's continued ability to perform the duties of the position. All physical examinations must be performed by a physician chosen by the Township at the expense of the Township. All medical records of employees and prospective employees are confidential and are to be maintained by the Administrator separate from the employee's official personnel file. Medical exams may include tests for drug and alcohol use.
- E. **Job Offers:** The final decision will be made by the Township Mayor and Council upon the recommendation of the Administrator after all references and other information has been verified. Every effort shall be made to offer reasonable accommodations to known physical and mental limitations of all applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided that the accommodation does not impose an unreasonable hardship on the Township. The employment offer must be made in a letter to the candidate outlining all terms and conditions of the offer. The letter will also establish a deadline for acceptance.
- F. **Acceptances and Rejections:** If the first offer is rejected, the Administrator will recommend to hire another candidate or re-open the position. Once a candidate accepts the employment offer, all other candidates who have been interviewed will be notified in writing that they were not accepted for the position.
- G. **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.
- H. **Record Retention:** All applications, notes made during interviews and reference checks, job offers and other documents created during the hiring process must be returned to the Administrator. Documents related to the successful candidate will be placed in the employee's official personnel file except medical records including physical examinations must be maintained in a separate file. All records documents related to other candidates must be retained for at least one year. Records and documents created during the hiring process are confidential and must be retained in a locked cabinet.

- I. Background checks required: Background checks may be required of all candidates, whether for paid or volunteer positions, working directly or indirectly with children/youth/minors. Background checks may also be administered for each employee or volunteer that works directly or indirectly with children/youth/minors every three years. The exact titles of employees subject to background checks are (locally defined, but at a minimum should include all recreational positions, crossing guards, and maintenance and administrative positions pertaining to such programs).
- J. Background check procedure: The Administrator may perform or initiate background checks and be the recipient of reports from outside agencies or contractors. The Administrator will discuss disqualifying information received with the employee's or volunteer's department head. Written information received as a result of a "Request for Criminal History Record Information For a Noncriminal Justice Purpose" will be destroyed immediately after it has served its authorized purpose, as required by the State Police. Such information will be kept confidential and will not be published or disclosed in any manner not consistent with the procedures listed therein. Such information will not be deemed a public record under P.L. 1963, c.73 (C:47:1A-1, et seq) as amended and supplemented by P.L. 2001, c.404 (C:47:1A-5, et seq).
- K. The Administrator will inform the candidate, volunteer, or employee, in writing, of any information that would disqualify the person from working with children/youth. If the Township contracts with an outside vendor to process the background checks, that contractor may be authorized to inform the person in writing of any information that would disqualify the person from working with children/youth/minors. Existing employees or volunteers will be placed on immediate suspension pending the outcome of a hearing or appeal. Employee suspensions may be with or without pay at the discretion of the Administrator.
- L. The Administrator will inform the candidate, volunteer, or employee, in writing, of any information that would disqualify the person from working with children/youth. If the Township contracts with an outside vendor to process the background checks, that contractor may be authorized to inform the person in writing of any information that would disqualify the person from working with children/youth/minors. Existing employees or volunteers will be placed on immediate suspension pending the outcome of a hearing or appeal. Employee suspensions may be with or without pay at the discretion of the Administrator.
- M. Conditions under which an employee will be disqualified from working with children/youth: A candidate, volunteer, or employee may be disqualified from employment in a position that works with children/youth/minors if that person's criminal record history background check reveals a record of conviction of any of the following crimes and disorderly persons offenses as defined by New Jersey law or by analogous laws in other States:
- Homicide (N.J.S.A. 2C:11)
 - Assault, reckless endangerment, threats, stalking (N.J.S.A. 2C:12)

- Kidnapping (N.J.S.A. 2C:13)
- Sexual Offenses (N.J.S.A. 2C:14)
- Offenses Against the Family, Children and Incompetents (N.J.S.A. 2C:24)
- Controlled Dangerous Substances (N.J.S.A. 2C:35 except for 2C:35-10(a)4)
- Robbery (N.J.S.A. 2C:15)
- Theft (N.J.S.A. 2C:20)

A disqualification from any position will be based only on a conviction for one or more of the above disqualifying crimes and offenses.

2.11 Open Public Meetings Act Procedure Concerning Personnel Matters

Discussions by the governing body, or any other body, of the Township concerning appointment, termination, terms and conditions of employment, performance evaluation, promotion or discipline of any current or prospective officer or employee shall be in closed session unless the individual requests in writing that the discussion be held in open session. Such request must be granted. Prior to the discussion by the governing body, or any other body, of the Township concerning such matters, the Township Clerk shall notify the affected person(s) of the meeting date, time and place, the matters to be discussed and the person's right to request that the discussion occur in open session. In the event more than one person is affected by the discussion and one of the affected persons does not request that the discussion be in open session, then the discussion shall be in closed session. If the individual(s) does not request that the discussion be held in open session, the Township Mayor and Council may at its sole discretion invite the affected individual(s) to attend the applicable portion of the closed session. You will be notified in writing, should the Township propose to hold an Open Public Meeting concerning your status. [See "Notice Of Personnel Discussion" form at back of Manual.]

2.12 Processing and Orientation of New Employees Procedure

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

- A tour of the appropriate facilities to acquaint the new employee with overall operations as they relate to the specific position;
- The completion of all pertinent personnel, payroll, insurance and pension forms;
- A review of the Personnel Handbook and acknowledgement of receipt;
- The Employee Complaint Policy letter and acknowledgement.

2.13 Initial Employment Period Procedure

Except where State requirements direct otherwise, new employees (or present employees transferring to new positions) will be hired subject to an initial employment period of up to 12 months, as determined by the Mayor and Council. During this initial employment period, the new employee or transferee will be provided with training and guidance from the supervisor. New employees may be discharged at any time during this period if the Mayor and Council, upon the recommendation of the Administrator, concludes that the employee is not progressing or performing satisfactorily. Under appropriate circumstances, the Township may extend the initial employment period.

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

2.14 Work Force Reduction Policy

The Township may institute layoff actions for economy, efficiency, budgetary or other related reasons. Unless otherwise provided by law or applicable collective negotiations agreement, the Township retains sole discretion to determine whether to offer bumping and/or recall rights and what those rights shall be.

2.15 Effect of Collective Negotiation Agreements

Except for those provisions of the Manual that are mandated by law, in cases of conflict between the provisions of this Manual and the provisions of an applicable collective negotiations agreement duly ratified by the Mayor and Council, the provisions of the applicable collective negotiations agreement.

CHAPTER 3

TIME AWAY FROM WORK

3.1 Anniversary Date

An employee's anniversary date will be determined by the effective date of employment designated by the Mayor and Council when approving an individual for hire. Thus, an employee who is appointed effective June 10 will celebrate a one-year anniversary the following June 10.

3.2 Request for Leave Form

It is the responsibility of each employee to fill out a "Request for Leave" form for any time taken off. This form should be signed by the employee's immediate Department Head or the Administrator (if the requestor is a Department Head) at least 48 hours prior to the requested day off, except for sick time or extenuating circumstances or compensatory time used in place of sick time. The signed form should then be presented to the Payroll Department to ensure proper recording of time taken, accumulated, etc. Any forms handed in without proper approval will be returned.

3.3 Part-Time Employees

Unless expressly authorized by Council, part-time employees hired after October 1, 2021 must be scheduled and approved to work twenty-eight (28) hours per week or more on a regular basis to be entitled to vacation, and personal days pro-rated based on their hourly work schedule. Sick Leave shall be provided in compliance with the New Jersey Earned Sick Leave Law, P.L. 2018, Ch. 10, as provided in Section 3.8.

3.4 Absences/Tardiness

- A. The Township expects all employees to be present at work on time. Recognizing, however, that illnesses and injuries may occur, the Township has established sick leave and long-term disability benefits plans to compensate full-time and part-time regular employees for certain time lost for legitimate medical reasons. (Please see the appropriate section of this Manual for information on these benefits.)

- If a situation arises which makes it impossible for you to report to work, you must contact, by 8:45 a.m. on each day of your absence, your supervisor, or the

Administrator if you are a Department Head or if your supervisor is not in. Failure to properly notify the Township will result in an unexcused absence.

- If you are absent more than three (3) consecutive workdays, a statement from a physician is required.
 - Absenteeism or tardiness that is unexcused or excessive in the judgment of the Township is grounds for disciplinary action, up to and including dismissal
- B. The Department Head, or in his or her absence, his or her assistant, shall record any absences, such as vacation, illness, personal or other reasons, of any employees under his or her jurisdiction on the date of the employee's absence and this shall become a part of the personnel history file. Recurring or chronic tardiness of employees is also to be reported by the Department Head to the Administrator and recorded in the employee's personnel history file.
- C. Volunteer Services: An employee who is a member of a volunteer company or emergency squad that provides emergency services to the Township may leave the place of work in order to respond to emergency calls, unless the absence will create a hazardous condition to the Township. Work calls, meetings, clean-up details and training events do not qualify as an emergency. Should the employee be operating a township vehicle and/or not be in the vicinity of the employee's personal vehicle at the time of the emergency call, the employee shall be permitted to respond to such calls in the township vehicle. It is preferred that the employee use his/her own personal vehicle when possible under this provision.

3.5 Holidays

- A. The following holidays are recognized by the Township as paid holidays for fulltime employees:
- New Year's Day
 - Martin Luther King, Jr.'s Birthday
 - President's Day
 - Good Friday
 - Memorial Day
 - Independence Day
 - Labor Day
 - Columbus Day
 - Veteran's Day
 - Thanksgiving Day
 - Friday after Thanksgiving Day
 - Christmas Day
 - Two (2) Floating Holidays (available after 6 months employment)

- B. When a holiday falls on a Sunday, the following Monday shall be observed as that holiday. If it falls on a Saturday, Friday shall be observed as the holiday.

3.6 Vacations

- A. The date on which an employee begins working for the Township shall govern in determining vacation leave benefits. Except for the first two (2) years of continuous employment, vacation leave shall vest at the beginning of the calendar year of employment referred to.
- B. Full-time employees, except for those expressly covered by a collective bargaining unit, are authorized annual vacation allowance with pay on the following basis, except where otherwise negotiated:
 - 1. After completion of six (6) months continuous employment – 5 working days.
 - 2. After completion of the first twelve months of continuous employment – 10 working days.
 - 3. After completion of the fifth year of continuous employment – 15 working days
 - 4. One additional working day for each year of service thereafter with a maximum of five (5) additional days or a total of twenty (20) days.
 - 5. After completion of twenty (20) years – 25 working days (effective 01/01/2022)
- C. Vacation time can be taken in days. Absent special circumstances, vacation may not be used for any time away from the Township that is less than one-half (½) day.
- D. Vacations must be completed within the calendar year and may not be carried into the next calendar year, except by permission of the Mayor and Council. Requests to carry over vacation days shall be made in writing and approved by the Department Head prior to the end of the year for verification and inclusion in a Resolution submitted to the Mayor and Council for consideration/approval. The number of vacation days will be limited to five (5) and must be used by March 31st of the following year in which they were earned.
- E. No vacation pay shall be authorized in lieu of vacation days.
- F. A holiday occurring during an employee's vacation period entitles the employee to receive an extra day in extension of the vacation or at another time, with the Department Head's approval.

- G. All employees must submit a vacation request of one or more weeks (5 or more days) to their Department Head by April 1. Vacation schedules will be approved by each department head in such a manner that will have the least effect on the day-to-day operation of the department. In the event employees choose the same vacation time, seniority will prevail. Department Heads shall submit their vacation schedules to the Administrator.
- H. Absent special circumstances, vacation requests for one (1) or two (2) days should be made one week in advance. In the event of a conflict, seniority shall take precedence. In the event of conflicting vacation dates of key employees in one or more departments that cannot be satisfactorily resolved by the Department Head, the Administrator may request a review of the schedule for the department(s) affected and his/her decision shall be final.
- I. Employees are urged to take vacations in a period of one (1) week and not more than two (2) weeks. Under unusual circumstances, with the recommendation of the Department Head, the Administrator shall authorize vacation periods of more than two (2) concurrent weeks.

3.7 Personal Days

- A. After three (3) months of employment, all full-time employees shall receive one (1) personal day of absence. After six (6) months of employment, employees shall receive two (2) additional personal days. Personal days cannot be accumulated (*i.e.*, carried from year to year). Personal days will be prorated according to date of employment.
- B. Employees must give twenty-four (24) hours advance notice as to which days will be taken as personal days, except in extraordinary circumstances.
- C. When an employee leaves the service of the municipality, the number of personal days credited in the final calendar year shall be prorated based on the portion of the year worked and adjusted in the final paycheck.

3.8 Sick Days

- A. The date on which an employee begins working for the Township shall govern in determining sick leave benefits.
- B. Sick leave for illness of employees is authorized as follows:

Full-time regular employees and part-time permanent employees working at least twenty-eight (28) hours per week are entitled to sick leave benefits as set forth herein. All other employees, including part-time permanent employees working less than twenty-eight

(28) hours per week are entitled to accrue up to forty (40) hours of Earned Sick Leave (“ESL”) in accordance with the New Jersey Paid Sick Leave Act.

All full full-time regular employees and part-time permanent employees working at least twenty-eight (28) hours per week earn one (1) hour of paid sick leave for every thirty (30) hours worked during the first calendar year of continuous employment, up to a maximum accumulation of forty (40) hours. Thereafter, the following shall apply:

1. Effective January 1 of the calendar year following the year employment began, all full-time permanent employees and part-time permanent employees working at least twenty-eight (28) hours per week are entitled to twelve (12) sick days annually with unused sick leave carried forward from year to year with a maximum accumulation of ninety (90) days or the amount accumulated as of {the date the manual is adopted}, whichever is greater. No additional days may be accumulated once the maximum applicable cap is reached.
2. If an employee has been approved for retirement benefits, the employee will be entitled to be paid for up to ½ of accumulated sick leave, but no more than forty-five (45) days in monetary compensation or the maximum payment allowed by State law, whichever is lower.
3. Employees who resign or are discharged are not eligible to receive accumulated sick time compensation.
4. Paid sick leave cannot be used in less than one-half (1/2) day increments.
5. All absences due to personal illness or disability shall be reported immediately to the employee’s supervisor and/or department head.
6. A doctor’s note will be required for any absence due to personal illness in excess of three (3) continuous working days.
7. Part-time employees working less than twenty-eight (28) hours per week shall accrue one (1) hour of paid sick leave for every thirty (30) hours worked up to a maximum accumulation of forty (40) hours.

C. Compliance With New Jersey Earned Sick Leave Law, P.L. 2018, Ch. 10

Forty (40) hours of Sick leave may be used by an employee for the following purposes:

1. Time needed for diagnosis, care, or treatment of, or recovery from, an employee’s mental or physical illness, injury or other adverse health condition, or for preventive medical care for the employee;

2. Time needed for the employee to aid or care for a family member of the employee during diagnosis, care, or treatment of, or recovery from, the family member's mental or physical illness, injury or other adverse health condition, or during preventive medical care for the family member;
3. Absence necessary due to circumstances resulting from the employee, or a family member of the employee, being a victim of domestic or sexual violence, if the leave is to allow the employee to obtain for the employee or the family member: medical attention needed to recover from physical or psychological injury or disability caused by domestic or sexual violence; services from a designated domestic violence agency or other victim services organization; psychological or other counseling; relocation; or legal services, including obtaining a restraining order or preparing for, or participating in, any civil or criminal legal proceeding related to the domestic or sexual violence;
4. Time during which the employee is not able to work because of a closure of the employee's workplace, or the school or place of care of a child of the employee, by order of a public official due to an epidemic or other public health emergency, or because of the issuance by a public health authority of a determination that the presence in the community of the employee, or a member of the employee's family in need of care by the employee, would jeopardize the health of others; or
5. Time needed by the employee in connection with a child of the employee to attend a school-related conference, meeting, function or other event requested or required by a school administrator, teacher, or other professional staff member responsible for the child's education, or to attend a meeting regarding care provided to the child in connection with the child's health conditions or disability.

For purposes of this Sub-section C only, "family member" means a child, grandchild, sibling, spouse, domestic partner, civil union partner, parent, or grandparent of an employee, or a spouse, domestic partner, or civil union partner of a parent or grandparent of the employee, or a sibling of a spouse, domestic partner, or civil union partner of the employee, or any other individual related by blood to the employee or whose close association with the employee is the equivalent of a family relationship.

If the employee's need to use sick time under this Sub-section C is foreseeable, the employee will be required to produce advance notice, not to exceed seven calendar days prior to the date the leave is to begin, of the intention to use sick time under this Sub-section C and its expected duration, and shall make a reasonable effort to schedule the use of sick time under this Sub-section A in a manner that does not unduly disrupt the operations of the employer. If the reason for the use of sick time under this Sub-section C is not foreseeable, the employee shall provide notice of the intention to use sick time under this Sub-section C as soon as practicable.

For use of sick time under this Sub-section C extends for three or more consecutive days, the following supporting documentation shall be required:

- a. If sick time under this Sub-section C is being taken under subparagraph (1) or (2), above: documentation signed by a health care professional who is treating the employee or the family member of the employee indicating the need for the leave and, if possible, number of days of leave.
 - b. If sick time under this Sub-section C is being taken under subparagraph (3), above: medical documentation; a law enforcement agency record or report; a court order; documentation that the perpetrator of the domestic or sexual violence has been convicted of a domestic or sexual violence offense; certification from a certified Domestic Violence Specialist or a representative of a designated domestic violence agency or other victim services organization; or other documentation or certification provided by a social worker, counselor, member of the clergy, shelter worker, health care professional, attorney, or other professional who has assisted the employee or family member in dealing with the domestic or sexual violence.
 - c. If sick time under this Sub-section C is being taken under subparagraph (4), above: a copy of the order of the public official or the determination by the health authority.
 - d. If sick time under this Sub-section C is being taken under subparagraph (5), above: any reasonable documentation showing that a conference, meeting, function, or other event has been scheduled or is occurring.
- D. Workers Compensation Illness or Injury: Employees will be paid the difference between workers compensation benefits and full salary.
- E. To the extent consistent with law, when an employee leaves the service of the municipality, the number of sick days credited in the final calendar year shall be prorated based on the portion of the year worked and adjusted in the final paycheck.
- F. Department Heads may request an employee to provide a doctor's note for the sick leave when sick leave abuse is suspected.

3.9 Military Leave

When a full-time employee (either permanent or temporary) who is a member of the reserve component of any United States armed force or the National Guard of any state including the Naval Militia and Air National Guard is called for active duty, the employee will be granted a military leave of absence for the duration of the service and for three (3) months

after honorable discharge. The first thirty (30) workdays of the leave shall be with full pay except that a member of the New Jersey National Guard shall receive full pay for the first ninety (90) days for active duty and active-duty training. Thereafter, the leave shall be without pay, but without loss of time. The paid leave will not be counted against any available time off including but not limited to vacation, sick or personal time. A full-time temporary employee who has served less than one-year shall not be entitled to paid leave but shall be granted non-paid military leave without loss of time.

A permanent employee who is a member of the organized reserves of the Army, Navy, Air Force or Marine Corps shall be entitled to a leave of absence with pay on days on which he/she is required to engage in field training, but only that training which consists of participation in unit training field operations and is a part of the required annual tour of duty in order to be a member of that component. The Township may reschedule an employee's work time to avoid conflict with military field training. A non-permanent employee serving for one year or longer shall be entitled to a leave of absence with pay not to exceed 30 days in the aggregate in any one year while engaged in field training. A leave of absence without pay shall be granted to a non-permanent employee serving less than a year while engaged in field training.

Employees on military service will also continue to receive paid health insurance coverage during the period of the paid leave. After this period has expired, employees may continue coverage for themselves or their dependents by taking advantage of coverage under COBRA. Members of the State administered retirement systems (PERS and PFRS) will continue accruing credit in the system during the period of paid leave.

Pursuant to the Uniformed Services Employment and Reemployment Rights Act, any employee released from active duty under honorable circumstances shall return to work without loss of privileges or seniority within the following time limits: for service less than thirty-one (31) calendar days, the employee must return to work on the beginning of the first regularly scheduled workday or eight (8) hours after the end of military duty, with reasonable allowances for commuting; for service of thirty-one (31) to one hundred eighty (180) calendar days, the employee must submit an application for reinstatement within fourteen (14) calendar days after completing military duty; for service greater than one hundred and eighty (180) calendar days, the employee must submit an application for reinstatement within ninety (90) calendar days after completing military duty.

3.10 Bereavement Leave

- A. The Employer agrees to grant an employee a three (3) day funeral leave with full pay when a death occurs in the employee's immediate family. An extension of up to two (2) additional consecutive working days may be granted by the Administrator.
- B. The employee's immediate family is considered to include: spouse, children, brother, sister, parents, parents-in-law, son-in-law, daughter-in-law, grandparents, and

grandchildren or any other blood relative of an employee residing in the employee's household at the time of death.

- C. Funeral leave with pay shall terminate the day following the funeral.

3.11 Jury Duty Leave

- A. All employees must provide notice of a jury duty absence to his or her Department Head immediately upon receipt of such notice, but at least two (2) weeks before the leave date.
- B. Any full-time employee serving on Jury Duty will receive his/her regular earnings during the term of the jury duty, but is expected to report for work any time when excused during this period.
- C. Any payment received by an employee for serving on Jury Duty should be endorsed and turned over to the Municipal Treasurer as employees shall receive regular pay during the Jury Duty period.

3.12 Unpaid Personal Leave of Absence

- A. An unpaid leave of absence, not to exceed thirty (30) days, may be granted due to extraordinary circumstances. An employee must be on the payroll for at least one year in order to be eligible for an unpaid personal leave of absence. Any requests for a personal leave of absence must be presented in writing to the Department Head and Administrator. The Department Head and Administrator will make recommendations in writing to the Township Mayor and Council, which will consider the request, and either grant or reject the requested leave.
- B. The Township cannot guarantee that a position will be available upon return from a personal leave when the employee notifies the Township that he/she is ready to return. The Township will attempt to place the staff member in an alternative position if such a position is available.
- C. An employee who takes an approved leave of absence should check with the Administration Office for information regarding pension, benefits, etc., payments during the leave period.
- D. An employee absent for more than three (3) days without notice to his or her Department Head or the Administrator without sufficient reason may be considered to have resigned without notice and no longer employed by the Township.

- E. All unauthorized and unreported absences shall be considered absent without leave and deduction of pay shall be made for such absence.

3.13 Family and Medical Leave of Absence

In accordance with the Family and Medical Leave Act of 1993 ("FMLA") Township employees who have worked for the Township for at least twelve (12) months and have worked at least 1,250 hours in the 12 months preceding the need to take leave, are eligible for a job protected leave of up to twelve (12) weeks over a 12-month period. The leave is not paid by the Township; however, an employee may opt to have their benefit leave time run concurrent with FMLA leave. The period of eligibility for leave is based upon a "rolling" 12-month period measured on a "look back" basis to determine if there has been any prior FMLA leave usage in the prior 12-month period. Upon request of an employee, or upon the Township becoming aware of the possibility of a leave of absence being eligible for FMLA coverage, the employee will be given notice of such eligibility and should they wish to apply for FMLA, the employee will be required to complete the appropriate paperwork as set forth below in order to qualify.

The Township must designate leave as FMLA leave even without an employee's request or the submission of a medical certification under circumstances in which it is clear that the reason for leave is qualified as eligible protected leave

- A. FMLA leave may be taken for the following purposes:
1. The birth of an employee's child, or the placement of a child for adoption or foster care, for the care of or to bond with the child. This provision is applicable to both mothers and fathers and must be taken within twelve (12) months of the child's birth. If married individuals, as the term married is recognized in the State of New Jersey, are both employees of the Township, leave is limited to twelve (12) weeks in the aggregate in any twelve (12) month period;
 2. The care of the employee's immediate family member (spouse, child or parent), if that family member has a serious health condition;
 3. A serious health condition that renders the employee unable to perform their job.
 4. The employee must attend to a qualifying exigency arising out of the fact that the employee's spouse, child or parent is on covered active duty or has been notified of an impending call to become active in the Armed Forces.
 5. The care of an injured or ill service member. Military leave.

This leave may extend up to 26 weeks in a 12-month period for an employee whose spouse, child, parent or next-of-kin is injured or recovering from an injury suffered while on active military duty and who is unable to perform duties of the service member's office, grade,

rank or rating. Next-of-kin is defined as the closest blood relative of the injured or recovering service member. An employee is also eligible for this type of leave when the family service member is receiving medical treatment, recuperation or therapy, even if the service member is on temporary disability or is retired.

Employees requesting FMLA leave for care of a service member must provide certification of the family member or next-of-kin's injury, recovery or need for care. This certification is not tied to a serious health condition as for other types of FMLA leave. This is the only type of FMLA leave that may extend an employee's leave entitlement beyond 12 weeks to 26 weeks. Other types of FMLA leave are included with this type of leave totaling the 26 weeks. See Military Family Leave Policy.

B. Terms and Definitions under the FMLA

"Child" includes biological, adopted, and foster child, step-child, legal ward or a "child" of a person acting in the capacity of a parent.

"Parent" includes biological parents, as well as a person that acted in the capacity of a parent toward the employee. Siblings and in-laws are not covered by the FMLA.

"Serious health condition" means a mental or physical illness, injury, or impairment which involves inpatient (overnight) care at a medical care facility or continuing treatment by a health care provider. Additionally, an employee's serious health condition means the employee (or their family member as applicable) is unable to perform the functions of his or her job.

C. Availability of Intermittent or Reduced Schedule Leave

It is not required that family/medical leave be taken all at one time. Intermittent leave (periodic) or reduced leave (less than the 12 weeks) can be taken if the employee or a covered family member has a serious health condition, provided intermittent or reduced leave is medically necessary. Intermittent leave is leave taken in separate blocks of time, rather than one continuous period. Reduced leave is a schedule in which the weekly hours or hours per day are reduced. The Township provides intermittent or reduced schedule leave in accordance with the FMLA, subject to the notice requirements set forth in this policy.

D. Intermittent or reduced leaves for illness require medical certifications that state:

1. The dates on which treatment is expected to be given and the duration of such treatment;
2. A statement of the medical necessity for the intermittent or reduced leave schedule and the expected duration;
3. Where applicable, a statement that an intermittent or reduced leave schedule is necessary to care for a covered family member or will assist in the recovery and the expected duration and schedule of the leave.

E. Employee Notification Requirements

1. An employee should give, when known, 30 days', but no less than two (2) weeks' advance notice in the event of a foreseeable leave. A "Request for Family/Medical Leave" form should be completed by the employee and returned to the Employee Services Office. In unexpected or unforeseeable situations, an employee should provide as much notice as is practicable, followed by the completed form. The notice must indicate that (1) the employee is unable to perform the functions of the job or that a covered family member is unable to participate in regular daily activities; (2) the anticipated duration of the absence; and (3) whether the employee intends to visit a health care provider or is receiving continuing treatment.
2. If an employee fails to give notice of foreseeable leave with no reasonable excuse, leave may be denied until 30 days after the employee provides notice.
3. When requesting that leave be designated as intermittent leave, the need for intermittent leave must have been pre-authorized in advance through the completion of a medical certification and the employee must give as much advance notice of the intermittent leave as reasonably possible and at minimum, in accordance with any parameters set forth in the physician's certification.
4. When planning medical treatment, an employee must make a reasonable effort to schedule the leave so as not to unduly disrupt the Township's operations.
5. In the event of leave to attend to a qualifying exigency, the employee shall provide as much notice as is reasonable and practical under the circumstances.

F. Employer Notification Requirements

1. Notice of Eligibility Rights: Within five (5) days after the employee requests leave or after the Township learns that leave may be needed for an FMLA-qualifying reason, the Township will provide written notice stating whether the employee is eligible for FMLA leave, and if not eligible, at least one reason why.
2. Notice of Designation of Leave: Within five (5) days after the Township receives the completed medical certification from an employee and/or otherwise becomes aware of a qualifying leave, the Township will provide a written notice stating whether leave is available, how much leave has been designated as FMLA leave, and how much leave remains. For a leave of unspecified duration, the Township will update the notification every 30 days as to how much leave was designated FMLA and how much leave remains. If any part of the requested leave is not designated as FMLA leave, the Township will provide written notice of and reason for denial. In the instance the need for leave and that the leave qualifies is known at the same time, a Notice of Eligibility Rights and a Notice of Designation of Leave

will be provided at the same time to the employee; within five (5) days of the Township having knowledge.

G. Health Benefits while on Family Medical leave

The Township will pay health benefit costs for employees who are on family medical leave to the extent the Township pays them for an active employee not on leave. Therefore, if applicable, 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 Township will bill the employee monthly for payment of the employee's share of the premium.

H. Accrual of Leave Time while on FMLA leave

Employees will accrue paid time off (i.e., administrative time, 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.

I. Return from FMLA leave

Upon return from leave, the Township 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 Township cannot guarantee that an employee will be returned to his or her original position. The Township will determine whether a position is an "equivalent position." All employees who take leave for their own serious medical conditions may be required to present a fitness-for-duty certification prior to being restored to employment.

J. Failing to Return upon Expiration of leave

Unless the employee has been granted an ADA accommodation or additional unpaid leave time in accordance with this policy's provisions, an employee who fails to return to work upon the expiration of FMLA leave may be subject to termination. Upon exhaustion of the FMLA leave, employees will immediately lose health insurance coverage effective the last day of the month within which the employee resigned. 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 entitled the employee to FMLA leave; or (2) other circumstances beyond the employee's control, the employee may be required to reimburse the Township for its share of health insurance premiums paid on the employee's behalf during the leave. Employees should direct a written request for an extension of leave to the Office of Employee Services as soon as they realize that they will not be able to return at the expiration of the leave.

K. Working for another employer while on Leave of Absences

Employees shall not, during any period of FMLA leave, perform services for another employer for whom the employee did not provide those services immediately prior to commencement of the leave. To the extent other work is allowed while the employee is on FMLA leave, the employee must establish that the other work is not inconsistent with the need for leave with the Township.

L. Other Leave Eligibility

Employees may also be eligible for leave under the New Jersey Family Leave Act (NJFLA). Employees are eligible for NJFLA leave if they have worked for the Township for at least (12) twelve months and they have worked at least 1,000 hours during the (12) twelve-month period immediately preceding the start of the requested leave. NJFLA Leave may be taken for the following reasons:

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

To the extent applicable, leave under the FMLA and the NJFLA will run concurrently, unless otherwise provided for by law. For example, if the employee requests leave for the birth of a child, such leave would be covered under both the FMLA and the NJFLA. The employee would therefore only be entitled to a total of 12 weeks of leave. If, however, the employee requests leave that is only covered by the FMLA, it shall not abridge the employee's right to request leave for reasons allowed under the NJFLA. This means that in certain limited circumstances, the employee may be entitled to up to twenty-four (24) weeks leave in a twelve (12) month period. For example, if the employee requests leave to care for his/her own serious health condition, such leave would only be covered by the FMLA. The employee could then request an additional 12 weeks for reasons allowed under the NJFLA, such as to care for a family member with a serious health condition.

1. NJFLA Definition of a "Serious Health Condition": An illness, injury, impairment or physical or mental condition that involves:
 - a. inpatient care in a hospital, hospice or residential medical care facility,
 - b. continuing treatment by a health care provider.
2. NJFLA Definition of a "Child": "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 a child of a civil union partner or a child who becomes a child of a parent pursuant to a written agreement between the parent and a gestational carrier.
3. NJFLA Definition of a "Family Member": A "Family Member" means a sibling, grandparent, grandchild, child, spouse, domestic partner, civil union partner, parent-in-law, or parent of a covered individual, or any other individual related by blood to the employee, and any other individual whose close association with the

employee is the equivalent of a family relationship.

In addition, if Workers' Compensation Leave is qualified leave pursuant to the FMLA, the time out on workers' compensation leave shall run concurrent with FMLA. For additional information, contact the Office of Employee Services.

In addition to the FMLA and FLA leaves associated with an employee's need for leave pursuant to this policy, in the event the employee's FMLA leave was designated by the Township as a result of the Township's knowledge, and not due to the employee's request, an additional unpaid leave of up to twelve (12) weeks will be provided by the Township. The total amount of additional time consistent with the preceding sentence will be equal to the amount of paid leave taken concurrent with the FMLA.

If a leave of absence qualifies for either or both FMLA or NJFLA leaves, and (a) the employee has exhausted all the time permitted by those leaves, (b) has exhausted any additional unpaid leave set forth in the preceding paragraph (if applicable), and (c) has exhausted all of his/her paid benefit leave time and/or leave under the ADA is not applicable, then the employee may apply to the Township for a reasonable amount of additional unpaid leave time such that the total amount of time of an employee's approved absence shall not exceed a maximum of twelve (12) months. This additional leave must be approved by formal action of the Board of Township Commissioners.

In the instance an employee needs to take leave for the delivery of and bonding with her child, the employee may be eligible, without the need for Board approval, for a maximum of 12 months leave. In order to be eligible for this leave, the employee needs to be eligible for and take FMLA under the provisions of this policy, (with up to nine (9) additional months to follow thereafter) and the employee needs to have informed Employee Services of the need for said leave as soon as the employee has medical confirmation of the need.

M. Military Family Leave

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

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

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

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

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

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

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

admitting or transferring the parent to a care facility, or attending meetings with staff at a care facility.

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

N. New Jersey Family Leave Insurance Program-Bonding Leave

NJFLI provides for up to six (6) weeks of benefits in a twelve (12) month period to employees who would otherwise suffer wage loss as a result of the need to participate in providing care for a family member with a serious health condition, to bond with a newborn or newly adopted child, or to assist a covered family member who is a victim of domestic or sexual violence. The program provides eligible individuals a monetary benefit but not an additional leave. Payments are made from the pool of monies collected through a mandatory payroll deduction. The Township is not responsible for any payments made or applications denied by the New Jersey Department of Labor (DOL).

1. Definition: For the purposes of this Policy, "family member" and "child" shall be defined in the FLA policy herein.
2. Eligibility: To be eligible, the employee must have worked at least twenty (20) weeks at minimum wage within the fifty-two (52) weeks preceeding the requested leave, or have earned at least 1,000 times the minimum wage. For specific information please contact the DOL.

NJFLI benefits to bond with a child may be granted only during the first twelve (12) months after the child's birth (if the employee is the child's biological parent) or placement (if the child was adopted).

3. Benefits: The weekly benefit is 2/3 of employee's weekly salary up to a maximum of \$615.00 per week (for leave commencing on or after January 1, 2016) or \$633.00 per week (for leave beginning on or after January 1, 2017) for up to six (6) weeks. The maximum benefit rate is subject to adjustment by the New Jersey Department of Labor.¹

An employee cannot receive simultaneous disability benefits under this program while also receiving any other disability benefit or unemployment compensation.

¹ Effective July 1, 2020, the period of paid leave shall be up to 12 weeks and the maximum benefit payable shall be \$859 per week.

O. Application Process

All applications for benefits under the NJFLI must be filed directly with the State of New Jersey – Department of Labor and Workforce Development. Applicable forms are available from the DOL. Employees may contact customer service for this program at 609-292-7060 or contact the Township’s Office of Employee Services with related questions.

An employee who intends to apply for benefits to bond with a child must provide written notice at least thirty (30) calendar days prior to beginning the leave, unless the need for leave is unexpected or changes due to unforeseen circumstances. Failure to provide this thirty-day notice may result in a fourteen (14) day reduction in the employee’s maximum Family Leave Insurance benefits. An employee who intends to apply for benefits for intermittent leave must provide written notice at least fifteen (15) calendar days prior to beginning the leave.

3.14 Domestic Violence Leave

- A. The New Jersey Security and Financial Empowerment Act, also known as the “New Jersey 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, among other things;
1. Seek medical attention for physical or psychological injuries;
 2. Obtain services from a victim services organization, pursue psychological or other counseling;
 3. Participate in safety planning for temporary or permanent relocation;
 4. Seek legal assistance to ensure health and safety of the employee or the employee’s relative; or
 5. Attend, participate in, or prepare for a criminal or civil court proceeding relating to an incident of domestic or sexual violence.

Please see the Township Administrator to determine if your leave is eligible.

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

Employees may take leave on an intermittent basis, but such leave cannot be shorter than one (1) full day. To the extent the leave is foreseeable, employees must provide advance notice of the need for the leave. In addition, employees 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.

- C. 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 Township will treat the leave concurrently with the leave under those statutes. Employees also may be required to use accrued paid vacation leave, personal time or sick leave concurrently.

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

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

CHAPTER 4

GROUP HEALTH AND RELATED BENEFITS

4.1 Medical and Dental Insurance

After the first sixty (60) days of service to the Township, all employees working thirty or more hours per week and their dependents are eligible to receive medical, dental and prescription drug insurance benefits paid for the Township. The Township may, at its option, require an employee contribution or change benefit carriers and policies subject to legal and contractual requirements.

Employees Should Check the Plan Documents as they will control the employees' medical, prescription and dental Coverage.

CHAPTER 5

RETIREMENT

5.1 Notice of Retirement

Employees planning to retire are encouraged to give written notice to the department head and Administrator three (3) months prior to their planned retirement date so that a replacement may be found, and training provided. The Administrator shall forward notices of retirement to the Mayor and Council. The employee will be responsible to apply to the appropriate retirement system for pension benefit information and notification. Employees who provide notice of retirement will be permitted to revoke their retirement notices only with the approval of the Mayor and Council.

CHAPTER 6

EMPLOYEE CONDUCT

6.1 Conflict of Interest Policy

- A. Employees including Township officials must conduct business according to the highest ethical standards of public service. Employees are expected to devote their best efforts to the interests of the Township. Violations of this policy will result in appropriate discipline, up to and including termination.
- B. The Township recognizes the right of employees to engage in outside activities that are private nature and unrelated to Township business. However, business dealings that appear to create a conflict between the employee and the Township's interests are unlawful under the New Jersey Local Government Ethics Act, *N.J.S.A. 40A:9-22.1, et seq.* Under the Act, certain employees and officials are required to annually file with the Township Clerk a state mandated disclosure form. The Township Clerk will notify employees and Township officials subject to the filing requirements of the Act.
- C. A potential or actual conflict of interest occurs whenever an employee including a Township official is in a position to influence a Township decision that may result in a personal gain for the employee or an immediate relative including a spouse or significant other, child, parent, stepchild, sibling, grandparents, daughter-in-law, son-in-law, grandchildren, niece, nephew, uncle, aunt, or any person related by blood or marriage residing in an employee's household. Employees are required to disclose possible conflicts

so that the Township may assess and prevent potential conflicts. If there are any questions whether an action or proposed course of conduct would create a conflict of interest, immediately contact the Administrator to obtain clarification.

- D. Employees are allowed to hold outside employment as long as it does not interfere with or conflict their Township responsibilities. Employees are prohibited from engaging in outside employment activities while on the job or using Township time, supplies or equipment in the outside employment activities. The Administrator may request employees to restrict outside employment if the quality of Township work diminishes. Any employees who holds an interest in, or is employed by, any business doing business with the Township must submit a written notice of these outside interests to the Township Clerk and the Administrator.
- E. Employees may not accept donations, gratuities, contributions or gifts that could be interpreted to affect their Township duties. Under no circumstances accept donations, gratuities, contributions or gifts from a vendor doing business with or seeking to do business with the Township or any person or firm seeking to influence Township decisions. Employees are required to report to the Administrator any offer of a donation, gratuity, contribution or gift including meals and entertainment that is in violation of this policy.
- F. To the extent the New Jersey Local Government Ethics Law establishes higher standards of conduct than what is set forth herein, the provisions of the New Jersey Local Government Ethics Law shall apply.

6.2 No-Smoking Policy

Smoking is strictly prohibited in all government buildings and vehicles owned, leased or otherwise operated by the Township of Clinton. Smoking is prohibited within a thirty-five (35) foot radius of all entrances of all Municipal Buildings. Each Township facility shall have a designated outside area for smoking. Employees are expected to limit smoke breaks and are required to make up time spent on smoking breaks. It is the responsibility of supervisors and/or department heads to ensure that the smoking prohibition and the make-up of lost time is enforced. Failure to adhere to this policy may result in disciplinary action.

6.3 Personal Conduct/Dress Code

- A. The Township believes that the appearance of our employees reflects the professionalism and business of the Township as a whole. Therefore, employees are required to dress in appropriate business attire and to behave in a professional, business-like manner. Please use good judgment in your choice of work clothes and remember to conduct yourself at all times in a way that best represents you and the Township. Tight or revealing clothing, such as spandex pants, tank tops, shorts (with the exception of employees performing seasonal work outdoors), bare-midriff shirts, flip-flops and the like should not be worn to work.

- B. Uniforms, if required, must be clean each work day. Each department head is responsible for establishing a reasonable dress code appropriate to the job performed. Any change to a Township uniform must receive prior approval from Mayor and Council.
- C. An employee's work space shall be maintained in a neat and safe manner, free from personal items which would impair the employee's ability to work or interfere with the work of other employees.

6.4 Employee Dating Policy

- A. Romantic relationships among employees frequently lead to problems in the workplace. They may result in favoritism, discrimination, unfair treatment, friction among co-workers, or the perception that they generate such problems. Therefore, the Township has adopted the following policy.
- B. No elected official, officer or employee holding a supervisory, administrative, or managerial position and having the authority to affect or recommend changes in the terms and conditions of employment, shall engage in a romantic, dating, or intimate/sexual relationship with another employee of the Township whom he/she supervises, or whose terms and conditions of employment he or she can influence. Examples of terms and conditions of employment for purposes of this policy include but are not limited to promotion, evaluation, assignment, review or allocation of work, termination, training, discipline and compensation. Violations of this policy may be met with appropriate discipline, transfer, or other appropriate personnel action as the Township deems appropriate under the circumstances. No person who is currently on the payroll of Township shall be placed or continued in a position that provides supervision over someone with whom that person has a romantic or dating relationship. Further, the Township reserves the right to address any workplace issues that may result from the relationship in a manner it deems appropriate.
- C. Employees considering entering into a dating, romantic or intimate relationship with another Township employee, even in circumstances not prohibited under this policy, are strongly encouraged to review and consider all Township policies regarding workplace conduct, including but not limited to policies pertaining to sexual and other forms of workplace harassment, as well as the policy on conflicts of interest and nepotism, and to be guided accordingly. Further, all employees, irrespective of their personal relationship, are expected to conduct themselves in a professional manner while at work and during Township events and functions and refrain from overt displays of affection or emotion that are or may be perceived as inappropriate in a professional setting.

6.5 Contagious or Life-Threatening Illness

- A. This policy provides guidance for dealing with work situations involving employees who have contracted communicable illnesses such as, by way of example:
- Measles;
 - Influenza;
 - Viral hepatitis-A (infectious hepatitis);
 - Viral hepatitis-B (serum hepatitis);
 - Shingles;
 - Human Immunodeficiency Virus (HIV infection);
 - AIDS;
 - AIDS-Related Complex (ARC);
 - Severe Acute Respiratory Syndrome (SARS);
 - COVID-19
- B. This policy does not replace, and is to be read in conjunction with the Township's policies on sick leave, family and medical leave, disabilities, and attendance. The Township reserves the right to modify this and other related policies to the extent it is necessary to do so in the event of infectious disease outbreaks.
- C. Township policy is to treat any medical information as a confidential medical record. In furtherance of this policy, any disclosure of medical information is in limited circumstances with supervisors, managers, first aid and safety personnel, and government officials as required by law. Employees are expected to cooperate with the Department of Health/Public Health Nursing investigations of the communicable disease.
- D. The Township will not discriminate against any employee solely because that employee has contracted a communicable illness. The Township shall make reasonable accommodations to known physical and mental limitations of all employees, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided that the accommodation does not impose an unreasonable hardship on the Township.
- E. However, all employees, including those suffering from communicable illnesses, are expected to be able to perform the essential functions of their jobs (with or without reasonable accommodation where such is required by law) without posing a direct threat to the health and safety of themselves or others.
- F. The Township recognizes its obligation to provide a safe and healthy work environment for all employees. Therefore, the Township will obtain appropriate medical direction, when

necessary, to ensure that an employee's communicable condition does not pose a significant risk of substantial harm to him/herself or to other employees.

- G. Employees are required to notify the Township at the earliest possible time if they believe they have an illness that is medically recognized as being readily contagious and/or which poses a health hazard to other employees or to the public at large.
- H. The Township will make objectively reasonable decisions involving persons who have communicable illnesses based on current and well-informed, competent medical advice and opinion concerning the illness in question, the risks of transmitting the illness to others, the employee's symptoms, work and medical histories, and a careful weighing of the identified risks and the available options for minimizing them. In appropriate cases, the employee may be instructed not to report to work until medical clearance to return to duty is received.
- I. With respect to HIV/AIDS, according to the best medical advice available to date, casual workplace contact with employees who have AIDS/HIV will not result in transmission to others. Employees are expected to work with co-workers and any other individuals who have these conditions that do not pose a significant risk of harm. Employees who have unwarranted fear of exposure will not be allowed to refuse to work with individuals affected by HIV/AIDS or any other communicable illness that does not pose a medically recognized direct threat of contagion.

6.6 Job Safety and Work-Related Injuries/Illnesses

- A. Safety is important to all of us: you, your fellow employees, our guests and citizens of the Township. Establishing and maintaining a safe working environment is everyone's responsibility. In order to create and maintain a safe working environment, we all must adhere to the following policies:
 - 1. Exercise maximum care and good judgment at all times to prevent accidents and injuries.
 - 2. Report any unsafe conditions or potential hazards to management personnel immediately;
 - 3. Report any accident, injury or damage to you, a fellow employee, a guest, a Township facility, Township equipment or Township motor vehicles to your supervisor and the Administrator's office immediately; the Public Employees Occupational Safety and Health Act (PEOSHA) requires that records be kept of all accidents, injuries and illnesses which occur during the workday. The State Worker's Compensation Act also requires that an accident or injury on the job be reported no matter how slight.

4. Read and follow operating instructions on any equipment or machinery you may use.
- B. Employees who become ill on the job or suffer any work-related injury, no matter how minor, are to immediately report to the Supervisor and Administrator's office. In cases of a severe injury, an employee may report to the nearest emergency medical facility for examination, treatment and report the incident to the Administrator after treatment is received. Employees who must leave their work stations for medical attention should, whenever possible, notify their supervisor. In a situation where treatment is necessary after normal working hours (*i.e.*, evenings and weekends), employees will attend the nearest emergency medical facility for treatment. The Supervisor or Administrator should be notified as soon as possible. Employees will fill out an accident report available from their supervisor as soon after the incident as possible.
 - C. An injured employee's supervisor, any member of management or emergency medical personnel is authorized to have the employee transferred to an outside medical facility for treatment.

6.7 Telephone Usage

The Township telephones are for business use. If you wish to make a personal call, please confine use to break and lunch times.

6.8 Cell Phones

Employees using a Township issued cell phone or their own personal cell phone for business purposes, must comply with all state, federal and local laws regulating use of cell phones. Personal use of cell phones during working time should be kept to a minimum.

6.9 Solicitations and Distributions

Employees are prohibited from engaging in any type of soliciting, sale of merchandise or tickets, collections or canvassing during their working time or the working time of the individual being solicited. Employees are prohibited from distributing literature during working time or in work and customer areas of the Township. Except as otherwise mandated by law, all solicitations or distributions by non-employees are prohibited on Township property.

6.10 Bulletin Board Policy

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

6.11 E-Mail and Internet Use

A. Internet Usage Guidelines Overview

Internet and e-mail (collectively, "Internet") access is a business tool, provided to you at significant cost. That means we expect you to use your Internet access primarily for Township related purposes such as improving business communication among Township personnel and members of the public. We insist that you conduct yourself honestly and appropriately on the Internet, and respect the copyrights, software licensing rules, property rights and privacy of others, just as you would in any other business dealings. To be absolutely clear on this point, all existing Township policies apply to your conduct on the Internet, especially (but not exclusively) those policies that deal with intellectual property protection, privacy, misuse of Township resources, anti-discrimination, sexual and other unlawful harassment, information and data security, and confidentiality.

Unnecessary or unauthorized Internet usage causes network and server congestion. It slows other users, takes away from work time, and ties up printers and other shared resources. Unlawful Internet usage may also garner negative publicity for the Township and expose the Township to significant legal liabilities.

Anything any one employee writes in the course of acting for the Township on the Internet can be taken as representing the entire Township. Misuse of the Internet can inflict serious damage on the Township. As a result, the Township's Internet is not a confidential system and the Township has and will exercise the right to review, monitor, intercept, and disclose all Township personnel activity, messages and all data transmitted or received through the Internet.

Certain terms in these Guidelines should be understood expansively to include related concepts. Document covers just about any kind of file that can be read on a computer screen as if it were a printed page, including the so-called HTML files read in an Internet browser, e-mail messages, any file meant to be accessed by a word processing or desk-top publishing program or its viewer, or the files prepared for the Adobe Acrobat reader and other electronic publishing tools. Graphics includes photographs, pictures, animations, movies, or drawings. Display includes monitors, flat-panel active or passive matrix displays, monochrome LCD's, projectors, televisions and virtual-reality tools. The "Township Of Clinton's Internet Usage Agreement Employee Consent Form" at the back of this Manual must be signed and submitted to your supervisor at the time you receive this Manual.

B. Monitoring of Use

The Township has software and systems in place that can monitor and record all Internet usage. We want you to be aware that our security systems are capable of recording (for each and every user) each World Wide Web site visit and each file transfer into and out of our internal networks, and we reserve the right to do so at any time. No employee should have any expectation of privacy as to his or her Internet usage. Managers will review Internet activity and analyze usage patterns, and they may choose to publicize this data to assure that Township Internet resources are devoted to maintaining the highest levels of productivity.

All Township computers and data stored on them are the property of the Township. The Township has the right to inspect any and all files stored in private areas of our network in order to assure compliance with these Guidelines.

The Township will comply with reasonable requests from law enforcement and regulatory agencies for logs, diaries and archives on individuals' Internet activities.

C. Security

Security is to be everyone's first concern. An Internet user can be held accountable for any breaches of security or confidentiality. The Township will limit Internet access to those employees who it determines have demonstrated a legitimate business need.

User ID's and passwords help maintain individual accountability for Internet resource usage. Any employee who obtains a password or ID for an Internet resource must keep that password confidential. The Township prohibits the sharing of user ID's or passwords obtained for access to Internet sites.

Employees with Internet access may not upload any software licensed to the Township or data owned or licensed by the Township without explicit authorization from the manager responsible for the software or data.

Any file that is downloaded must be scanned for viruses before it is run or accessed.

The Township has installed a variety of firewalls, proxies, Internet address screening programs and other security systems to assure the safety and security of the Township's networks. No employee should attempt to disable, defeat or circumvent any security facility.

D. Offensive Material Prohibited

Sexually explicit materials, materials relating to illegal activities and material disparaging a person's race, gender, disability, national origin, sexual orientation, religion, age, or other protected interest may not be accessed, displayed, archived, stored, distributed, forwarded, edited or recorded using our network or computer resources. For example, use of web sites hosting pornography, racism, hate groups or any other antisocial or generally offensive materials is strictly prohibited, as is the downloading of such files.

The Township uses independently supplied software and data to identify inappropriate or sexually explicit Internet sites. We may block access from within our networks to all such sites that we know of. If you find yourself connected accidentally to a site that contains sexually explicit or offensive material, you must disconnect from that site immediately, regardless of whether that site had been previously deemed acceptable by any screening or rating program.

Users should not create, send or forward messages that they would not want their supervisor, colleagues or the public to read.

Users shall not view or transfer obscene, pornographic, abusive, slanderous, defamatory, harassing, hateful, vulgar, threatening and/or offensive material or make or post indecent remarks, proposals or materials. Since a wide variety of materials may be deemed offensive by colleagues, residents or the public, employees may not store, view, print, forward, or redistribute any document or graphic file that is not directly related to the user's job or the Township's business activities.

If you receive an unsolicited e-mail or Internet message containing improper or pornographic materials you should immediately delete the communication and report the situation to your manager or supervisor. Never forward or show improper/pornographic materials to others. Improper forwarding of this type of material may lead to corrective actions up to and including dismissal. If you know the sender, you must immediately instruct him/her to stop sending such messages and/or materials.

E. Township Reputation/Confidential Information

Each employee using the Internet facilities of the Township shall identify himself or herself honestly, accurately and completely.

Only those employees or officials who are duly authorized to speak to the media or in public gatherings on behalf of the Township may speak/write in the name of the Township to any newsgroup. Where an individual participant is identified as an employee or agent of the Township, the employee must refrain from any unauthorized political advocacy and must refrain from the unauthorized endorsement or appearance of endorsement by the Township.

F. Illegal Activity Prohibited

The Township's Internet facilities and computer resources must not be used knowingly to violate the laws and regulations of the United States or any other nation, or the laws and regulations of any state, city, province or other local jurisdiction in any material way.

Employees with Internet access must take particular care to understand the copyright, trademark, libel, slander and public speech control laws so that the use of the Internet does not inadvertently violate any such laws.

Employees with Internet access may not download any software without the express permission of their manager. Downloading or distributing pirated software or data is prohibited.

G. Destructive Activity Prohibited

No employee may use the Township's Internet facilities to deliberately propagate any Virus, worm, Trojan horse, or trap-door program code.

No employee may use the Township's Internet facilities knowingly to disable or overload any computer system or network, or to circumvent any system intended to protect the privacy or security of another user.

H. Business Use Only

Internet use is for business use only. All other use is prohibited. For example, employees may not use Township's Internet facilities to download images or videos unless there is an explicit Township-related use for the material and may not download entertainment software or games, or play games against opponents over the Internet.

I. Action

Use of Township Internet access facilities in violation of these Guidelines may result in disciplinary action up to and including termination.

J. Blogging and Social Media Guidelines

The Township recognizes the employee's right to interact on the Internet through blogging and social networking services. The purpose of this policy is not meant to infringe upon the employee's personal interaction or commentary online, but to establish guidelines to govern employees when their blogs or interactions on social networking services, whether personal or business related, impacts the Township and/or interferes with the efficient operations or mission of the Township.

Definitions:

1. Blog - A blog is a type of website or part of a website. Blogs are usually maintained by an individual with regular entries of commentary, descriptions of events, or other material such as graphics or video.
2. Social Networking Service - A social network service, such as but not limited to "LinkedIn," "Twitter," "Facebook," "Myspace," and "YouTube," focuses on building online communities of people who share interests and/or activities, or who are interested in exploring the interests and activities of others. Most social network services are Web based and provide a variety of ways for users to interact.
3. Wiki - A wiki is a website that allows the easy creation and editing of any number of interlinked web pages via a web browser using a simplified markup language of

a WYSIWYG text editor. Wikis are typically powered by wiki software and are often used to create collaborative websites, to power community websites, for personal note taking, in corporate intranets, and in knowledge management systems.

Policy:

1. Employees may not access blogs, social networking services, or wikis via business or personal cell phones, by business or personal computers, or by any other business or personal handheld communication device during work hours.
2. In addition, employees may not access blogs, social networking services, or wikis via Township equipment at any time. Exceptions would include the following:
 - a. Employees may access blogs, social networking services, or wikis during their regularly scheduled break times either via personal cell phones or other personal handheld communication devices within designated break areas.
 - b. Employees who have been specifically authorized in writing by the Township Mayor and Council or the Township Administrator may access such sites for business purposes of the Township and may use Township equipment to do so.
 - c. Employees are personally responsible for the content, whether personal or work related, which they publish on blogs, social networking services, wikis, or any other form of user-generated media.
 - d. Where online activities or statements which relate to or impact the Township and interfere with the efficient operations or mission of the Township, employees may be disciplined for commentary, content, or images that are defamatory, obscene, harassing, libelous, or that can create a hostile work environment or which violates any other Township policy, or otherwise detrimentally impacts the Township. Employees are hereby advised that if they conduct work-related business on their personal emails, social media accounts, cell phones, or other personal Communication Media, it is also subject to the provisions of the Open Public Records Act. However, nothing in this social media policy prevents employees from using his/her own personal Communication Media during the employee's non-working hours to engage or participate in protected concerted activities pursuant to the New Jersey Public Employer-Employee Relations Act. Protected concerted activities include when an employee addresses group concerns with the employer; forms, joins or helps a labor organization; initiates, induces or prepares for group action; or speaks on behalf of or represents other employees. Nevertheless, employees are encouraged to resolve workplace grievances internally by discussing issues with their supervisor and/or the Administration, and are asked to refrain from posting

comments or materials on Communication Media that can be viewed as malicious, obscene, threatening, intimidating, or that could create a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law if the employee chooses to address their grievances using Communication Media.

- e. Employees may also be sued by any employee, individual or organization/company that views their commentary, content, or images as defamatory, obscene, harassing, libelous or creating a hostile work environment to the extent allowed by law.
- 3. Unless given permission in writing by the Township Mayor and Council or the Township Administrator, employees are not authorized to communicate on behalf of the Township, or to represent that they do so.
- 4. Employees may not use the Township's seal or any other Township owned image or medium without permission in writing from the Township Mayor and Council or the Township Administrator.
- 5. Employees who are contacted by the media in response to comments they made on their blog, wiki, or any other social networking service, whether personal or business related, regarding or impacting the Township must refer the individual to their supervisor or the Township Administrator.
- 6. Failure to comply with these guidelines will result in discipline, up to and including termination. Failure to comply includes any violation as described in this policy or any action that would result in violations of any other Township policies.

Section 6.11 will not pertain to members of the police department conducting an investigation or participating in other actions directly related to their law enforcement function.

6.12 Communication Media Policy

- A. The Township's Communication Media are the property of Clinton Township and, as such, are to be used for legitimate business purposes only. For purposes of this Communication Media Policy, "Communication Media" includes all electronic media forms provided by the Township, such as cell phones, smart phones, computers, electronic tablets, access to the internet, voicemail, email and fax.
- B. All data stored on and/or transmitted through Communication Media is the property of the Township. 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 the Township's business purpose, regardless of who creates, processes or maintains the data, or whether the data is processed manually or through any of the Township's mainframe, midrange or workstations; servers, routers, gateways, bridges, hubs, switches and other hardware components of the Township's local or wide-area networks."

- C. The Township respects the individual privacy of its employees. However, employee communications transmitted by the Township's Communication Media are not private to the individual. All Communication Media and all communications and stored information transmitted, received, or contained in or through such media may be monitored by the Township. The Township reserves the right to access, review, audit and disclose all matters entered into, sent over, placed in storage in the Township's Communication Media. By using the Township's equipment and/or Communication Media, employees consent to have such use monitored at any time, with or without notice, by Township personnel. The existence of passwords does not restrict or eliminate the Township's ability or right to access electronic communications. However, the Township cannot require the employee to provide its password to his/her personal account.
- D. All email, voicemail and Internet messages (including any technology-based messaging) are official documents subject to the provisions of the Open Public Records Act (NJSA 47:1A-1). Employees of the Township are required to use the assigned municipal email account for ALL Township business and correspondence. The use of private email accounts for ANY Township business or during business hours is strictly prohibited.
- E. Employees can only use the Township's Communication Media for legitimate business purposes. Employees may not use the Township's Communication Media in any way that is defamatory, obscene, or harassing or in violation of any Township rules or policy. Examples of forbidden transmissions or downloads include sexually-explicit messages; unwelcome propositions; ethnic or racial slurs; or any other message that can be construed to be harassment or disparaging to others based on their actual or perceived age, race, religion, sex, sexual orientation, gender identity or expression, genetic information, disability, national origin, ethnicity, citizenship, marital status or any other legally recognized protected basis under federal, state or local laws, regulations or ordinances.
- F. All employees, who have been granted access to electronically-stored data, must use a logon ID assigned by the Township. Certain data, or applications that process data, may require additional security measures as determined by the Township. Employees must not share their passwords; and each employee is responsible for all activity that occurs in connection with their passwords.
- G. All employees may access only data for which the Township has given permission. All employees must take appropriate actions to ensure that Township data is protected from unauthorized access, use or distribution consistent with these policies. Employees may not

access or retrieve any information technology resource and store information other than where authorized.

- H. Employees must not disable anti-virus and other implemented security software for any reason, in order to minimize the risk of introducing computer viruses into the Township's computing environment.
- I. Employees may not install or Modify ANY hardware device, software application, program code, either active or passive, or a portion thereof, without the express written permission from the Township. Employees may not upload, download, or otherwise transmit commercial software or any copyrighted materials belonging to parties outside of the Township, or licensed to the Township. Employees shall observe the copyright and licensing restrictions of all software applications and shall not copy software from internal or external sources unless legally authorized.
- J. Social Media and its uses in government and daily life are expanding each year, however, information posted on a website is available to the public; therefore, employees must adhere to the following guidelines for their participation in social media. Only those Employees directly authorized by the Administrator may engage in social media activity during work time through the use of the Township's Communication Media, as it directly relates to their work and it is in compliance with this policy.
- K. Employees must not reveal or publicize confidential Township information. Confidential proprietary or sensitive information may be disseminated only to individuals with a need and a right to know, and where there is sufficient assurance that appropriate security of such information will be maintained. Such information includes, but is not limited to the transmittal of personal information such as medical records or related information. In law enforcement operations, confidential, proprietary or sensitive information also includes criminal history information, confidential informant identification, and intelligence and tactical operations files.
- L. No Township employee shall post internal working documents to social media sites. This includes, but is not limited to, screenshots of computer stations, pictures of monitors and/or actual documents themselves without the prior approval of the Township's Administrator. In addition, employees are prohibited from releasing or disclosing any photographs, pictures, digital images of any crime scenes, traffic crashes, arrestees, detainees, people or job-related incident or occurrence taken with the Township's Communication Media to any person, entity, business or media or 333Internet 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 Township.
- M. For purposes of this section, an "emergency situation" involves a sudden and unforeseen combination of circumstances or the resulting state that calls for immediate action,

assistance or relief, and may include accidents, crimes and flights from accidents or crimes and the employee does not have access to the Township's Communication Media. If such situation occurs, employee agrees that any images belong to the Township and agree to release the image to the Township and ensure its permanent deletion from media device upon direction of the Township.

- N. No media advertisement, electronic bulletin board posting, or any other communication accessible via the Internet about the Township or on behalf of the Township, whether through the use of the Township's Communication Media or otherwise, may be issued unless it has first been approved by the Administrator of the Township. Under no circumstances may information of a confidential, sensitive or otherwise proprietary nature be placed or posted on the Internet or otherwise disclosed to anyone outside the Township. Such unauthorized communications may result in disciplinary action.
- O. Because (authorized) postings placed on the Internet through use of the Township's Communication Media will display on the Township's return address, any information posted on the Internet must reflect and adhere to all of the Township's standards and policies.
- P. All users are personally accountable for messages that they originate or forward using the Township's Communication Media. Misrepresenting, obscuring, suppressing, or replacing a user's identity on any Communication Media is prohibited. "Spoofing" (constructing electronic communications so that it appears to be from someone else without a legitimate authorized purpose and authorized by the Administrator is prohibited.
- Q. Employees must respect laws regarding copyrights, trademarks, rights of public Township and other third-party rights. Any use of the Township's name, logos, service marks or trademarks outside the course of the employee's employment, without the express consent of the Township, is strictly prohibited. To minimize the risk of a copyright violation, employees should provide references to the source(s) of information used and cite copyrighted works identified in online communications.
- R. If employees choose to identify themselves as a Township employee on their personal social media accounts, and even those that do not, should be aware that he or she may be viewed as acting on behalf of the Township. As such, no employee shall knowingly represent themselves as a spokesperson of the Township, post any comment, text, photo, audio, video or other multimedia file that negatively reflects upon the Township, expresses views that are detrimental to the Township's mission or undermine the public trust or is insulting or offensive to other individuals or to the public in regard to religion, sex, race, or national origin. Township employees are encouraged to exercise extreme caution posting photographs of themselves in uniform or in situations where they can be readily identified as Township employees.

6.13 Drugs and Alcohol Policy

- D. The Township recognizes that the possession or use of drugs and alcohol, or being under the influence of drugs and alcohol, while on duty poses a threat to the health and safety of all employees and the public. Any employee who is observed by a supervisor or Department Head to be intoxicated or under the influence of alcohol or drugs during working hours or is under reasonable suspicion of same shall be immediately tested and is subject to discipline up to and including termination. ***This test may be administered by an officer of the Clinton Township Police Department.*** The supervisor or Department Head will immediately report any reasonable suspicions to the Administrator first, and in the absence of the Administrator, the Mayor or the Clerk.
- E. An employee will be required to submit to alcohol, drug or controlled substance testing when the employee's work performance causes a reasonable suspicion that that employee is impaired due to current intoxication, drug or controlled substance use, or in cases where employment has been conditioned upon remaining alcohol, drug, or controlled dangerous substance free following treatment. Refusal to submit to testing when requested may result in immediate disciplinary action, including termination.
- F. The manufacturing, distribution, dispensation, possession, and use of alcohol or drugs on Township premises or during work hours by employees is strictly prohibited.
- G. Employees must notify their supervisor within five (5) days of conviction for a drug or alcohol related violation, whether or not the violation occurred in the workplace.
- H. Township personnel who hold a CDL are subject to the provisions of the Commercial Driver's Licenses Drug and Alcohol Testing Policy. Employees who are required to maintain a Commercial Driver's License ("CDL") are subject to random and other drug testing as required by federal regulations.
- I. Employees using prescription drugs that may affect job performance or safety must notify the Administrator, who is required to maintain the confidentiality of any information regarding an employee's medical condition.
- J. Employees who suspect that they have a drug/alcohol problem may be directed to the Township's Employee Assistance Program.
- K. No prescription drug should be used by any person other than the individual to whom it is prescribed. Such substances or non-prescription (over the counter) drugs should be used only as prescribed or indicated. Employees are prohibited from consuming prescription drugs that are not prescribed in their name on Township property or while performing Township business. Soliciting or distributing prescription drugs for or to other employees is also strictly prohibited.

6.13 A Marijuana/Cannabis Use

- A. Except as otherwise provided by federal law, the Township shall not refuse to employ any person due to the presence of cannabinoid metabolites in that person's bodily fluids resulting from the lawful use of cannabis under New Jersey law.
- B. Except as otherwise provided by federal law, the Township shall not refuse to employ, shall not terminate, and shall not take adverse action against any person or employee solely due to the presence of cannabinoid metabolites in that person's bodily fluids resulting from the lawful use of cannabis under New Jersey law, or because that person/employee does or does not smoke, vape, aerosolize or otherwise use cannabis items lawful under New Jersey law.
- C. Except as otherwise provided by federal law, the Township will require employees to undergo drug testing to detect lawful cannabis use under the following circumstances. Any positive test result will be subject to confirmation by a physical evaluation conducted by an individual with the necessary certification to opine on the employee's state of impairment, or lack thereof, related to the usage of lawful cannabis items:
 - 1. Upon reasonable suspicion of an employee's use of a cannabis item while engaged in the performance of the employee's work responsibilities.
 - 2. Upon a finding of any observable signs of intoxication related to usage of a cannabis item.
 - 3. Following a work-related accident subject to investigation by the employer.
 - 4. Random drug testing, pre-employment screening, and regular screening of current employees to determine use during prescribed work hours.
- D. Except as otherwise provided by federal law, an employee who tests positive for marijuana/cannabis be given written notice of the opportunity to offer a legitimate medical explanation for the positive test result. The employee will have three working days either to request a re-test of the original sample or to produce evidence of a legitimate medical explanation for the positive test result, which may include an authorization for using medical cannabis.
- E. The use of cannabis items and cannabis intoxication on Township premises and/or during the working hours (whether on or off Township premises) is strictly prohibited.

6.14 Personal and Telephone Courtesy

- A. It is the policy of the Township to require employees to treat citizens in a courteous and respectful manner at all times.
- B. Employees should be particularly careful to exercise courtesy and thoughtfulness in using the telephone and other means of communication, i.e., e-mail. A positive communication with a citizen can enhance good will, while a negative experience can destroy a valuable relationship. The following procedures should be observed whenever possible:
 - 1. When answering the telephone, use a pleasant tone of voice, give the name of the Township or department, and identify yourself;
 - 2. If the person with whom the caller wishes to speak is on another line, ask the caller if he/she wants to be placed on hold;
 - 3. If the caller has been placed on hold, carefully monitor the holding period and offer to have the call returned if the person with whom he/she wishes to speak is not available within a reasonable time;
 - 4. When a caller leaves a name, number or message, make sure it is recorded correctly and given promptly to the appropriate individual.
 - 5. When drafting e-mails make sure to maintain a professional tone and exercise the same professionalism you would in sending a letter on behalf of the Township.

6.15 Political Activity

- A. Clinton Township 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.

Clinton Township employees are prohibited from engaging in political activity during their hours of duty or from using Township resources or Township property for that purpose. Employees may not participate in political activities so as to impair their usefulness in the positions in which they are employed. Employees shall not use the authority or influence of their positions to control or modify the political actions of others.

- B. Clinton Township will not prevent employees from becoming or continuing to be members of any political party, club or organization, attending political matters outside of working hours, or voting with complete freedom in any election.

6.16 Performance Reviews

Department Heads may evaluate, in writing, each full-time and non-seasonal part-time employee utilizing an evaluation form approved by the Administrator. The evaluation shall be reviewed with the employee and then forwarded to the Administrator for retention in employee's personnel file. Performance discussions must also provide employees with guidance regarding their ability to meet job standards. Employees should sign the form as having been received. A signed copy should go in and become part of an employee's permanent record and respective personnel files. The Administrator shall assure that Department Heads are instructed in the proper use and application of the performance evaluation instruments utilized by the Township.

6.17 Employee Suggestions

All employees are urged to seek ways and means of effective work improvement and suggestions for doing a better and more efficient job.

6.18 Automobile Use

- A. All new employees who will be assigned work entailing the operating of a Township 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 employment.
- B. Any employee whose driving privilege is suspended or revoked must notify management immediately, and may not operate a Township vehicle. Operation of a Township vehicle with a suspended or revoked license will result in dismissal.
- C. Loss of driver's license due to drinking and driving or refusal to take a breathalyzer test shall subject an employee to attendance at a managed alcohol/drug rehabilitation program, the extent of which shall be determined by the Township Mayor and Council.
- D. Employees who are required as a part of their job to drive and have lost their license may be subject to termination or demotion. The Township may verify driving records of any employee who is expected to drive a municipal vehicle and will conduct such verification not less than once per year.
- E. Any information obtained by the Township in accordance with this section shall be used by the Township only for carrying out its lawful functions and for other lawful purposes in accordance with the Driver's Privacy Protection Act (18 U.S.C. § 2721, et seq.)
- F. Township owned vehicles shall be used only on official business and all passengers must be on Township business. Vehicles may be taken home only with the advance approval of

the Township Administrator. Any violation of this policy constitutes cause for disciplinary action.

The following instances are the only exceptions to this policy:

1. The Chief of Police and Public Works Director may use the Township owned vehicle (unmarked sedan) to commute between his/her home and his/her Township office on those days when he/she is scheduled to work or when the employee is to report to duty or respond to a public safety or police incident outside of his/her normal schedule from his/her residence.

Employees subject to the exceptions in sub-paragraph “1” above, and other employees authorized by the Township Administrator to drive the Township vehicle home, are permitted to make incidental stops for personal reasons while commuting, such as stopping for coffee, a paper, to pick up dry cleaning, etc. In addition, personal use of a vehicle within a five-mile radius of the employee's home is permitted for such employees. Employees authorized to commute in a Township vehicle may use the vehicle during an employee's lunch hour for personal purposes, provided that the vehicle does not leave a ten (10) mile radius of the employee's place of work, unless otherwise authorized by the Township Administrator. Under no circumstances shall a vehicle be used while the employee is on vacation or for private purposes outside of the permitted five (5) mile radius.

The use of a Township owned vehicle when authorized by the Township Administrator or pursuant to exceptions outlined in sub-paragraph 1 above is a privilege granted by the Township and shall not be considered as a benefit. As such, the Township Committee reserves the right to cancel the privilege at any time. The cost of this privilege will be determined annually in accordance with Internal Revenue Service regulations currently in effect and the appropriate amount if any will be included as compensation in the employee's W-2.

- G. Any employee operating a Township vehicle may be required to complete a defensive driving training offered by the MEL JIF within six (6) months of being authorized to use the Township vehicle and repeat the training at least every other year thereafter.

All employees assigned or otherwise operating Township vehicles shall observe the following practices:

- Possess a valid drivers' license;
- Operate the vehicle safely, economically, and in strict compliance with all traffic and parking regulations;
- Comply with routine maintenance schedules as established by the Township;
- Assume responsibility for reporting accidents or needed repairs to the appropriate supervisor and maintaining the cleanliness of the exterior of the vehicle;

- Radio equipped vehicles shall maintain radio contact with the appropriate base station when on duty or call;
- No posters, stickers, or advertisements shall be placed upon the Township vehicles without prior approval by the Township Administrator;
- No smoking shall be permitted in Township vehicles;
- The driver of the vehicle shall not be permitted to operate the vehicle with any alcohol or illegal drugs in their system. The Township maintains a zero-tolerance policy on this issue.

Any violation of this policy by a Township employee will result in disciplinary action up to and including dismissal.

- H. Employees must report any accident, theft, or malicious damage involving a Township vehicle or a personal vehicle used on Township business to their supervisor and the Administrator, regardless of the extent of damage or lack of injuries. Such reports must be made as soon as possible, but no later than forty- eight (48) hours after the incident. However, employees should make no voluntary statement other than in reply to questions of investigating officer.
- I. When not in active use, an employee shall be responsible to lock the assigned Township vehicle.
- J. When fueling a Clinton Township Municipal vehicle, smoking will not be permitted.
- K. Any traffic violations summonses or citations received shall be the responsibility of the employee.
- L. Requests for use of vehicles not assigned to a specific department are requested through the Administrator or Municipal Clerk.
- M. All employees driving a Township vehicle are required to provide a copy of their current driver's license to their supervisor and/or department head who, in turn shall provide a list of all departmental employee names and driver's license numbers to the Municipal Clerk annually by April 1st.
- N. Mileage Reimbursement: Employees using their own vehicle to travel from the Municipal Building on Clinton Township business may be reimbursed at the rate of \$.31 per mile. Reimbursement shall be done by voucher, with travel log (to/from data) attached.

6.19 Return of Personal Property

Articles of personal property found on the premises should be returned to the owner, if known, or turned into the Department Head.

6.20 No Solicitation

Full-time or part-time employees shall not be vendors to the Township, nor shall they be used by the Township Administration to receive formal quote(s) for goods or services.

6.21 No Photographing or Recording

Photographing or recording a co-worker or member of the public without their knowledge or consent can give rise to privacy claims and serious co-worker and customer relations problems. To avoid these issues and to maintain the security of our premises and systems, employees may not make any audio or video recording or take any photography at work unless previously authorized by law, regulation, ordinance, the Township Administrator, or the Township Mayor and Council, or unless there is written documentation that all participants in a given meeting or discussion consented to the photographing or recording. This prohibition includes any recording of telephone calls or in-person conversations with supervisors, managers, co-workers, or members of the public. This policy does not prohibit an employee from taking pictures during a celebration at work (e.g., birthday party or baby shower) so long as those present know and consent to the pictures being taken.

Employees are specifically advised that under New Jersey law, the recording of conversations in which the person making the recording is not a participant is a violation of the State's wiretapping statutes and may subject the person making the recording to criminal liability.

Section 6.21 will not apply to law enforcement officers conducting an investigation or who are utilizing recording devices in a manner consistent with Police Department Rules and Regulations or directives/guidelines of the New Jersey Attorney General.

CHAPTER 7

ANTI-DISCRIMINATION/HARASSMENT GUIDELINES

7.1 Equal Employment Opportunity Policy

The Township is committed to the principle of equal employment opportunity and anti-discrimination pursuant to Title VII of the 1964 Civil Rights Act as amended by the Equal Opportunity Act of 1972 (Title VII) and the New Jersey Law Against Discrimination as amended by the New Jersey Pregnant Worker's Fairness Act (LAD). Under no circumstances will the Township discriminate on the basis of sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, civil union status, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), pregnancy (including pregnancy related medical condition), childbirth, breastfeeding, liability for service in the United States armed forces, gender identity or expression, and/or any other characteristic protected by law. Decisions regarding the hiring, promotion, transfer, demotion or termination are based solely on the qualifications and performance of the employee or prospective employee. The Township is also committed to providing equal pay as required by the federal Equal Pay Act and the Diane B. Allen Equal Pay Act. If any employee or prospective employee feels they have been treated unfairly, they have the right to address their concern with the Administrator.

Alleged violations of this Policy may be addressed under the Employee Complaint Policy, Chapter 10, Section 10.1.

7.2 Harassment Policy

- A. It is the Township's policy to prohibit harassment of an employee by another employee, management representative, supplier, volunteer, or business invitee on the basis of any characteristic protected by state or federal law, including (by way of example) actual or perceived sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, civil union status, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), pregnancy (including pregnancy related health condition), childbirth, gender identity or expression, and liability for service in the United States armed forces. Prohibited conduct includes, but is not limited to, slurs, epithets, threats, derogatory comments, unwelcome jokes, teasing, caricatures or representations of persons using electronically or physically altered photos, drawings or images, and other similar verbal, written, printed or physical conduct.

- B. If an employee is witness to or believes to have experienced harassment, immediate notification of the supervisor or other appropriate person should take place. See Employee Complaint Policy, Chapter 10, Section 10.1.
- C. Harassment of any employees, in connection with their work, by non-employees may also be a violation of this policy. Any employee who experiences harassment by a non-employee, or who observes harassment of an employee by a non-employee should report such harassment to the supervisor. Appropriate action will be taken against any non-employee.
- D. Notification of appropriate personnel of any harassment problem is essential to the success of this policy. The Township cannot resolve a harassment problem unless it knows about it. Therefore, it is the responsibility of all employees to bring those kinds of problems to the attention of the appropriate officials so that steps are taken to correct them.

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

7.3 Sexual Harassment

- A. It is Township's policy to prohibit and prevent sexual harassment of an employee by another employee or any management representative, supplier, volunteer, business invitee, or any other person, including non-employees. The Township prohibits sexual harassment from occurring in the workplace or at any other location at which Township sponsored activity takes place. Sexual harassment of non-employees by our employees is also prohibited and to be prevented.

Unwelcome sexual advances, requests for sexual favors and other verbal, physical or visual conduct are expressly prohibited.

- B. Other prohibited conduct includes but is not limited to: offering employment benefits in exchange for sexual favors; visual conduct (leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons or posters); verbal sexual advances, propositions or requests; verbal abuse of a sexual nature; graphic verbal commentaries about an individual's body; sexually degrading words used to describe an individual; suggestive or obscene letters, caricatures or representations of persons using electronically or physically altered photos, drawings, or images; notes or invitations; and/or, physical conduct (touching, assault, impeding or blocking movements).
- C. If an employee is witness to or believes that the employee has experienced conduct prohibited by this policy, they must immediately notify their supervisor or other appropriate person. See the Employee Complaint Policy, Chapter 10, Section 10.1.

- D. No Township official or employee shall use his or her position to demand sexual favors or conduct from any Township employee or other person, to compel Township employee(s) or other person(s) to submit to conduct prohibited by this policy, or to retaliate against any other employee or person for refusing to submit to demands for sexual favors or conduct and/or conduct prohibited by this policy. Such conduct will not be tolerated and will lead to termination.
- E. Notification to appropriate personnel of any prohibited conduct is essential to the success of this policy. The Township cannot resolve an issue unless it is reported. Therefore, it is the responsibility of all employees to bring prohibited conduct to the attention of management so that steps are necessary to correct them.

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

Alleged violations of this Policy may be addressed under the Employee Complaint Policy, Chapter 10, Section 10.1.

7.4 Americans with Disabilities Act Policy / New Jersey Pregnant Worker's Fairness Act

- A. In compliance with the Americans with Disabilities Act, the ADA Amendments Act, and the New Jersey Law Against Discrimination as amended by the New Jersey Pregnant Worker's Fairness Act (LAD), the Township does not discriminate based on disability, pregnancy, pregnancy related medical condition or childbirth. The Township will endeavor to make every work environment handicap assessable and all future construction and renovation of facilities will be in accordance with applicable barrier-free Federal and State regulations and the Americans with Disabilities Act Accessibility Guidelines, *as well* as the ADA Amendments Act.
- B. It is the policy of the Township to comply with all relevant and applicable provisions of the Americans with Disabilities Act and the New Jersey Law Against Discrimination. We will not discriminate against any qualified employee or job applicant with respect to any terms, conditions, or privileges of employment on the basis of a known disability. We will also make reasonable accommodations to known physical or mental limitations of all employees and applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided that the accommodation does not impose under hardship on the Township.
- C. The Administrator shall initiate an interactive dialogue with disabled employees and prospective employees to identify reasonable accommodations. All decisions with regard to reasonable accommodation shall be made by the Township Mayor and Council upon the recommendation of the Administrator. Employees who are assigned to a new position as a reasonable accommodation will receive the salary for their new position.

- D. The Americans with Disabilities Act does not require the Township to offer permanent “light duty”, relocate essential job functions, or provide personal use items such as eyeglasses, hearing aids, wheelchairs, etc.

7.5 New Jersey Domestic Violence Policy for Public Employers

The mandatory uniform domestic violence policy for public employers issued by the New Jersey Civil Service Commission pursuant to *N.J.S.A. 11A:2-6a* is attached and incorporated into this Manual by reference.

CHAPTER 8

EDUCATION

8.1 Tuition Assistance

If funds are available, approval for payment of job-related short courses and seminars leading to certification and continuing education credits for certification may be authorized by the Department Head and Administrator, with the following stipulations:

Failure to obtain approval prior to taking a course or seminar will negate the payment or reimbursement of the cost to the employee.

- A. The employee must satisfactorily complete course with a “C” or better. If letter grades are not offered, the employee must provide a certificate of satisfactory completion.
- B. Employees who receive tuition assistance for a professional certification and voluntarily leave the Township’s employ within one (1) year of receiving of the certification, must repay the amount to the Township in full.
- C. In any other circumstances, tuition paid for by the Township must be reimbursed to the Township if the employee voluntarily leaves the employment of the Township according to the following schedule:
1. Leaving less than 1 year after completion of course/seminar:
75% of tuition will be reimbursed
 2. Leaving 1-2 years after completion of course/seminar:
50% of tuition will be reimbursed.
 3. Leaving 2-3 years after completion of course/seminar:
25% of tuition will be reimbursed.
 4. No reimbursement required after completion of 3 years of continued employment

8.2 Compensation

Employees will not be compensated for courses taken during hours outside the normal work week/business hours.

CHAPTER 9

RULES AND REGULATIONS

- A. It is the policy of the Township that certain rules and regulations regarding employee behavior are necessary for the efficient operation of the Township and for the benefit and safety of all employees. Conduct that interferes with operations, discredits the Township, or is offensive to customers or fellow employees will not be tolerated. Any potentially dangerous situations must be reported immediately. The Township will actively intervene in any potentially hostile or violent situation.
- B. The Township will not tolerate workplace violence. Violent acts or threats made by an employee against another person or property are cause for immediate dismissal and will be fully prosecuted. This includes any violence or threats made on Township property, at Township events or under other circumstances that may negatively affect the Township's ability to conduct business.
- C. All employees are expected to meet the Township's work performance standards. The intent of the Disciplinary Action procedure is to formally document problems and provide the employee with a reasonable time to improve performance. The process should encourage development by providing employees with guidance in areas that need improvement such as poor work performance, attendance problems, personal conduct, general compliance with the Township's policies and procedures and other disciplinary problems. Serious misconduct, as determined by the Township, may result in immediate dismissal.
- D. Disciplinary action ranging from an oral or written warning to suspension or termination may be imposed at the sole discretion of the Township when the Township deems it necessary to enforce its policies and procedures or standards of work behavior and performance. Some examples of conduct which may result in disciplinary action, up to and including termination of employment, are as follows:

1. Discourtesy of any form to a co-worker or member of the public;
2. Insubordination or the refusal by an employee to follow the Township's instructions concerning a job-related matter.
3. Poor or unsatisfactory work performance;
4. Failing to maintain an accurate accountability and control of any monies (cash or credit) received in the course of performing job duties.
5. Unauthorized use of telephones, computers, equipment or facilities;
6. Engaging in disorderly conduct, i.e., conduct which interferes with work.
8. Failing to report any injury involving a member of the public or an employee;
9. Undue, improper or excessive fraternizing with non-employees while on Township property in a manner that interferes with Township work and/or the effective delivery of public services;
10. Excessive absence, tardiness, absence from work area or quitting early;
11. Failure to follow the Township's policies or regulations;
12. Theft, attempted theft, destruction, defacement, waste or misuse of Township property, of another employee's property or of a visitor or volunteer's property;
13. Gambling on Township property;
14. Falsifying or altering any Township record or report, such as an application for employment, a medical report, a time record, an absentee report, or purchase orders;
15. Threatening or intimidating management, supervisors, or fellow worker, including any form of harassment;
16. Smoking in prohibited areas;
17. Horseplay, pranks, or practical jokes;
18. Fighting or assaulting another employee or citizen, including domestic violence, or engaging in workplace violence;
19. Sleeping on the job;

20. Violation of the Township's drug and alcohol policies;
21. The use of profanity or abusive language;
22. The possession of firearms or other weapons on Township property unless required for the job;
23. Fighting or assault on a fellow employee or citizen;
24. Failure to wear assigned safety equipment or failure to abide by safety and fire rules, regulations and policies.
25. Improper attire or inappropriate personal appearance;
26. Engaging in any conduct in violation of the Township's Anti-Discrimination/ Harassment Guidelines;
27. Improper disclosure of confidential information;
28. Originating and/or spreading rumors and/or falsehoods and/or innuendo;
29. Failure to call the "DIG" number prior to excavation pursuant to state law;
30. Improper use of or abuse of municipal equipment;
31. Aggressive, hostile, or bullying behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
32. Soliciting on Township premises during work time. This includes but is not limited to distribution of literature or products or soliciting membership in fraternal, religious, social or political organizations, and/or sales of products;
33. False or substantially inaccurate information provided, or relevant information intentionally withheld, by an employee on an application, resume or form related to payroll, pension, medical benefits or other employment related matters.
34. Conviction of a crime or disorderly persons offense; or
35. Violating Township policies.

NOTE TO EMPLOYEES: THE ABOVE EXAMPLES OF UNACCEPTABLE CONDUCT ARE NOT MEANT TO BE AN ALL-INCLUSIVE LIST. THE TOWNSHIP EXPRESSLY RESERVES THE RIGHT TO TERMINATE ANYONE AT ANY TIME WITH OR WITHOUT CAUSE AND WITH OR WITHOUT NOTICE.

CHAPTER 10

SHOULD A PROBLEM ARISE – COMPLAINT PROCEDURES

The Township will afford employees the opportunity to present their work-related complaints as follows.

10.1 Employee Complaint Policy

- A. Employees who observe actions they believe to constitute harassment, sexual harassment, or any other workplace wrongdoing should immediately report the matter to their supervisor, or, if they prefer, or do not think that the matter can be discussed with their supervisor, they should contact the Department Head, or the Administrator. Complaints involving the Administrator should be addressed to the Township Clerk or to the Mayor. Reporting of such incidents is encouraged both when an employee feels that he or she is subject to such incidents, or observes such incidents in reference to other employees. Employees may report incidents in writing using the Employee Complaint form, or they may make a verbal complaint at their discretion. If the employee has any questions about what constitutes harassment, sexual harassment, or any other workplace wrongdoing, they may ask their supervisor or one of the individuals listed above. All reports of harassment, sexual harassment, or other wrongdoing will be promptly investigated by a person who is not involved in the alleged harassment or wrongdoing.
- B. No employee will be penalized for reporting a complaint in good faith. There will be no discrimination or retaliation against any individual who files a good-faith harassment complaint, even if the investigation produces insufficient evidence to support the complaint, and even if the charges cannot be proven. There will be no discrimination or retaliation against any other individual who participates in the investigation of a complaint in good faith. Notwithstanding the foregoing, any employee found to have intentionally submitted false allegations, intentionally made false statements, or intentionally withheld relevant information in connection with an investigation conducted under this Policy will be subject to disciplinary action.
- C. If the investigation substantiates the complaint, appropriate corrective and/or disciplinary action will be pursued. Disciplinary action up to and including discharge will also be taken against individuals who make false or frivolous accusations, such as those made maliciously or recklessly. Actions taken internally to investigate and resolve harassment complaints will be conducted confidentially to the extent practicable and appropriate in order to protect the privacy of persons involved. Any investigation may include interviews with the parties involved in the incident, and if necessary, with individuals who may have observed the incident or conduct or who have other relevant knowledge. The complaining

employee will be notified of a decision at the conclusion of the investigation within a reasonable time.

[See “Clinton Township – Employee Complaint Form” at the back of this Manual.]

10.2 “Whistleblower” Policy

- A. Employees have the right under the “Conscientious Employee Protection Act” (CEPA) to challenge and report any activity, policy or practice that the employees reasonably believe is in violation of a law, rule, or regulation promulgated pursuant to law without fear of retaliation or reprisal. This right shall be communicated to all employees in an annual letter outlining the specific employee complaint procedure and in a posted notice. A written acknowledgement that the employee received, read, and understood this letter will be included in the employee’s official personnel file. The annual notice shall be distributed (in English and Spanish) and must contain the name of the person who is designated to receive written notification of policies or practices that might violate CEPA. This right will also be communicated in the Employee Handbook. All complaints will be taken seriously and promptly investigated.
- B. The Township shall not take any retaliatory action or tolerate any reprisal against an employee for any of the following:
 - 1. Disclosing or threatening to disclose to a supervisor, Department Head, Administrator, the Mayor or Township Council, other government official or to a public body, as defined in the Conscientious Employee Protection Act (N.J.S.A. 34:19-1 et seq.) an activity, policy or practice that the employee reasonably believes is in violation of a law, a rule or regulation promulgated pursuant to law;
 - 2. Providing information to, or testifying before any public body conducting an investigation, hearing, an inquiry into any violation of law, or a rule or regulation promulgated pursuant to law; or
 - 3. Objecting to, or refusing to participate in any activity, policy, or practice that the employee reasonably believes is a violation of a law, rule or regulation promulgated pursuant to law; is fraudulent or criminal; or is incompatible with a clear public policy mandate concerning the public health, safety, or welfare.
- C. In accordance with the statute, before disclosure of an alleged unlawful activity, policy or procedure may be made to an outside government official or public body, the employee must bring the violation to the attention of the Township. **The Township Administrator is designed as person to whom allegations of unlawful activities, policies or procedures are to be reported.** However, disclosure is not required where (1) the employee is reasonably certain that the violation is known to one or more officials; (2) where the

employee reasonably fears physical harm; or (3) the situation is emergent in nature. Employees are encouraged to complain in writing using the Employee Complaint form. *See Employee Complaint Policy.* Under the law, the employee must give the Township a reasonable opportunity to correct the activity, policy or practice. .

10.3 Employee Complaint Investigation Procedure

The following procedures shall apply to investigations of employee complaints.

- A. Reporting: Employees should be asked to report complaints in writing utilizing the Employee Complaint form, but are not compelled to do so.
- B. Identification/Screening: The supervisor or Department Head must report all written or verbal complaints to the Administrator.
- C. Investigation: The Township shall determine the manner of investigation based on the facts and circumstances of each specific case. The Township may seek the advice of the Employment Attorney and shall have the right to appoint an independent investigator if warranted under the circumstances. The investigation shall be initiated and conducted in an expeditious manner. Unwarranted or avoidable delays shall be avoided.
- D. Retaliation/Untruthfulness: No employee will be penalized for reporting a complaint in good faith, and there will be no discrimination or retaliation against any individual who participates in the investigation of a complaint in good faith. However, any employee found to have intentionally submitted false allegations, intentionally made false statements, or intentionally withheld relevant information in connection with an investigation conducted under this Policy will be subject to disciplinary action.

10.4 Grievances Under Labor Contracts

Grievances and complaints that are subject to a contractual grievance procedure contained in an applicable collective negotiations agreement duly ratified by the Mayor and Council shall be processed in accordance with that contractual grievance procedure.

CHAPTER 11

RESIGNATION AND SEPARATIONS FROM EMPLOYMENT

11.1 Advance Notice of Resignation

Any employee of the Township who wishes to resign in good standing shall submit to his/her Department Head written notice of such resignation at least two (2) weeks (*14 calendar days*) prior to the effective date of resignation, unless a shorter period of time is mutually agreed upon. Failure to provide such advance notice shall result in the resignation being deemed not in good standing.

11.2 Exit Interviews and Return of Township Property

In any instance involving separation from employment, the Administrator may conduct an exit interview to discuss benefits including COBRA options, appropriate retirement issues and pay due. A COBRA notification letter will be sent to the employee's home address. The exit interview will also include an open discussion with the employee. On the last day of work, and prior to receiving the final paycheck, the employee must return their Township Identification Card and all keys and equipment. They must also provide the Township with all passwords used to access Township owned electronic equipment.

11.3 Job Abandonment

An employee who is absent from work without authorization or permission for more than five (5) consecutive working days, or who without authorization or permission fails to return from any form of paid or unpaid leave of absence for more than five (5) consecutive working days, shall be deemed to have abandoned employment and will be deemed to have resigned not in good standing.

CHAPTER 12

FORMS and ACKNOWLEDGEMENTS

Township of Clinton NOTICE OF PERSONNEL DISCUSSION

To: _____

Address: _____

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

(Specify): _____

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

Date of Meeting(s): _____

Time: _____

Location: _____

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

Notice Date: _____

Signed: _____

(title) _____

Print Name: _____

Clinton Township – Employee Complaint Form

Page 1 of 2

Date: _____

Attach additional sheets if necessary to fully complete all questions

NAME: _____ DEPARTMENT: _____

TITLE: _____ SUPERVISOR: _____

Time period covered by this complaint: _____

Individuals who allegedly committed the acts being complained of

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

Identify all persons with knowledge of the complained conduct:

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

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

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

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

What is your requested remedy for this complaint?

ACKNOWLEDGMENT

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

BY: _____ DATE: _____

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

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

BY: _____ DATE: _____

PRINT NAME: _____

CLINTON TOWNSHIP'S INTERNET USAGE AGREEMENT

EMPLOYEE CONSENT FORM

Employee Name: _____

I have received a written copy of the Township's Internet and E-mail Guidelines. I fully understand the terms of the Guidelines and agree to abide by them. I realize that the Township's security software may record the Internet address of any site that I visit and keep a record of any network activity in which I transmit or receive any kind of file. I acknowledge that any message I send or receive will be recorded and stored in an archive file for management use.

I understand that the confidentiality and protection of the Township's information is of the utmost importance.

I am aware that any violation of the Township's E-mail or Internet Access Guidelines may subject me to disciplinary action, up to and including discharge from employment.

I understand that I have no expectations of privacy in the use of Internet or e-mail resources.

SIGNED: _____

PRINT NAME: _____

DATE: _____

SUPERVISOR: _____

DATE: _____

HANDBOOK RECEIPT ACKNOWLEDGMENT

I acknowledge that I have received a copy of the Township of Clinton's Personnel Policies, Practices and Regulations Manual, and that I have read and understand the contents of the Handbook, including the Important Notice on Page 1.

I also acknowledge that upon termination of employment, I will return my copy of this Handbook to Clinton Township.

Lastly, I understand that if I desire clarification or elaboration of any items in this Handbook, I should speak with the Township Administrator.

(Signature of Employee)

Date

(Print Name of Employee)

(Administrator)

Date

Please sign both copies of this Acknowledgment. Copy 1 is for the Township Administrator. Retain copy 2 for your records.

HANDBOOK RECEIPT ACKNOWLEDGMENT

I acknowledge that I have received a copy of the Township of Clinton's Personnel Policies, Practices and Regulations Manual, and that I have read and understand the contents of the Handbook, including the Important Notice on Page 1.

I also acknowledge that upon termination of employment, I will return my copy of this Handbook to Clinton Township.

Lastly, I understand that if I desire clarification or elaboration of any items in this Handbook, I should speak with the Township Administrator.

(Signature of Employee)

Date

(Print Name of Employee)

(Administrator)

Date

Please sign both copies of this Acknowledgment. Copy 1 is for the Township Administrator. Retain copy 2 for your records.

1225 Route 31 South, Lebanon, NJ 08833
(908)735-8800 – Fax (908)735-8156
website: www.clintontwpnj.gov