

**RESOLUTION NO. 2021-63**

**BE IT RESOLVED** by the Township Council of the Township of Aberdeen that the attached Township of Aberdeen Employee Manual is hereby adopted effective January 1, 2021.

# **NOTICE OF DISCLAIMER**

**1. THIS PERSONNEL POLICIES AND PROCEDURES MANUAL (“MANUAL”) IS NOT AN EMPLOYMENT CONTRACT.**

**2. NOTHING CONTAINED IN THIS MANUAL, OR IN ANY WRITTEN OR ORAL STATEMENT CONTRADICTING, MODIFYING, INTERPRETING, EXPLAINING OR CLARIFYING ANY PROVISION OF THE MANUAL, IS INTENDED TO CREATE, OR SHALL CREATE, ANY EXPRESS OR IMPLIED CONTRACTUAL OBLIGATIONS THAT ARE BINDING UPON THE TOWNSHIP OF ABERDEEN.**

**3. THIS MANUAL IS INTENDED FOR THE SOLE PURPOSE OF PROVIDING INFORMATION ABOUT TOWNSHIP POLICIES AND PRACTICES THAT ARE CURRENTLY IN FORCE.**

**4. REGARDLESS OF WHAT THIS MANUAL SAYS OR PROVIDES, THE TOWNSHIP PROMISES NOTHING AND REMAINS FREE TO CHANGE WAGES AND ALL OTHER WORKING CONDITIONS WITHOUT HAVING TO CONSULT ANYONE AND WITHOUT ANYONE’S AGREEMENT.**

**5. UNLESS OTHERWISE SPECIFIED IN LAW, ALL TOWNSHIP EMPLOYEES ARE “AT-WILL” EMPLOYEES. THE TOWNSHIP CONTINUES TO HAVE THE ABSOLUTE POWER TO TERMINATE ANY PERSON’S EMPLOYMENT AT ANY TIME WITH OR WITHOUT GOOD CAUSE.**

**6. THIS MANUAL SUPERSEDES AND REPLACES ANY PREVIOUS POLICY MANUALS, RESOLUTIONS, AND STATEMENTS OF TOWNSHIP POLICY AND/OR PRACTICES ON THE SUBJECT MATTERS CONTAINED HEREIN.**

**7. NOTHING IN THIS MANUAL IS INTENDED TO REPLACE OR SUPERSEDE THE TERMS OF ANY COLLECTIVELY NEGOTIATED AGREEMENT (“CNA”) BETWEEN THE TOWNSHIP AND ANY ORGANIZATION REPRESENTING THE BARGAINING INTERESTS OF ANY UNIT OF TOWNSHIP EMPLOYEES. IN THE EVENT OF A CONFLICT BETWEEN ANY PROVISIONS OF THIS MANUAL AND A CNA, THE TERMS OF THE CNA SHALL PREVAIL AS TO THAT SPECIFIC PROVISION.**

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## GENERAL PERSONNEL POLICY

It is the policy of the Township of Aberdeen 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 including, but not limited to, the Attorney General's guidelines with respect to Police Department personnel matters and the New Jersey Civil Service Act, the terms and conditions of that law or contract shall prevail. In all other cases, these policies and procedures shall prevail.

**The Township expressly reserves the right to deviate from these policies and procedures in its sole discretion as necessary to protect the health, safety and welfare of the citizens of the Township of Aberdeen and Township employees.**

All employees, officers and Department Heads shall be appointed and promoted by the Township Manager. No person shall be employed or promoted unless there exists a position created by an ordinance adopted by the Township Council as well as the necessary budget appropriation and salary ordinance.

The Township Manager and all managerial/supervisory personnel are authorized and responsible for implementing personnel policies and procedures. The Township Manager has appointed the Personnel Administrator to assist in implementing personnel practices. The Township Manager and Personnel Administrator shall also have access to consult with the Township Attorney (appointed by the Council) for guidance in personnel matters.

As a general principle, the Township of Aberdeen has a “zero tolerance” policy towards workplace misconduct. Township officials, employees, and independent contractors are to report anything perceived to be improper to managerial/supervisory personnel. The Township believes strongly in an Open Door Policy and encourages employees to speak with their Supervisor, Department Head, Township Manager, Personnel Administrator, or Township Attorney concerning any problem.

The Personnel Policies and Procedures Manual adopted by the Township Council 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 Manager.

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

# **SECTION ONE**

## **Policies Relating to Employee Rights and Obligations**

### **Anti-Discrimination Policy**

The Township of Aberdeen is committed to the principle of equal employment opportunity and anti-discrimination pursuant to Title VII of the 1964 Civil Rights Act as amended by the Equal Opportunity Act of 1972 and the New Jersey Law Against Discrimination as amended by the New Jersey Pregnant Worker's Fairness Act (NJLAD). 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. If any employee or prospective employee feels they have been treated unfairly, they have the right to address their concern with their Supervisor, or if they prefer, their Department Head, Township Manager, Personnel Administrator, or Township Attorney.

A copy of the New Jersey Department of Labor and Workforce Development Notice concerning the right to be free from gender inequity, in both English and Spanish, is attached to this Manual as **Exhibit A**. Employees are required to sign an acknowledgment of receipt of said notice.

### **Americans with Disabilities Act Policy/New Jersey Pregnant Workers' Fairness Act**

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

It is the policy of the Township to comply with all relevant and applicable provisions of the Americans with Disabilities Act, the ADA Amendments Act and the New Jersey Law Against Discrimination. We will not discriminate against any employee or job applicant with respect to any terms, conditions, or privileges of employment on the basis of a known or perceived disability, pregnancy, childbirth, breastfeeding or pregnancy related medical condition. The Township will also make reasonable accommodations to known physical or mental limitations of all employees and applicants with disabilities (including pregnancy), provided that the

individual is otherwise qualified to safely perform the essential functions of his/her job and also provided the accommodation does not impose undue hardship on the Township.

The Township Manager shall engage in an interactive dialogue with disabled/pregnant employees and prospective employees to identify reasonable accommodations. In cases of an employee breastfeeding her infant child, the accommodations shall include providing the employee with reasonable break times each day and a suitable room or other location with privacy, other than a toilet stall, in close proximity to the work area, for the employee to express breast milk for the child.

All decisions with regard to reasonable accommodation shall be made by the Township Manager. Employees who are assigned to a new position as a reasonable accommodation will be paid the salary associated with their new position. 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.

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

## **Accommodating Employees with Disabilities Policy**

In compliance with the Americans with Disabilities Act (“ADA”), as amended, and the New Jersey Law Against Discrimination, the Township does not discriminate based on disability. 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 ADA Accessibility Guidelines, as well as the ADA Amendments.

It is the policy of the Township to comply with all relevant and applicable provisions of the ADA, as amended, and the New Jersey Law Against Discrimination. The Township will not discriminate against any employee or job applicant with respect to any terms, conditions, or privileges of employment on the basis of a known or perceived disability.

The Township will consider requests for reasonable accommodation from any qualified employee with a disability, who requires a reasonable accommodation(s) in order to perform the essential functions of his/her job. The Township also will consider requests for reasonable accommodation from any qualified employee who is pregnant or has a pregnancy related medical condition and who requires a reasonable accommodation(s) in order to perform the essential functions of her job. An employee seeking a reasonable accommodation must speak to the Township Manager or his/her designee.

The Township may require an employee seeking an accommodation to provide documented medical evidence of a disability or pregnancy related medical condition, the need for an accommodation, and the extent to which the employee is limited due to the disability or pregnancy related medical condition. Prior to granting any reasonable accommodation, the Township may also require the employee to undergo a medical examination to confirm the need for an accommodation and to help determine an appropriate accommodation in an individual circumstance. The Township reserves its right to determine what, if any, reasonable accommodation it can/will grant in response to each request, mindful of any medical documentation received, and will discuss each request with the employee before finalizing its

decision. The Township will not grant a reasonable accommodation, which will cause the Township to endure, incur or experience an undue hardship.

Employees who are assigned to a new position as a reasonable accommodation will receive the salary for their new position. The ADA 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.

Employees should also offer assistance, to the extent possible, to any member of the public who requests or needs an accommodation when visiting municipal facilities. Any questions concerning proper assistance should be directed to the Township Manager or his/her designee.

## **Contagious or Life Threatening Illnesses Policy**

The Township of Aberdeen encourages employees with contagious diseases or life-threatening illnesses to continue their normal pursuits, including work, to the extent allowed by their condition. 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.

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

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

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

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

The Township has an obligation to provide a safe and healthy work environment for all employees. In an effort to balance the needs of the Township, the public, and Township employees, the Township hereby establishes the following policy regarding contagious or life-threatening illnesses:

Township employees who have been diagnosed with any illness which may pose a health hazard to other employees or to the public at large must disclose this information to the Personnel Administrator at the earliest possible time. The Personnel Administrator shall consult with a physician, contracted by the Township, in order to make a determination and assess the risks to any other employees and the public at large. The Township may direct the employee to pursue one of the following options:

1. Family Leave
2. Sick Leave
3. Vacation Leave
4. Short Term Disability, if the illness is anticipated to last a brief period of time.
5. Unpaid Leave of Absence, if the employee has expended all other accrued time.
6. Permanent Disability, if the illness is permanent in nature and the employee qualifies under the appropriate State pension plan.
7. Resignation, if the illness is of such a nature that the employee will be unable to return to work, has exhausted all other accumulated time, and/or fails to qualify for disability benefits under any State pension plan.

Any employee who fails to make the required disclosure to the Personnel Director may be subject to disciplinary action including termination of employment.

All employees are required to comply with the Centers for Disease Control's guidance, New Jersey Executive Orders and Township's policies and practices, as may be amended from time to time, regarding work-place safety, travel restrictions, and quarantine procedures in response to COVID-19.

## **Safety Policy**

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

The Township has appointed a Safety Committee that meets on a regular basis to discuss and recommend solutions to safety problems. Employees are encouraged to discuss safety concerns with their Safety Committee Representative.

## **Drug and Alcohol Policy**

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

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. Supervisors or Department Heads that observe behavior constituting reasonable suspicion are required to institute testing and do not have the option of sending the employee home as an alternative.

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

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.

Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of disciplinary action, may request approval to take unpaid time off to participate in a rehabilitation or treatment program through the Township's health insurance benefit coverage. Leave may be granted if the employee agrees to abstain from use of the problem substance; abides by all Township policies, rules, and prohibitions relating to conduct in the workplace; and if granting the leave will not cause the Township any undue hardship. Employees are limited to a total of two (2) leaves of absence for such treatment. A program to assist employees who may have a drug/alcohol problem is provided through the Township's Employee Assistance Program.

Employees who are required to maintain a Commercial Driver's License (CDL) are subject to random drug testing as required by the federal government. Employees using prescription drugs that may affect job performance or safety must notify the Township Manager, Personnel Administrator, or other designee of the Township who is required to maintain the confidentiality of any information regarding an employee's medical condition in accordance with the Health Insurance Portability and Protection Act. Township personnel who hold a Commercial Driver's License (CDL) are subject to the provisions of the Commercial Driver's Licenses Drug and Alcohol Testing Policy.

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.

Violations of this policy may lead to disciplinary action up to and including immediate termination of employment, and/or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have legal consequences.

Employees with questions regarding this policy or issues related to drug or alcohol use in the workplace should raise their concerns with their Supervisor or the Township Manager without fear of reprisal.

## **Workplace Violence Policy**

The Township of Aberdeen 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.

Prohibited conduct includes:

- Causing physical injury to another person;
- Making threatening remarks;
- Aggressive, hostile, or bullying behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
- Intentionally damaging Township property or property of another employee;
- Possession of a weapon while on Township property or while on Township business except with the authority of the Police Chief; and
- Committing acts motivated by, or related to, sexual harassment or domestic violence.

Any potentially dangerous situation must be immediately reported to a Supervisor or Department Head. The Township will actively intervene in any potentially hostile or violent situation.

## **General Anti-Harassment Policy**

Unlawful discrimination and/or harassment undermine the integrity of the employment relationship, compromise equal employment opportunities, debilitate morale and interfere with work productivity. The Township is committed to maintaining and promoting a healthy, productive and non-threatening work environment that is built upon mutual respect and is free from unlawful discrimination and/or harassment. In keeping with this commitment, the Township has a ZERO TOLERANCE policy toward unlawful discrimination and/or harassment. Accordingly, unlawful discrimination and/or harassment of Township employees by anyone, including any supervisor, co-employee, vendor, contractor, citizen, or patron of the Township will not be tolerated.

It is the Township of Aberdeen's policy to prohibit harassment of an employee by another employee, management representative, supplier, volunteer, or business invitee on the basis of actual or perceived sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, civil union status, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), gender identity or expression, liability for service in the United States armed forces, gender identity or expression and/or any other characteristic protected by law. While it is not easy to define precisely what harassment is, it includes slurs, epithets, threats, derogatory comments, unwelcome jokes, teasing, and other similar verbal or physical conduct.

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

Harassment of any employee, 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.

This policy applies to both conduct which occurs in the workplace, and conduct that occurs at any location which can be reasonably regarded as an extension of the workplace, i.e., any field location, any off-site business-related social function, or any facility where Township business is being conducted and discussed. This policy shall apply to all Township employees and shall rescind and supersede all prior policies and procedures which may have been used to report, investigate, and remediate unlawful discrimination and/or harassment complaints in the past.

It is a violation of this policy to engage in any employment practice or procedure that treats an individual less favorably based upon any of the above protected categories. This policy pertains to all employment practices including, but not limited to, recruitment, selection, hiring, training, promotion, transfer, assignment, layoff, return from layoff, termination, demotion, discipline, job assignment, compensation, fringe benefits, working conditions, and career development.

This policy also applies to all communications, whether oral or written, by telephone, e-mail, voicemail, or internet usage, including the transmission or forwarding of communications to others, or other graphic images that denigrate individuals on the basis of the protected categories, including sex.

Notification of appropriate personnel of any harassment problem is essential to the success of this policy and the Township generally. 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 attention of the appropriate officials so that steps are taken to correct them.

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

## **Anti-Sexual Harassment Policy**

It is the Township's policy to prohibit sexual harassment of an employee by another employee, management representative, supplier, volunteer, or business invitee. The Township prohibits

sexual harassment from occurring in the workplace or at any other location at which Township sponsored activity takes place. Sexual Harassment of non-employees by our employees is also prohibited. The purpose of this policy is not to regulate personal morality or to encroach upon one's personal life, but to demonstrate a strong commitment to maintaining a workplace free of sexual harassment.

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

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

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

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

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

If an employee witnesses or believes that the employee has experienced sexual harassment, they must immediately notify their Supervisor or other appropriate person. See the Employee Complaint Policy.

Harassment of Township 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 their Supervisor. Appropriate action will be taken against any non-employee.

Notification by an employee to appropriate personnel of any harassment problem is essential to the success of this policy and the Township generally. The Township cannot resolve a harassment problem unless it is reported. Therefore, it is the responsibility of all employees to bring those kinds of problems 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.

#### **A. Employee Responsibilities**

Any employee who believes that he or she has been subjected to any form of prohibited discrimination/harassment, or who witnesses others being subjected to such discrimination/harassment, is encouraged to promptly report the incident(s) to their supervisor, the Township Manager or his/her designee.

#### **CONTACT INFORMATION**

The Township has designated the following contact persons to receive written notifications, pursuant to the preceding paragraph:

Name: Bryan Russell, Township Manager  
Jackie Struble, Director of Personnel

Address: One Aberdeen Square, Aberdeen, NJ 07747

Telephone Number: (732) 583-4200

Email: [bryan.russell@aberdeennj.org](mailto:bryan.russell@aberdeennj.org)  
[jackie.struble@aberdeennj.org](mailto:jackie.struble@aberdeennj.org)

Name: Mark A. Tabakin, Esq., Labor Counsel

Address: 629 Parsippany Road, Parsippany, NJ 07054

Telephone Number: (973) 403-1100

Email: [mtabakin@weiner.law](mailto:mtabakin@weiner.law)

All employees shall cooperate with any investigation undertaken pursuant to Section H(3) of this Policy. Failure to cooperate in an investigation may result in administrative and/or disciplinary action, up to and including termination of employment.

#### **B. Supervisor Responsibilities**

Supervisors must make every effort to maintain a work environment that is free from any prohibited discrimination/harassment. Every supervisor is under an affirmative duty to

immediately refer any and all allegations of any prohibited discrimination/harassment to the Township Manager or his/her designee. This duty applies to every supervisor whether or not the supervisor is on the Township premises and/or whether the supervisor is on duty or not.

A supervisor's failure to comply with these requirements may result in administrative and/or disciplinary action against the supervisor, up to and including termination of employment.

### **C. Distribution**

The Township will distribute this Policy Prohibiting Discrimination and/or Harassment to all new employees, and will post it in prominent locations around Township facilities, along with other important information for employees.

### **D. Complaint Process**

#### **1. Complaints**

Employees who observe any action or are subject to any conduct 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 their Department Head, the Town Manager or the Director of Personnel. Reporting of such incidents is encouraged both when an employee feels that he/she is subject to such incidents or observes such incidents in reference to other employees. Employees should report all incidents in writing using the Employee Complaint form, but may make a verbal complaint at their discretion. If the employee has any questions about what constitutes harassment, sexual harassment, or any other workplace wrongdoing, they may ask their supervisor or one of the individuals listed above. All reports of harassment, sexual harassment, or other wrongdoing will be promptly investigated by a person who is not involved in the alleged harassment or wrongdoing.

No employee will be penalized in any way for reporting a complaint. There will be no discrimination or retaliation against any individual who files a good-faith harassment complaint, even if the investigation produces insufficient evidence to support the complaint, and even if the charges cannot be proven. There will be no discrimination or retaliation against any other individual who participates in the investigation of a complaint. No employee shall be subject to discipline for going outside the "chain of command" in reporting unlawful discrimination, including unlawful harassment as previously defined.

If the investigation substantiates the complaint, appropriate corrective and/or disciplinary action will be swiftly pursued. Disciplinary action up to and including discharge will also be taken against individuals who make false or frivolous accusations, such as those made maliciously or recklessly. Actions taken internally to investigate and resolve harassment complaints will be conducted confidentially to the extent practicable and appropriate in order to protect the privacy of persons involved. Any investigation may include interviews with the parties involved in the incident, and if necessary, with individuals who may have observed the incident or conduct or who have other relevant knowledge. The complaining employee will be notified of a decision at the conclusion of the investigation. No retaliatory measures shall be taken against any employee who complains of workplace wrongdoing. The Township will, to the maximum extent feasible, maintain the confidentiality of such complaints on a need-to-know basis. However, investigation

of such complaints may require disclosure to the accused party and other witnesses in order to gather pertinent facts.

## 2. Complaint Form

In the event an employee reports an incident of unlawful discrimination/harassment, the attached Employee Complaint Form should be completed. The Complaint Form should contain the employee's description regarding the claim of unlawful discrimination/harassment with as much detail as possible. However, both employees and supervisors should be aware that it is not mandatory to complete the Employee Complaint Form to file a complaint. Supervisors must take and report all complaints whether written or oral.

On occasion an employee or supervisor may use the term "formal" complaint to refer to a complaint in writing, or "informal" complaint to refer to one that is oral. Whether the complaint is "formal," "informal," oral, or written makes no difference. ALL complaints to supervisors must immediately be reported to the Township Manager or his/her designee for further action.

A copy of the Township Complaint Form is attached to this Manual as **Exhibit B**.

## 3. Investigation

After notification of an employee's complaint, provided the complaint contains sufficient factual details, the Township Manager or his/her designee will immediately initiate a confidential investigation and determine if interim corrective measures are necessary.

To the fullest extent possible, consistent with the Township's policy to investigate each complaint thoroughly and promptly and to take corrective action where appropriate, the investigation and facts uncovered will be held in as much confidence as possible.

After the investigation has been completed, a determination will be made regarding the allegations in the complaint. If the investigation confirms that unlawful discrimination/harassment has occurred, the Township will take prompt and effective remedial action, including discipline, up to and including termination of employment.

## **E. Prohibition Against Retaliation**

This policy prohibits retaliation against any employee who either (1) alleges in good faith that he or she was the victim of unlawful discrimination/harassment; or (2) who provides information as a witness during the course of an investigation into a claim of unlawful discrimination/harassment. No person bringing a complaint, providing information for an investigation, or testifying in any proceeding under this policy shall be subjected to adverse employment consequences based upon such involvement, unless it is determined that the complaint was false and/or that the employee provided false information.

Appropriate administrative and/or disciplinary action, up to and including termination of employment, will be taken against any individuals who are found to have retaliated against a complainant, witness, or participant involved in an investigation.

Examples of behaviors that constitute retaliation in violation of this policy include, but are not limited to, any of the following actions taken not for a legitimate reason, but rather because a person filed a complaint of discrimination in good faith, participated in an investigation, or objected to unlawful activity prohibited by this policy:

- Terminating the employee;
- Failing to promote the employee;
- Suddenly altering a work assignment of the employee;
- Unwarranted disciplinary action;
- Ostracizing the employee;
- Harassing the employee; and/or
- Threatening to do any of the above.

#### **F. False Accusations And Information**

An employee who knowingly and intentionally makes a false accusation of prohibited discrimination/harassment, or who knowingly and intentionally provides false information in the course of an investigation of a complaint, may be subjected to disciplinary action, up to and including termination of employment. Complaints made in good faith, however, even if found to be unsubstantiated, will not be considered false accusations.

#### **G. Confidentiality**

The Township has a compelling interest in protecting the integrity of its investigations. In every investigation, the Township has a strong desire to protect the complainant and all other witnesses from harassment, intimidation and retaliation, to keep evidence from being destroyed, to ensure that testimony is not fabricated and to prevent "cover-ups." Therefore, the Township may decide in some circumstances that in order to achieve these objectives, the Township must maintain the investigation and its role in it in strict confidence. If the Township reasonably imposes a confidentiality requirement and any employee(s) does not maintain such confidentiality, the employee(s) may be subject to disciplinary action up to and including immediate termination..

#### **H. Administrative And/Or Disciplinary Action**

Any employee found to have violated any portion(s) of this policy may be subjected to appropriate administrative and/or disciplinary action which may include, but is not limited to: referral for training, referral for counseling, written reprimand, suspension, reassignment, demotion, or termination of employment.

#### **I. Training**

The Township will provide supervisors with training regarding their obligations and duties under this policy, including, but not limited to, the appropriate steps to be taken to address complaints of unlawful discrimination/harassment. This training, which is mandatory for all supervisory employees, will be made available to all other employees of the Township.

### **Workplace Civility Policy**

The need for mutual respect and the opportunity to work together in a peaceful, mutually rewarding and efficient work environment provides the foundations upon which these rules are established. The Township solicits employee cooperation in abiding by these standards and in creating an atmosphere in which the Township and its employees can strive to reach common goals.

To that end, it is the policy of the Township that workplace violence or conduct that is demeaning, degrading or aggressive is unacceptable and will not be condoned nor tolerated by and/or among Township employees, officials, vendors, or members of the public.

The Township is committed to maintaining a work environment free from intolerance, harassment of all types, bullying, bigotry and the like, and to improve employee awareness for the need to be sensitive to how they interact with fellow employees, vendors, and members of the public to foster professionalism and good citizenship.

### **“Whistle Blower” Policy**

Employees have the right under the “Conscientious Employee Protection Act (CEPA)” to complain about any activity, policy, or practice that the employee reasonably believes is in violation of a law, rule, or regulation promulgated pursuant to law without fear of retaliation or reprisal. 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 in English and Spanish and must contain the name of the person who is designated to receive written notification of policies or practices that might violate CEPA. This right will also be communicated in the Employee Handbook. All complaints will be taken seriously and promptly investigated.

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

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

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

## **Employee Complaint Policy**

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, the Township Manager, the Personnel Administrator, or the Township Attorney. Reporting of such incidents is encouraged both when an employee feels that he/she is subject to such incidents, or observes such incidents in reference to other employees. Employees should report incidents in writing using the Employee Complaint form, but may make a verbal complaint at their discretion. If the employee has any questions about what constitutes harassment, sexual harassment, or any other workplace wrongdoing, they may ask their Supervisor or one of the individuals listed above. All reports of harassment, sexual harassment, or other wrongdoing will be promptly investigated by a person who is not involved in the alleged harassment or wrongdoing.

No employee will be penalized in any way for reporting a complaint. There shall 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 shall be no discrimination or retaliation against any other individual who participates in the investigation of a complaint.

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

All Employees are given an Employee Complaint Form with this Handbook, see Exhibit B. Additional forms can be obtained from the Personnel Administrator as needed.

## **Grievance Policy**

A grievance is any formal dispute concerning the interpretation, application and enforcement of any personnel policy or procedure of the Township. Grievances from union employees will be handled pursuant to the terms of the applicable bargaining unit agreement. All grievances from non-union employees must be presented within five (5) working dates after arising and failure to

report a grievance within such time shall be deemed as a waiver of the grievance. In the event of a settlement or ruling that results in a determination of monetary liability, such liability shall not exceed more than thirty (30) working days prior to the date the grievance was first presented in writing.

- **Step One:** Any employee or group of employees with a grievance shall verbally communicate the grievance to the Supervisor or Department Head who will discuss the matter with the Township Manager and the Personnel Administrator. The Supervisor or Department Head will communicate the decision to the employee within two (2) working days.
- **Step Two:** If the employee is not satisfied with the decision, the employee must submit a written grievance to the Township Manager detailing the facts and the relief requested. The decision in Step One will be deemed final if the employee fails to submit a written grievance within five (5) days working days of the Step One decision. After consulting the Personnel Administrator and the Township Attorney as appropriate, the Township Manager will render a written decision to the employee within five (5) working days after receipt of the written grievance.

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

## Access to Personnel Files Policy

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

Upon request, employees may inspect their own personnel files at a mutually agreeable time on the Township premises in the presence of the Personnel Administrator or a designated Supervisor. The employee will be entitled to see any records used to determine his/her qualification for employment, promotion, or wage increases and any records used for disciplinary purposes. Employees may not remove any papers from the file. Employees will be allowed to have a copy of any documents they have signed relating to their obtaining employment. Employees may add to the file their versions of any disputed item.

Personnel files do not contain confidential employee medical information. Any such information that the Township may obtain shall be maintained in separate files and treated at all times as confidential information. Any such medical information may be disclosed under very limited circumstances in accordance with any applicable requirements.

The Township of Aberdeen endeavors to maintain the privacy of personnel records. There are limited circumstances in which the Township will release information contained in personnel or medical records to persons outside the Township. These circumstances include:

- In response to a valid subpoena, court order or order of an authorized administrative agency;

- To an authorized governmental agency as part of an investigation of the Township's compliance with applicable law;
- To the Township's agents and attorneys, when necessary;
- In a lawsuit, administrative proceeding, grievance or arbitrations in which the employee and the Township are parties;
- In a workers' compensation proceeding;
- To administer benefit plans;
- To an authorized health care provider;
- To first aid or safety personnel, when necessary; and
- To a potential future employer or other person requesting verification of your employment as described in the section titled, "Requests for Employment Verification and Reference Procedure."

## **Conflict of Interest Policy/Outside Employment**

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 including termination.

The Township recognizes the right of employees to engage in outside activities that are of a 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. 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.

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 Township Manager or the Township Attorney to obtain clarification.

Pursuant to the N.J.S.A. 40:73-2, no Township officer or employee, elected or appointed, shall be interested, directly or indirectly, in any contract or job for work or materials, or the profits thereof, or services to be furnished or performed for the Township.

Employees shall not accept donations, gratuities, contributions, or gifts that could be interpreted to affect their Township duties. Employees shall not, under any circumstance, 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 Township Manager any offer of a donation, gratuity, contribution, or gift (including meals and entertainment) that is in violation of this policy.

Employees shall not accept outside employment or engage in outside business activities without prior approval of the Township Manager. No application for permission to accept outside employment shall be granted unless there is reasonable probability that such outside employment will not interfere with the employee's performance or compromise his/her position with the Township through a conflict of interest or if, in the case of a full-time employee of the Township, such outside employment shall not exceed twenty (20) hours per week. An application for permission to seek outside employment can be obtained from the Personnel Administrator.

Employees are prohibited from engaging in outside employment activities while on the job or using Township time, supplies, or equipment in such outside employment activities. The Township Manager 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 Manager.

### **Political Activity Policy**

Employees have exactly the same right as any other citizen to join political organizations and participate in political activities, as long as they maintain a clear separation between their official responsibilities and their political affiliations. Employees are prohibited from engaging in political activities while performing their public duties and from using Township time, supplies, or equipment in any political activity. While engaging in outside political activities, employees shall not hold themselves out as Township employees or use their employment in any matter for political gain. Any violation of this policy must be reported to the supervisor, Department Head, Township Manager, Personnel Administrator or the Township's Attorney.

### **Employee Evaluation Policy**

The Department Head will complete a written evaluation and appraisal form for every employee to measure progress and to encourage self-improvement on or about the employee's anniversary date. The evaluation will also record additional duties performed, educational courses completed, as well as a plan to correct any weak points using the Employee Counseling form. After completing the evaluation, the Supervisor or Department Head shall review the results with the employee and return the form with an acknowledgement signed by the employee and Department Head to the Township Manager. After review by the Township Manager, the forms are to be forwarded to the Personnel Administrator for inclusion in the employee's official personnel file. As a part of the evaluation, employees have the right to request a conference with the Township Manager or Personnel Administrator.

### **Employee Discipline Policy**

Although there is no way to identify every possible violation of standards of conduct, the following is a partial/non-exhaustive list of infraction for which an employee may be subject to disciplinary action up to and including immediate termination (the Township reserves its rights to impose disciplinary action for violations of the Township policies and procedures, or for any other violations of misconduct not specifically identified herein)::

- Falsification of public records, including attendance and other personnel records.
- Failure to report absence.
- Harassment of co-workers and/or volunteers and/or visitors.
- Theft or attempted theft of property belonging to the Township, fellow employees, volunteers or visitors.
- Failure to report to work on a day or days prior to or following a vacation, holiday, and/or leave, and/or any other unauthorized day of absence.
- Fighting on Township property at any time.
- Being under the influence of intoxicants (e.g., liquor or marijuana) or illegal drugs (e.g., cocaine) on Township property and at any time during work hours.
- Possession, sale, transfer, or use of intoxicants or illegal drugs on Township property and at any time during work hours.
- Insubordination.
- Entering the building without permission during non-scheduled work hours.
- Soliciting on Township premises during work time. This includes, but is not limited to, the distribution of literature, products, or soliciting membership in fraternal, religious, social, or political organizations, and/or sales of products, such as those from Avon, Amway, etc.
- Careless waste of materials or abuse of tools, equipment, or supplies.
- Deliberate destruction or damage to Township or suppliers' property.
- Sleeping on the job.
- Carrying weapons of any kind on Township premises and/or during work hours, unless carrying a weapon is a function of your job duties.
- Violation of established safety and fire regulations.
- Unscheduled absences and chronic or excessive absence.
- Chronic tardiness.
- Unauthorized absence from work area and/or roaming or loitering on the premises during scheduled work hours.
- Defacing walls, bulletin boards, or any other Township or supplier's property.

- Failure to perform duties, inefficiency, or substandard performance.
- Unauthorized disclosure of confidential Township information.
- Gambling on Township premises.
- Horseplay, disorderly conduct, and use of abusive and/or obscene language on Township premises.
- Deliberate delay or restriction of work effort and/or incitement of others to delay or restrict their work effort.
- Conviction of a crime or disorderly persons offense.
- Violating any Township rules or policies.
- Conduct unbecoming a public employee.
- Violation of Township policies, procedures, and regulations.
- Violation of Federal, State, or Township laws, rules, or regulations concerning drug and alcohol use and possession.
- Misuse of public property including motor vehicles.
- Unauthorized use of computers, Internet, and email.
- Other sufficient cause.

Major disciplinary action includes termination, disciplinary demotion, or suspension or fine exceeding five (5) working days. Minor discipline includes a formal, written reprimand or a suspension or fine of five (5) working days or less. Employees who object to the terms or conditions of the discipline are entitled to a hearing under the applicable grievance procedure and Civil Service procedure. In every case involving employee discipline, employees will be provided with an opportunity to respond to charges either verbally or in writing.

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

Corrective action plans may be appropriate where there is a legitimate ambiguity in the standards or requirements the employee is required to fulfill, or as an additional aspect of disciplinary action. The employee's supervisor may, but is not required to, provide the employee with a written corrective action plan for the purpose of correcting undesirable behavior and preventing a recurrence of that behavior. Employees given a corrective action plan are required to sign an acknowledgment indicating they have received the plan, and a copy of the plan will be placed in

their personnel file. Subsequent evaluations of the employee should reference the corrective action plan and the employee's progress in attaining or failing to attain the goals of the plan.

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

Employees are required to sign an acknowledgement of receiving any discipline action. Unless a different procedure is required under a controlling collective negotiated agreement or under Civil Service law or regulation, employees who object to the terms or conditions of the disciplinary action are entitled to a conference with their supervisor to respond to the charges, or the employee may respond to the charges in writing. A copy of the disciplinary action, employee signed acknowledgement, and response, if any, should be placed in the employee's personnel file.

Neither this manual nor any other Township guidelines, policies, or practices create an employment contract. Employment with the Township of Aberdeen may be terminated at any time with or without cause or reason by the employee or Township.

## **Resignation Policy**

An employee who intends to resign must notify the Department Head in writing at least two (2) weeks in advance. After giving notice of resignation, employees are expected to assist their supervisor and co-employees by providing information concerning their current projects and help in the training of a replacement employee. During the last two (2) weeks, the employee may not use paid time off except paid holidays and, if in the event the employee has used any unearned vacation or sick days, those days must be reimbursed to the Township. The Personnel Administrator will prepare an Employee Action form showing any pay or other monies owed the employee. The Personnel Administrator will also conduct a confidential exit interview to discuss benefits including COBRA options, appropriate retirement issues, and pay due. A COBRA notification letter will be sent to the employee's home address. The exit interview will also include an open discussion with the employee. On the last day of work, and prior to receiving the final paycheck, the employee must return the Employee Identification Card, keys, equipment, and Township property. At this time, the employee will sign the termination memo designating all monies owed and this memo will be retained in the official personnel file.

## **Work Force Reduction Policy**

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

## **Driver's License Policy**

Any employee whose work requires the operation of Township vehicles must hold a valid New Jersey State Driver's License or CDL as applicable.

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 or terminate employment.

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

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

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.)

## **SECTION TWO**

### **Workplace Policies**

#### **Job Description Policy**

In accordance with the New Jersey Department of Personnel guidelines, a job description including qualifications shall be maintained for each Civil Service position. All job descriptions must be approved by the Township Manager. The Personnel Administrator will make copies available upon request.

#### **Attendance Policy**

The normal working hours for administrative departments are 8:30 AM to 4:30 PM. The working hours for other departments are established by departmental procedures and bargaining unit agreements.

Punctuality and regular attendance are essential to the proper operation of any business. These also help you to establish a good working reputation and add to your opportunity for advancement. All employees are expected to be on-time for work and ready to **assume their**

**duties** at the beginning of the scheduled workday. All employees are required to sign in/out using the implemented time and attendance program at the beginning and end of the work day.

Tardiness will not be tolerated with the exception of a supervisor's prior approval or an emergency situation. Should an emergency arise resulting in employee tardiness, the employee shall immediately contact his/her supervisor to provide notice of a late arrival.

All absences must be reported to the employee's immediate supervisor at least one (1) hour before the start of the normal workday unless same cannot be reported due to an emergency.

Employees who are absent from work for three (3) or more consecutive work days or **must** provide a physicians' certification. Employees who have utilized more than six (6) sick days in a calendar year **must** provide a physician's certification for each subsequent sick day taken in that calendar year, regardless of the reason for or the duration of the leave. The Township retains its right (Managerial Prerogative) to request a physician's certification whenever the Township has cause to question the validity of an employee's absence for any reason.

Excessive lateness or absenteeism will result in disciplinary action.

## **Early Closing and Delayed Opening Policy**

In the event of unsafe weather conditions, the Township Manager may authorize Department Heads to close operations earlier than the normal working hours. If unsafe weather conditions exist prior to scheduled openings, the Township Manager shall notify Department Heads of a delayed opening and a new opening time. Each Department will have a calling system in place. If work is canceled for the day, no time will be charged for that day. This provision does not apply to the Department of Public Works, Police (including Police Dispatchers), Emergency Services, employees compensated on an hourly basis, or any personnel who may be required to assist in an emergency.

## **Inclement Weather Policy**

Unless the Governor of the State of New Jersey declares a "State of Emergency" that includes an advisory for non-essential personnel to remain off the roadways, the municipal building will be open for business.

However, if on non-State of Emergency snow/ice days, an employee feels that it is too hazardous to drive to work, he/she shall be permitted use one of their accrued days (vacation, personal, floating holiday, incentive day, or comp time) to be absent from work. The Township Manager may waive the prior approval time for requesting such days off for these situations. Thus, no employee will be disciplined for remaining home if they feel they cannot get to work safely.

If an employee has no accrued time and chooses to stay home, he/she may take the day off without pay. Under these circumstances, the employee will not be disciplined for an unexcused absence.

## **Employee Break Policy**

Administrative personnel are entitled to a one-hour lunch that is to be scheduled by the supervisor so that offices continue to function efficiently. Employees of the DPW are entitled to a half-hour lunch break, which will be scheduled by the supervisor. All lunch breaks must be completed before 3:00 p.m. All employees are entitled to one fifteen-minute break in the morning and one fifteen-minute break in the afternoon. Administrative personnel must schedule breaks so that offices remain staffed and continue to function efficiently. Breaks for other clerical and/or support staff will be scheduled at a time and location designated by the supervisor and/or Department Head.

## **Dress Code Policy**

Dress, grooming, and personal hygiene must be appropriate for the position. Uniforms are required for certain jobs and are to be worn in accordance with applicable departmental standards. All other employees are required to dress in a manner that is normally acceptable in similar business establishments and consistent with applicable safety standards. Employees shall not wear suggestive attire, jeans, athletic clothing (i.e., jogging suits, hooded sweatshirts), shorts, flip-flops, T-shirts, novelty buttons, baseball hats and similar items of casual attire that do not present a businesslike appearance. Hair, sideburns, moustaches and beards must be clean, combed, and neatly trimmed. Shaggy, unkempt hair is not permissible regardless of length. Tattoos that are offensive to other persons based on racial, sexual, religious, ethnic, or other characteristics or attributes of a sensitive or legally protected nature may not be visible, unless an employee's religious beliefs prohibit covering of the tattoo. On days designated by the Township Manager, business casual attire will be permitted, i.e., jeans, provided that such attire is in clean and kept condition. The wearing of t-shirts, sneakers, athletic clothing (i.e., jogging suits and hooded sweatshirts) will NOT be permitted on these designated days. With the advance approval of the Township Manager, the Township will make reasonable religious accommodations that do not violate safety standards. Employees violating this policy shall be required to take corrective action or will be sent home without pay.

## **No Smoking Policy**

In accordance with State law, the Township has adopted a smoke-free policy for all buildings. Township facilities shall be smoke-free and no employee or visitor will be permitted to smoke anywhere in Township buildings or in Township owned vehicles. Employees are permitted to smoke only in designated areas outside of Township buildings. Smoking inside vehicles owned by the Township and near equipment that may be sensitive to smoke is also prohibited. This policy shall be strictly enforced and any employee found in violation will be subject to disciplinary action.

## **Use of Vehicles Policy**

Township owned vehicles shall be used for official business only and all passengers must be on Township business. An employee who is also employed by another governmental entity may use a Township vehicle for that employment only if the employment is pursuant to an inter-local agreement between the Township and the other jurisdiction.

An employee attending a Township required class or seminar may be permitted to use a Township owned vehicle as transportation to that class or seminar. It is the employee's

responsibility to secure permission for the use of said vehicle not less than forty-eight (48) hours in advance of the scheduled class. If an employee makes a timely request but there is no vehicle available, they may be permitted to use their own vehicle and may be eligible to receive reimbursement at a rate set by the Internal Revenue Service. However, if the request is not made within the time frame stated above, there will be no reimbursement for use of a personal vehicle.

Notwithstanding any other policy or previous practice to the contrary, Borough-assigned vehicles may be taken home only with the advance approval of the Township Manager. When an employee takes home a Township vehicle, it is to be used only for official Township business; any other use is not permitted. Any violation of this policy constitutes cause for disciplinary action up to and including termination.

## **Telephone Usage Policy**

Township telephones are for official business. Personal cell phone calls shall be limited to the employees' breaks and lunches. Employees shall not be permitted to use his/her personal cellphone while at his/her desk. The use of hand-held cell phones while driving Township vehicles or while driving on Township business is prohibited.

## **Communication Media Policy**

The Township of Aberdeen's Communication Media are the property of the 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. Should an employee lose or damage their assigned device, or have some type of mechanical defect that has occurred because of an occupational necessity, they must submit a letter to their direct supervisor stating the date, time, and a detailed summary of the incident that occurred to cause such loss, damage, or mechanical failure. That Supervisor shall forward the request to replace or repair stated equipment to the Township Manager for approval.

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 a Township 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."

The Township of Aberdeen 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 of Aberdeen reserves the absolute right to access, review, audit, and disclose all matters entered into, sent over, and 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 of Aberdeen cannot require the employee to provide his/her password to his/her personal account.

All email, voicemail, texts, and Internet messages (including any technology-based messaging) are official documents subject to the provisions of the Open Public Records Act (N.J.S.A. 47:1A-1). Employees of the Township of Aberdeen are required to use their 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.

Employees can only use the Township of Aberdeen's Communication Media for legitimate business purposes. The Township's policies against harassment and discrimination apply fully to the use of Township Communication Media. Employees may not use Township Communication Media in any way that is defamatory, obscene, inappropriate, harassing, or in violation of any Township rules or policy. Examples of forbidden transmissions or downloads include, but are not limited, to sexually-explicit messages; unwelcome propositions; ethnic or racial slurs; or any other message that can be construed to be harassment or disparaging to others based on their actual or perceived age, race, religion, sex, sexual orientation, gender identity or expression, genetic information, disability, national origin, ethnicity, citizenship, marital status, or any other legally recognized protected basis under federal, state or local laws, regulations, or ordinances. Further, discriminatory remarks, harassment, bullying, threats of violence, and similar behavior is not tolerated in the workplace and is also not acceptable through Communication Media, whether same is performed on the Township's equipment or on the employees' own personal Communication Media.

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

All employees may only access data for which the Township of Aberdeen has given express 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/or store information other than where authorized.

In order to minimize the risk of introducing computer viruses into the Township's computing environment, employees must not disable anti-virus and/or other implemented security software for any reason.

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 of Aberdeen. 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 to do so. Internet security settings (where applicable) must not be changed.

The Township encourages employees to share information with co-workers and with those outside the Township for the purpose of gathering information, generating new ideas, and learning from the work of others to the extent such sharing is permitted by the Township of Aberdeen. 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 Township Manager 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.

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 personnel information such as medical records or related information. In law enforcement operations, confidential, proprietary, or sensitive information also includes criminal history information, confidential informant identification, intelligence, and tactical operations files.

No Township employee shall, without prior approval of the Township Manager, post internal working documents to social media sites. This includes, but is not limited to, screenshots of computer work stations, pictures of monitors and/or actual documents themselves. 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, media, or Internet outlet whether on or off duty without the express written permission of the Township Manager. Except in "emergency situations", employees are prohibited from taking digital images or photographs with media equipment not owned by the Township of Aberdeen. For the purposes of this section, "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 Aberdeen Township and agree to immediately release the image to the Township and ensure its permanent deletion from the employee's personal media device upon direction from the Township.

No media advertisement, electronic bulletin board posting, or any other posting accessible via the Internet about the Township or on behalf of the Township, whether through the use of the Township of Aberdeen's Communication Media or otherwise, without prior approval from the Township Manager. 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.

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

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 Township Manager) is prohibited.

Employees must respect the laws regarding copyrights, trademarks, and rights of the 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 of Aberdeen, 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.

Employees shall not access personal social media pages during work time or use the Township's internet services except as required by their job. In addition, employees who maintain personal web pages and web sites, including but not limited to Facebook, YouTube, Myspace, Twitter, etc., shall not post information on such sites that would constitute a violation of Township policies. The posting of words, phrases, photographs, images, or any kind of information on a personal website may be grounds for imposition of disciplinary action against the employee if the words, phrases, photographs, images, or information adversely reflect on the employees' fitness for duty or constitutes a violation of the personnel policies of the Township. Anything posted on a social media website that would result in discipline or violation of policy if said or done while on working time shall result in discipline. Although employee social media sites are not monitored by the Township, if the Township becomes aware of any post that violates this policy, the employee may be disciplined. Guidelines for use do social media sites include:

1. Do not post anything that is confidential.
2. Do not post anything that would result in discipline if said directly to your supervisor or other employee of the Township.
3. Do not post anything that could result in a complaint of harassment or discrimination under Township policy.
4. Do not speak on behalf of the Township unless you are authorized to do so.
5. Do not make comments as a Township employee that may be deemed to come from the Township. Employees must ensure that comments are deemed to be personal opinions and not opinions of the Township of Aberdeen.
6. Do not conduct Township business through social media unless your job requires such use.
7. Do not discuss another employee's, vendor's, or other Township personnel's performance using social media.

Employees are encouraged to resolve workplace grievances internally by discussing issues with their supervisor 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.

Nothing in the Communication Media Policy prevents an employee from using his/her own personal Communication Media during the employee's non-working hours to engage or participate in protected concerted activities pursuant to the National Labor Relations Act.

If employees choose to identify themselves as an Aberdeen Township employee on their personal social media accounts and even those that do not, should be aware that he/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; express views that are detrimental to the Township's mission, undermine the public trust, or are insulting or offensive to other individuals or to the public in regard to religion, sex, race or national origin. Township of Aberdeen 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.

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

## **Use of Internet Policy**

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

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

Employees who are using Internet may not:

- Use the network to make unauthorized entry into other computational, informational or communication services or resources;
- Distribute unsolicited advertising;
- Invade the privacy of others;
- Make any attempt to damage computer equipment or software;
- Engage in any activity that is harassing or defamatory;
- Use the Internet for any illegal activity, including violation of copyright or other rights of third parties, or in a manner inconsistent with the Township's proper operation; and/or
- Download unauthorized software, fonts, templates, or scripts.

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

## **Video Surveillance Policy**

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

The Township's video surveillance camera systems are a significant tool to which the employees of the Township will avail themselves in order to complete the goals and objectives of the Township. Employees are only permitted to use the video surveillance camera systems for a legitimate purpose and with proper authorization. The Township's designee will be responsible for authorization of users. The improper use of these systems can result in discipline up to and including termination.

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

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

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

## **Required Wearable Video Equipment Policy**

### **Purpose:**

The purpose of this policy is to establish procedures and guidelines for the use and care of the Panasonic HX-A100 Video Recorders and the review, retrieval, copying, and storage of recorded media.

### **Policy:**

The Aberdeen Township Construction Department maintains a video recorder system. That system will be required to be worn by the Township Code Enforcement Officer. The purpose of this system is to provide additional evidence in the prosecution of property maintenance and parking offenses and to provide unbiased documentation to support the actions of the Department and its members. The video system will be used to provide protection for our Code Enforcement officer, increased accountability, and a higher level of service to the public. The video system will enhance the agency's ability to review probable cause for violations, enforcement procedures, officer interaction with the public, as well as for officer evaluation and training

## **Procedures:**

### **A. Program Objective**

The Construction Department has adopted the use of video/audio recording systems for Code Enforcement Personnel in order to accomplish the following objectives:

1. To provide an accurate depiction of events for courtroom testimony.
2. To accurately capture statements and events.
3. To enhance the Code Enforcement officer's ability to document and review statements and actions for report purposes and for courtroom preparation.
4. To provide an impartial measurement for self-critique and field evaluation.
5. To monitor the quality of the Code Enforcement officer's interactions with others.

### **B. General Procedures**

The Code Enforcement Officer shall adhere to the following procedures when utilizing video/audio equipment:

1. The video/audio equipment is the responsibility of the Code Enforcement officer and shall be operated with proper care.
2. The Code Enforcement Officer must use the video/audio unit as outlined in this policy and shall keep the video/audio active during their entire shift.
3. Prior to each shift, the Code Enforcement officer shall determine whether the video/audio equipment is working satisfactorily and shall immediately bring any problems to the attention of their supervisor.
4. The Code Enforcement officer shall not attempt to erase, modify, overwrite, or in any manner alter or tamper with the video/audio hard drives or recordings created by the video recorder. (See NJRS 2C:28-7c Tampering with Public Records or Information)
5. The Code Enforcement Officer should ensure that the equipment is operating in order to record enforcement actions. In doing so, he/she will ensure that the video recorder is positioned and adjusted to record events. The video camera shall not be positioned or blocked in any manner that will prevent the recording of the target object or incident. The video recorder is not to be deactivated until the enforcement action is complete.
6. The Code Enforcement Officer will ensure that the video/audio equipment is charged and ready to be used for their shift. The remote transceiver shall be worn and shall not be covered, blocked, or worn in any manner that interferes the recording capabilities of the device.

**NOTE:** Whenever equipment is manually deactivated, the Code Enforcement officer is responsible for that decision and will be required to justify the decision to stop the recording of the incident.

7. Prohibited uses of the video equipment: The video equipment system shall not be used in the following circumstances:
  - a. For anything other than official code enforcement business
  - b. To record any other employee without their knowledge.
  - c. For concealed recordings of events or individuals except in the performance of official duties.
8. As a measure of quality control, accountability, and to monitor performance, the supervisor WILL periodically and routinely review captured recordings. The Supervisor SHALL review a minimum of one (1) recording per week and maintain documentation of that review. This documentation should be maintained in the individual supervisor's evaluation records for at least one (1) year. Those records will be subject to periodic staff review. Recordings WILL NOT be used to ridicule or embarrass but may be used as a training device. The Code Enforcement Officer is encouraged to advise his/her supervisor of any recorded events that may be beneficial for training purposes.
9. Citizen Complaints: Video recorded events that result in a citizen complaint will only be reviewed by the Construction Official or the Township Manager to determine if any violations have occurred. If any violations are found during the review of an incident, a copy of that recording will be made and retained as part of the Internal Investigation. Recordings documenting false reports concerning the action of the Code Enforcement Officer may be used to pursue actions against the complainant when appropriate.
10. The Construction Official is responsible for the enforcement of this policy and will take appropriate action whenever violations are encountered.

### **Bulletin Board Policy**

The bulletin boards located in public areas of the Township administrative building and other facilities are intended for official notices regarding policies, procedures, meetings, and special events. Only personnel authorized by the Township Manager may post, remove, or alter any notice. Any person caught posing unauthorized material on bulletin boards or any other public area that is property of the Township of Aberdeen will be disciplined up to and including dismissal.

## **SECTION THREE**

### **Paid and Unpaid Time Off Policies**

#### **Scope:**

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

## **Paid Holiday Policy**

Employees are entitled to the following paid holidays:

- New Year's Day
- Martin Luther King's Birthday
- Lincoln's Birthday
- President's Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Election Day
- Veterans Day
- Thanksgiving Day
- Day after Thanksgiving
- ½ Day before Christmas Day
- Christmas Day
- ½ Day before New Year's Day
- 1 Floating Holiday

A holiday falling on a Saturday will be observed on the preceding Friday, and a holiday falling on a Sunday will be observed on the following Monday.

## **Full-Time, Part-Time, Seasonal and Temporary Employees**

Full-time employees are those that work, on average, more than thirty-two (32) per designated work-period, but excludes seasonal and temporary employees.

Seasonal employees and temporary employees are those hired for a defined time period, or for a specific task or job that will be of a limited duration.

## **Vacation Leave Policy**

Vacation is an earned benefit calculated on a pro-rated basis according to the following schedule:

- One day for each full month of service during the first calendar year;

The following schedule applies to all non-classified employees and does not reflect any employees included in a collective bargaining agreement:

Full Calendar Years of Employment	Vacation Time Earned
1	12 days
4	15 days
8	19 days
12	21 days

16+

25 days

Full-time Department Heads, Division Heads, Code Enforcement Officers, and Confidential employees hired/Appointed before January 1, 2021 will follow the above schedule and also receive an additional five (5) vacation days per year.

Full-time permanent Crossing Guards employed prior to April 15, 2010 will receive five (5) vacation days per year (may only be taken while school is not in session).

Part-time permanent employees employed prior to April 15, 2010 will receive eight (8) vacation days per year.

Full-time permanent Crossing Guards and Regular part-time employees hired after April 15, 2010, shall not be eligible for vacation days.

Non-supervisory employees must receive their supervisor's approval at least forty-eight (48) hours in advance of taking a vacation day or days. Department Heads and/or Supervisors reserve the right to require all staff to submit their vacation schedules within the first ninety (90) days of a calendar year for the purposes of preventing staffing and coverage issues. Employees who do not use all of their vacation allowance may submit a written request to carry over their unused days to their allowance for the following year. However, all carried vacation days must be taken prior to any current vacation days during the following year.

Any employee who resigns or retires prior to the end of the calendar year will be paid for any unused vacation days on a pro-rated basis. Subject to the approval of the Township Manager and the availability of funds, an employee may request a cash payout for up to five (5) days. The employee must notify the Township Manager of their intent to exchange the days for cash no later than November 1<sup>st</sup> (there will be no exceptions or extensions) and payment will be made to the employee during the month of January of the following year.

## **Personal Leave Policy**

Full-time permanent employees are entitled to five (5) personal days and one (1) floating holiday per year. Any unused days are forfeited at the end of each calendar year. Personal days are calculated on a pro-rated basis. Two (2) of these personal days may be used for emergency purposes, whereas the remaining three (3) days must be approved by the supervisor at least forty-eight (48) hours in advance.

## **Sick Leave Policy**

Full-time employees are entitled to fifteen (15) working days of sick leave per benefit year (earned at a rate of one and a quarter (1 1/4) day per month).

Part-time permanent salaried employees, including elected officials, will receive forty (40) hours of sick leave per benefit year.

Full-time permanent Crossing Guards, regular part-time hourly employees, seasonal employees, and temporary employees shall accrue up to forty (40) hours of sick time earned at a rate of one (1) hour for every thirty (30) hours worked per benefit year.

The benefit year being from January 1<sup>st</sup> to December 31<sup>st</sup>.

Sick leave may be used for:

- Diagnosis, care, treatment of or recovery from, a mental or physical illness, injury, or other adverse health condition, or for preventative medical care of the employee.
- Caring for a family member during diagnosis, care, treatment of or recovery from, a mental or physical illness, injury or other adverse health condition, or for preventative medical care of the employee's family member.
- Absence(s) necessary due to the employee or family member being a victim of domestic or sexual violence, if the earned sick leave is used for:
  - Medical attention needed to recover from physical or psychological injury or disability caused by domestic or sexual violence.
  - Servicing from a designated domestic violence agency or other victim services organization.
  - Psychological or other counseling.
  - Relocation.
  - Other legal services, including obtaining a restraining order or preparing for, or participating in any civil or criminal legal proceeding related to domestic violence or sexual violence.
- Time needed after the closure of the employee's workplace or the school/place of care of the employee's minor child by order of a public official or other public health emergency, or if a public health authority issues a determination that the presence of the employee or their family would jeopardize the health of others.
- Attending a school-related function of the employee's minor child requested or required by the school responsible for the child's education, or attending a meeting concerning the care to provide to the child in connection with the child's health conditions or disability.
- If an employee has: (1) tested positive for COVID-19; (2) has symptoms of COVID-19; (3) was exposed to coronavirus during the course of their work and has been told to quarantine by a healthcare provider or public health authority; (4) is unable to work because their minor child's school or daycare was ordered closed by a public official for a public health reason, their child has mandatory remote learning, or they have no childcare due to the coronavirus emergency; (5) is unable to work because their place of employment was ordered closed by a public official for a public health reason; (6) been advised by a healthcare provider or public health authority to quarantine (e.g., an employee is immunocompromised); (7) is caring for a relative with coronavirus or symptoms of COVID-19; and is unable to work, the employee will not be fired for taking time off to test, quarantine, or isolate, with a medical note recommending that the employee take that time off because the employee has, or is likely to have, an infectious disease that may infect others at the employee's worksite.

“Family member” includes a child, grandchild, sibling, spouse, domestic partner, civil union partner, parent, or grandparent of an employee or spouse, the domestic or civil union partner of a parent or grandparent of the employee, or the sibling of a spouse, domestic 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 equivalent of a family relationship.

Employees are required to give seven (7) calendar days’ notice of the intention to use sick leave and its expected duration when such leave is foreseeable. If sick leave is unforeseeable, employees must give notice to the Township Manager as soon as practicable. Employees are not required to cover their absence.

Employees on sick leave for three (3) or more consecutive working days must submit a medical or other certification justifying the nature of the leave. If an employee is caring for a family member, including civil union partner, a medical certification of that individual is required. Employees who have utilized more than six (6) sick days in a calendar year **must** provide a physician’s certification for each subsequent sick day taken in that calendar year, regardless of the reason for or the duration of the leave. The Township retains its right (Managerial Prerogative) to request a physician’s certification whenever the Township has cause to question the validity of an employee’s absence for any reason.

Any information received concerning the health, or domestic or sexual violence of an employee or their family member will be treated as confidential and shall not be disclosed, except for the affected employee or with written permission of the employee.

Prior to the return to work from sick leave of the three (3) or more consecutive working days, the Township may require an employee to be examined by a physician designated by the Township to verify the fitness to return to normal duties. An employee will not be permitted to return to work until the verification is received.

At the end of each calendar year, the unused sick time of permanent full-time employees is added to the allotment for the following year. The accumulation continues indefinitely. Unless otherwise stated in a Collective Bargaining Agreement, permanent full-time employees hired prior to June 1, 2018 will be paid for unused sick time in accordance with the Retirement Policy and any and all amendments thereto (see Retirement Policy for details).

Employees that fall into the category of part-time hourly, part-time salary, seasonal, temporary, full time crossing guards, and elected officials do not qualify for any payment of unused sick leave upon resignation, retirement, or termination unless otherwise specified at their time of hire.

If an employee is separated from employment with the Township but then reinstated within six (6) months, all of the employee’s unused and accrued time shall also be reinstated.

Each employee will receive three (3) “sickness in family” days that will not count against total sick time available to the employee and will also have no effect on earned incentive time for the following year. These three (3) “sickness in family” days will not be carried over and if not used will be lost. These “sickness in family” days apply to those family members that are immediate; related by blood or marriage, or living in the employee’s household. All “sickness in family” days are required to be documented with a doctor’s verification. If a doctor’s verification cannot be supplied, the employee will be charged a regular sick day. These “sickness in family” days are

not part of the New Jersey Earned Sick Leave Law and are to be used for the purposes contained in this paragraph only.

A full-time employee not covered under a Collective Bargaining Agreement may accrue four (4) additional incentive days with pay during the next calendar year, if that employee does not use more than six (6) paid sick days during a calendar year. These days are earned as follows:

- An employee may accrue one (1) incentive day with pay during the next calendar year, should that employee use no sick days from January through March.
- An employee may accrue one (1) incentive day with pay during the next calendar year, should that employee use no sick days from April through June.
- An employee may accrue one (1) incentive day with pay during the next calendar year, should that employee use no sick days from July through September.
- An employee may accrue one (1) incentive day with pay during the next calendar year, should that employee use no sick days from October through December.

No incentive days can be earned if more than six (6) sick days are used during the entire 12-month period. Incentive days may be used the following year in which they were accumulated only with prior written approval of the Township Manager. Any incentive days not used within the approved time period cannot be carried to the following year.

### **Bereavement Leave Policy**

Full-time employees are entitled to five (5) consecutive business days leave of absence for each death of an employee's immediate relative. Bereavement Leave shall not extend beyond five (5) consecutive business days immediately following the death of an immediate relative. "Immediate relative" includes a child, grandchild, sibling, spouse, domestic partner, civil union partner, or parent, grandparent, step-parent, step-child, daughter-in-law, or son-in-law of the employee or the employee's spouse, domestic partner, or civil union partner or any other individual related by blood or marriage residing in an employee's household. One (1) bereavement day may be taken in the case of the death of an employee's niece, nephew, uncle, aunt, cousin, or other relative that does not fit into the "immediate family" category. One (1) additional day will be granted to the employee in the event that they must travel out of the State of New Jersey to attend a funeral. Employees utilizing bereavement leave will be required to submit proof of death (such as an obituary or memorial card).

### **Jury Duty Policy**

An employee required to render jury service shall be entitled to be absent from work during that service. Verification of attendance must be provided for all time missed associated with jury duty.

### **Leave of Absence Policy**

Employees may be granted a personal leave of absence for up to six (6) months at the sole discretion of the Township Manager if the leave does not cause undue operational disruption. The leave must include the use of any accrued vacation and sick leave time, regardless of the length of leave requested. The portion of the leave that runs beyond the exhaustion of vacation

and sick leave will be without pay or longevity credit. In exceptional circumstances, the Township Manager may extend a leave of absence for an additional six (6) months, if such extension is considered in the best interests of the Township.

Personal leaves are not granted for the purpose of seeking or accepting employment with another employer, or for extended vacation time. Employees on personal leave of absence for more than two (2) weeks in any month will not receive holiday pay, and will not accrue personal leave, sick leave or vacation time for that month. Health benefits may also be impacted. Refer to the Township's Health Benefits Policy. A personal leave is granted with the understanding that the employee intends to return to work for the Township. If the employee fails to return within five (5) business days after the expiration of the leave, the employee shall be considered to have resigned.

## **Family and Medical Leave Act Policy**

Employees may be eligible for unpaid family and medical leave under the federal Family and Medical Leave Act ("FMLA"). Employees may also be eligible for family and/or medical leave pursuant to the New Jersey Family Leave Act ("NJFLA"). In order to be eligible for such leave, employees must have: one (1) year of service with the Township; and, at least 1,000 hours of work during the previous twelve (12) months to qualify for leave pursuant to NJFLA and 1,250 hours of work during the previous twelve (12) months to qualify for leave pursuant to FMLA. Eligible employees may receive up to twelve (12) weeks of leave per year (FMLA) or twelve (12) weeks every twenty-four (24) months (NJFLA).

During the leave period, the employee's health benefits will be continued on the same conditions as coverage would have been provided had the employee been employed continuously during the entire leave and the employee shall be responsible for making all employee required contributions towards such health benefits. The employee will not continue to accrue vacation, sick, or personal days for the period of the leave. The employee will, however, receive seniority credit for the time that the employee has been on leave under this section. At the conclusion of the leave period, an eligible employee is entitled to reinstatement to the position the employee previously held or to an equivalent position with the same terms and benefits that existed prior to the exercise of leave.

Upon written notice, eligible employees are entitled to a family or medical leave for up to twelve (12) weeks to care for a newborn or adopted child or a seriously ill immediate family member, including civil union partner, or for the employee's own serious health condition (FMLA only) that makes the employee unable to perform the essential functions of the employee's position. Eligible employees who take leave under this policy must use all accrued available vacation and personal days during the leave to the extent permitted by law (FMLA). The use of accrued time will not extend past the leave period. After exhausting accrued time, the employee will no longer be paid for the remainder of the leave.

The period of leave must be supported by a physician's certificate. An extension past twelve (12) weeks can be requested, but medical verification of the need must be submitted prior to the expiration of the leave. The Township reserves the right to deny any request for extended leave. Additional information concerning the Family Leave Policy and eligibility requirements are available from the Personnel Administrator.

Family Temporary Disability (“FTD”), also known as Family Leave Insurance (“FLI”), payments from the State of New Jersey for up to twelve (12) week of continuous leave and eight (8) weeks of intermittent leave in a twelve (12) month period may be available for eligible employees who are caring for a seriously ill immediate family member who is incapable of self-care or care of a newborn, newly adopted or newly placed foster child.

To be eligible for FLI in 20201, an employee must have worked twenty (20) weeks earning at least \$220 weekly, or have earned a combined total of \$11,000 in the base year. The weekly benefit is 85% of an employee’s average weekly compensation up to a maximum of \$903 per week (this amount is subject to change). FLI will run concurrently with FMLA and/or FLA.

Employees taking paid family leave in connection with a family member’s serious health condition may take leave intermittently or consecutively. Intermittent leave under the NJFLA is available for the care of a newborn or adopted child in manner prescribed under N.J.S.A. 43:21-39.3(2) (“Family temporary disability leave for birth, placement in foster care, or adoption of a child”).

Intermittent leave may be taken in increments necessary to address the circumstances that precipitated the need for leave. An employee seeking intermittent FLI is required to provide the Township with fifteen (15) days’ notice unless an emergency or other unforeseen circumstance precludes prior notice. The employee seeking intermittent leave shall make a reasonable attempt to schedule leave in a non-disruptive manner. Employees requesting such leave shall provide the Township with a regular schedule of days for intermittent leave.

In the case of intermittent benefits for FTD leave with respect to a birth, placement in foster care, or adoption, the covered individual shall provide the Township with prior notice of the leave not less than fifteen (15) days before the first day on which benefits are paid for the intermittent leave, unless an emergency or other unforeseen circumstance precludes prior notice; and the covered individual makes a reasonable effort to schedule the leave so as not to unduly disrupt the operations of the employer and, if possible, provide the employer, prior to the commencement of intermittent leave, with a regular schedule of the days or days of the week on which the intermittent leave will be taken.

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/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 fifty percent (50%) 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 employer's request, an employee must provide a copy of the covered military member's active duty orders to support request for qualifying exigency leave. In addition, upon an employer's request, certification for qualifying exigency leave must be supported by a certification containing the following information:

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

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

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

## **Domestic Violence Leave Policy**

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

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

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

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

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

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

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

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

### **Military Leave Policy:**

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

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

Employees on military service will also continue to receive paid health insurance coverage during the period of the paid leave plus an additional thirty (30) calendar days after the paid leave is exhausted. After this period has expired, employees may continue coverage for themselves or their dependents under the Township's group plan by taking advantage of the COBRA provision. Members of the State administered retirement systems (PERS and PFRS) will continue accruing service and salary credit in the system during the period of paid leave.

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

### **On-The-Job Accident Reporting Policy:**

All personnel incurring an injury during the ordinary course of their job duties shall report the incident to their immediate supervisor. If the supervisor is not available, the employee must report the incident to another supervisor of the Township. The following is the Township's standard procedure for reporting an on the job accident:

- The immediate Supervisor shall ensure that the accident investigation report provided by the Garden State Joint Insurance Fund (see Appendix "D") is properly completed as soon after the incident as possible. The injured employee is responsible for completing Part I. The employee will give a detailed description of both the accident and the injury. A continuation page will be used if necessary. The Supervisor is responsible for completing Part II and will forward the accident investigation report and other pertinent information or reports to Human Resources by the next business day. If there is a delay in the completion of the required reports, the Supervisor will advise Human Resources of the incident and the reason for the delay. Human Resources must be notified immediately of any serious injuries.
- When an employee's injury requires medical treatment, the Supervisor shall contact the assigned managed care providers. The managed care providers will advise the Supervisor of the medical facility the employee will be directed to. This contact information is available through the Human Resources office and will be updated as necessary.

- If an employee suffers serious injury, he/she will be taken to Bayshore Hospital Emergency Department or another appropriate emergency facility. At the earliest opportunity the Supervisor will contact the managed care provider.
- Mandatory drug/alcohol testing will be conducted if an accident occurs in association with an employee's performance of his/her work responsibilities and/or during working hours involving (1) the operation of a vehicle during work hours in which: a fatality occurs; a bodily injury occurs which results in medical treatment; a bodily injury occurs which is reportable, or should have been reported to the Township for worker's compensation or otherwise; (2) a bodily injury occurring as a result of using Township equipment and/or machinery; (3) damage caused to Township equipment or machinery; or (4) a bus, electric bus, van, or automobile, or any non-revenue Township vehicle, and one or more vehicle(s) incurs significant or major damage as the result of the occurrence.
- If a work-related injury causes an employee to be absent from work, a report will be submitted to Human Resources from the managed care provider with the nature of the injury and a detailed summary of whether or not the employee is permitted or prohibited from returning to work and able to fulfill their essential job duties.
- Once an employee has initiated medical treatment, the managed care provider will forward a prescription card to the Supervisor who is responsible for ensuring that the prescription information is delivered to the employee for immediate use. A copy of the prescription card will be given to Human Resources to be kept on file.
- All medications, treatments, or continued therapy shall be coordinated by a designated case manager from the managed care provider. That case manager will forward to the Township, on a regular basis, detailed reports of the employee's diagnosis, treatment plan, and expected return to work status.
- Employees who are prohibited from returning to work due to a workplace injury, shall refrain from any outside activities that might interfere with or exacerbate the employee's recovery from that injury.
- Employees who are in a motor vehicle accident while operating or riding as a passenger in a Township vehicle, shall immediately report that accident to their Supervisor immediately. A police report **must** be filed in the jurisdiction where the accident occurred. In addition to a formal police report, an accident investigation report must be completed. If medical attention is needed, please follow steps 1-6. If there is no medical treatment needed, then it is not necessary to contact the managed care provider.

## **SECTION FOUR**

# **Compensation & Employee Benefits Policies**

### **Scope**

These policies apply to all non-union and union employees. To the extent that any of these policies conflict with a collective bargaining agreement, the terms of the collective bargaining agreement shall govern.

### **Payroll Policy**

Salary ranges are established by ordinance, and the salary must fall within the minimum and maximum ranges for the employee's title. Employees are paid every two (2) weeks. Employees may request a vacation advance by making a written request at least two (2) weeks in advance of the vacation.

The Township shall not accept responsibility for any employee's personal finances. Although the Township shall acknowledge judgments against an employee's pay, it shall not act as a mediator between the employee and creditors.

### **Overtime Compensation Policy**

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

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

Non-Exempt employees will receive overtime compensation for hours worked in excess of forty (40) in a weekly period. Employees may choose overtime compensation in the form of overtime pay at their regular hourly salary or compensating time off. The maximum number of hours that an employee may accrue for future compensating time off is sixty (60). Once this maximum has been accumulated, all additional hours will be compensated by overtime pay. Accrued and taken overtime compensating hours must be noted on the employee's time sheet.

Non-Exempt employees will receive one and one-half (1 ½) hours of overtime compensation for each hour worked in excess of forty (40) hours in a weekly period. For the purposes of overtime compensation, hours worked are computed to the nearest one-half (1/2) hour per day. Previously scheduled vacation time and holiday time are considered time worked for purposes of determining overtime compensation, but sick time and personal time are not.

Employees must make a request to their supervisor at least two (2) days in advance when they want to take compensating time off. The supervisor will approve the request if the absence does not cause undue hardship to the department.

## **Longevity Pay**

All full-time, permanent employees will be eligible to receive longevity pay for commendable service as follows:

Years of Continuous Service	Annual Longevity Award
5 - 9	\$2,000.00
10 – 14	\$2,100.00
15 – 19	\$2,200.00
20 – 24	\$2,300.00
25 – 29	\$2,400.00
30 +	\$2,500.00

Calculation of years of service for the purpose of longevity pay will be from the employee's anniversary date. Payment will be made between December 1<sup>st</sup> and 15<sup>th</sup> of each year. Employees are encouraged to review their collective negotiation agreements for further information. All full-time employees hired after June 1, 2018 are not eligible for the Longevity Pay benefit unless it is otherwise noted in their bargaining agreement.

## **Health Insurance Policy**

Full-time, permanent employees and their immediate family members (including domestic and civil union partners) are eligible for health insurance coverage through the Township. The Township reserves the right to change provider networks, claims agents, and insurance mechanisms. The complete benefit plan is on file in the Personnel Administrator's office and a Summary Plan Description will be provided to all employees. Benefit levels for non-unionized employees are subject to change at the discretion of the Township.

The Township provides medical, dental, vision, and prescription programs to all full-time, permanent employees. New employees are subject to a sixty (60) day waiting period before becoming eligible to enroll in the programs. Employees may elect to change their enrollment status, or add or delete dependents only during the open enrollment period or at such time there is a life changing event (birth, marriage, divorce, death, etc.). When an employee experiences a life changing event, it is that employee's responsibility to contact the Personnel Administrator within thirty (30) days of that event.

Health insurance coverage for employees on a Leave of Absence or who cease Township employment will terminate at the end of the month in which the leave begins or employment is

terminated, except coverage will continue for up to twelve (12) weeks for employees on leave pursuant to the Family and Medical Leave Act and up to thirty (30) weeks for employees on Military Leave. Upon termination of coverage, employees may extend health insurance coverage for themselves or their dependents by taking advantage of the Public Health Services Act provision for a period of up to eighteen (18) months to thirty-six (36) months. All newly hired employees and their spouses shall receive a notice of COBRA rights upon being hired. For more information, consult the Personnel Administrator.

Upon retirement, an employee with less than twenty-five (25) years of service with the Township, are entitled to apply for COBRA coverage for up to eighteen (18) months.

Employees who retire from the Township of Aberdeen with twenty-five (25) years of service in the State Pension System with at least fifteen (15) years of service at the Township may continue to receive paid health insurance coverage. However, retired employees will be required to pay the same co-payments, deductibles, and premiums as active employees in the Township health plan at the rates paid at the time of their retirement. Employees receiving retiree health benefits must notify the Personnel Administrator in writing, with proof of enrollment, when they become eligible for Medicare Parts A and B. For more information, consult the Personnel Administrator (See Retirement Policy for continuing health benefits for retirees).

## **Health Insurance Opt-Out Policy**

Employees who have outside health insurance coverage available to them may choose to opt-out of the Township provided health insurance coverage. A payment of up to 25% of the savings to the Township or a maximum of \$5,000.00 will be made to the employee for opting out of said coverage. The payments will be made in two (2) installments, 50% in June and 50% in December. Payments are not considered part of the employee's base salary and therefore are not pensionable. The employee must make their choice to opt-out known during the open enrollment period and must renew this decision every year if they choose to. If at any time the employee becomes uninsured through another health insurance program (i.e., divorce, spouse no longer has insurance, and/or spouse's death) they need to notify the Township so that they can be reenrolled into the Health Insurance program. In order for an individual to retire and continue to receive health insurance coverage through the Township, they must be enrolled for one complete calendar prior to the date of retirement and they must meet all other required criteria making them eligible to receive this benefit.

## **Wellness Benefit**

A "wellness benefit" of up to \$700.00 per calendar year is available to those employees not covered under an existing bargaining agreement as reimbursement for out of pocket medical expenses when required documentation is submitted. Medical expenses shall include money paid for copayments, deductibles, and/or co-insurance only. This includes expenses associated with eye exams and corrective lenses (contact and eyeglasses). Items that are not covered under the current health insurance plan will be deemed ineligible upon review. These submitted expenses may not be used for any other reimbursement programs including, but not limited to Flexible Spending Accounts, Health Savings Accounts, reimbursement through the insurance provider, etc.

## **COBRA**

Under the Consolidated Omnibus Budget Reconciliation Act (“COBRA”), the Township is required to offer an employee and their spouse and/or dependents the opportunity to temporarily extend health care coverage at group rates upon separation from the Township. In cases where the employee resigns or their employment is terminated for reasons other than gross negligence, the optional health care insurance coverage must be continued for eighteen (18) months as long as the employee elects to continue COBRA coverage and pays the premium. A spouse can continue with coverage up to thirty-six (36) months under COBRA if legally divorced or has become widowed. A dependent child can continue coverage up to thirty-six (36) months under the Township plan if they no longer qualify as a dependent child under the plan. If COBRA coverage is elected by the employee, spouse, or dependent child, the payment of the premium in the form of a check or money order must be made to the Township by the first day of each month.

Once the employee or his/her family members elect to continue coverage, it may be cancelled only if the Township no longer provides health care coverage, the premium is not paid on time, or if the former employee, or family members become covered under another group plan or become eligible for Medicare. The current COBRA premium rates are available for review with the Personnel Administrator.

## **Retirement Policy**

Under State law, all employees must enroll in the New Jersey Public Retirement System (“PERS”) or the Police and Fire Fighters Retirement System (“PFRS”) as applicable. The employee’s contribution to the Plan will be deducted from the employee’s pay. An employee who has completed the required number of years and who has reached the required age under the Plan may retire by notifying the Department Head in writing. The State retirement plans request six (6) months advance notice to process the application. After giving notice of retirement, employees are expected to assist their supervisor and co-employees by providing information concerning their current projects and help in the training of a replacement. The Personnel Administrator will prepare an Employee Action form showing any pay or other money owed the employee. The Personnel Administrator will also conduct a confidential exit interview to discuss benefits including COBRA options, appropriate retirement issues, and pay due. A COBRA notification letter will be sent to the employee’s home address. The exit interview will also include an open discussion with the employee. On the last day of work, and prior to receiving a final paycheck, the employee must return his/her Employee Identification Card, keys, and all Township property and equipment. At this time, the employee will sign the termination memo designating all money owed and this memo will be retained in the official personnel file.

Once an employee has decided upon a retirement date, he/she must contact the Personnel Administrator at least four (4) months prior to the anticipated retirement date, in order to complete the necessary application. This will allow time to collect the necessary information so the correct options and arrangements can be made. The employee shall contact the pension fund at least six (6) months prior to the anticipated retirement date. In addition, employees must notify the Township Manager of their plans to retire by December 1<sup>st</sup> of the preceding year in order to receive payment for accumulated sick time. An employee’s failure to follow the preceding notification requirement shall result in a delayed payout of any sick time and/or other qualifying payout due to said employee.

For employees not covered by a collective negotiations agreement at the time of retirement, employees will be paid for one-half (1/2) of their total accumulated unused sick time up to a limit of \$15,000, or as set by law. For other employees, please refer to the appropriate bargaining unit contract for information on the payment of accumulated sick leave upon retirement. In the event of an employee's death after the effective date of retirement, but before payment is made, the payment will be made to the estate.

Once the retiree becomes eligible for Medicare Benefits, he/she shall be required to enroll in Medicare Parts "A" and "B". This ensures coverage for hospitalization as well as major medical benefits. At such time that these benefits become active, they will become your Primary Medical Coverage. The Benefits that you retired with from the Township, will continue as your additional (or secondary) medical insurance.

Once the retiree is enrolled with Medicare, the Township will reimburse to the retiree the Part "B" portion of the premium that Medicare deducts the Social Security check. To receive reimbursement for Part B, the retiree **MUST** submit a copy of enrollment verification.

The retiree will receive a payment voucher twice a year, once in June and once in December for Part B reimbursement. Once the voucher is received, it must be signed in the appropriate area and returned for payment to be issued.

## **Life Insurance**

Full-time, permanent employees receive life insurance coverage through their pension fund. The Township also provides \$5,000 of life insurance to employees not covered by collective negotiation agreements. Employees in bargaining units are encouraged to consult their agreements for further information on any additional life insurance coverage. The insurance is provided without cost to the employee.

## **Workers Compensation Policy**

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

## **Employee Assistance Policy**

The Township offers an Employee Assistance Program through its insurance benefits. Some of the services available include counseling for substance abuse, domestic violence, marriage counseling, dealing with difficult children, and many other services. Any and all employee contact with the EAP is completely confidential. Employees are strongly urged to take full advantage of these services. The Township's goal is to maintain a high standard of well-being for all employees.

## **Educational Assistance and Training Policy**

Full-time, permanent employees shall submit to their Department Head, a request in writing, to be reimbursed for training directly related to the employees' work, licenses or certifications required to be held by the employee in order to perform his/her, or those college courses directly related to a degree pertaining to the employees' field of work. The Department Head will then forward that request to the Township Manager for approval. This request must be submitted by September 30<sup>th</sup> for courses that will be taken in the following budget year. The Township Manager will be the sole judge of whether a particular course or program is "directly related" to the employee's field of work. Employees are required to obtain the Town Manager's written determination before enrolling in a course or program. Should approval be conferred to the employee, it is the Township's policy that no courses will be reimbursed unless and until the employee submits a certified passing grade (or other proof of satisfactory completion) from the institution where the class was taken. A passing grade shall be defined as the passing grade set in place to meet the academic standards for the particular institution for which the course was approved to be taken. There shall be a cap on course reimbursement of \$3,000.00 per year per employee.

In a case where an employee receives a passing grade, but decides at some time in the future to re-take a course for a higher grade, it will be the employee's responsibility to finance that course. At no such time will the Township of Aberdeen pay for or reimburse an employee more than once for any one given course.

It is the employee's responsibility to notify his/her Department Head or the Township Manager immediately if they receive any type of financial assistance from any other local, state, or federally funded program for educational or financial assistance. If an employee receives such type of funding and has also received reimbursement from the Township, that employee will immediately return, in full, the monies received from the Township. Failure to do so will be subject to disciplinary action up to and including immediate dismissal. If an employee receives tuition reimbursement and resigns from the Township of Aberdeen within two (2) years after receiving said reimbursement the employee shall pay the full reimbursement back to the Township.

## **Conference and Seminar Policy**

Requests to attend a conference or seminar must be approved by the Department Head and the Township Manager. Written requests shall be made sufficiently in advance to take advantage of discounts for early registration, and must be submitted to the Department Head at least thirty (30) days before the event, whenever possible. Requests must be in writing and shall include the conference schedule, registration information, and estimated costs. The Department Head is responsible to detail all training requests during the budget formulation process. Approval of any conference or seminar request is conditioned upon the availability of funds.

## SECTION FIVE

### Managerial/Supervisory Procedures

#### Employment Procedure

**Recruitment:** The Township Manager will coordinate the employment recruitment process for all vacancies to ensure compliance with contractual, legal, Civil Service and equal opportunity requirements. When a vacancy occurs, it is the responsibility of the Supervisor to notify the Township Manager who will distribute notification of the vacancy to all departments. The Township Manager will undertake to recruit qualified applicants in accordance with applicable Federal and State law including New Jersey Department of Personnel regulations if the position is subject to Civil Service. Where positions are advertised, the media or other periodical utilized must have as wide circulation as possible to encourage candidate applications from diverse backgrounds and must prominently state that the Township is an equal opportunity employer.

- **Applications:** All candidates must fully complete an application form. A resume will not be considered as a substitute for this form. The application is a confidential document and will not be available to anyone who is not directly involved in the hiring process, except as required by law.

**Interviews:** The Township Manager will coordinate the interview process including the scheduling of applicants, development of interview questions, and standards to measure candidate responses. All questions must be in accordance with the New Jersey Division of Civil Rights Guidelines for Pre-Employment Inquiries. The 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 his/her job and also provided the accommodation does not impose an unreasonable hardship on the Township.

**Physical Examinations:** Pursuant to the Americans with Disabilities Act, after an offer of employment is made and prior to commencing employment, the Township Manager may require applicants to pass a physical examination in order to insure that they can perform the essential 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 Manager 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 Township Manager separate from the employee's official personnel file. Medical exams may include tests for drug and alcohol use.

- **Criminal Background Checks:** Criminal Background checks are required of all candidates, whether paid or volunteer, that may work directly or indirectly with children/youth/minors in accordance with the procedures outlined in the Section of this ordinance entitled "Background Checks and Procedures for Candidates, Employees and Volunteers".

- **Job Offers:** The final decision will be made by the Township Manager 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. All offers of employment shall be in writing, addressed to the candidate, and outline all terms and conditions of the offer. The letter shall also establish a deadline for acceptance.
- **Acceptances and Rejections:** If the first offer is rejected, the Township Manager may decide to hire another candidate or re-open the position. Once a candidate accepts the employment offer, all other candidates will be notified in writing that they were not accepted for the position.
- **Employability Proof:** After acceptance, but before starting employment, all new employees shall complete an employment verification form (I-9) and to provide proof of the right to employment in the United States.
- **Record Retention:** All applications, notes made during interviews, reference checks, job offers, and other documents created during the hiring process must be returned to the Township Manager. Documents related to the successful candidate will be placed in the employee's official personnel file except medical records which must be maintained in a separate file. All records and documents related to other candidates must be retained for at least one (1) year. Records and documents created during the hiring process are confidential and must be retained in a locked cabinet.

## **Background Checks and Procedures for Candidates, Employees and Volunteers**

- **Background checks required:** Background checks are required of all candidates, whether for paid or volunteer positions, working directly or indirectly with children/youth/minors. Background checks will also be administered for each employee or volunteer that works directly or indirectly with children/youth/minors every three (3) years. The exact titles of employees subject to background checks are (locally defined, but at a minimum should include all recreational positions, crossing guards, library positions, maintenance, and administrative positions pertaining to such programs).
- **Background check procedure:** The Township Manager will perform or initiate background checks and be the recipient of reports from outside agencies or contractors. The Personnel Administrator title will discuss disqualifying information received with the employee's or volunteer's department head. Written information received as a result of a "Request for Criminal History Record Information For A Noncriminal Justice Purpose" will be destroyed immediately after it has served its authorized purpose, as required by the State Police. Such information will be kept confidential and will not be published or disclosed in any manner not consistent with the procedures listed herein. Such information will not be deemed a public record under P.L. 1963, c.73 (C:47:1A-1, et seq.) as amended and supplemented by P.L. 2001, c.404 (C:47:1A-5, et seq.).

The Township Manager 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 Township Manager.

- **Conditions Under Which An Employee Will Be Disqualified From Working With Children/Youth:** A candidate, volunteer, or employee may be disqualified from employment in a position that works with children/youth/minors if that person's criminal record history background check reveals a record of conviction of any of the following crimes and disorderly persons offenses as defined by New Jersey law or by analogous laws in other States:
  - Homicide (N.J.S.A. 2C:11)
  - Assault, reckless endangerment, threats, stalking (N.J.S.A. 2C:12)
  - Kidnapping (N.J.S.A. 2C:13)
  - Sexual Offenses (N.J.S.A. 2C:14)
  - Offenses Against the Family, Children and Incompetents (N.J.S.A. 2C:24)
  - Controlled Dangerous Substances (N.J.S.A. 2C:35 except for 2C:35-10(a)4)
  - Robbery (N.J.S.A. 2C:15)
  - Theft (N.J.S.A. 2C:20)

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

- **Appeal Process:** The Appeals Committee will be comprised of the Township Manager, Police Chief or other designated superior officer, and the Personnel Administrator.

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

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

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

1. The nature and responsibility of the position which the convicted individual would hold, has held, or currently holds, as the case may be.
2. The nature and seriousness of the crime or offense.
3. The circumstances under which the crime or offense occurred.
4. The date of the crime or offense.
5. The age of the individual when the crime or offense was committed.
6. Whether the crime or offense was an isolated or a repeated incident.
7. Any social conditions which may have contributed to the commission of the crime or offense.
8. Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received.
9. Acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of those who have had the individual under their supervision.

The Township will issue a written determination on the employee's appeal of their disqualifying conviction, setting forth the reasons for the determination.

## **Nepotism Procedure**

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

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

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

## **Open Public Meetings Act Procedure concerning Personnel Matters**

Discussions by the Governing Body or any body of the Township concerning appointment, termination, terms and conditions of employment, performance evaluation, promotion or discipline of any current or prospective officer or employee shall be in closed session, with the right of the employee to be present, unless the individual requests in writing that the discussion be held in open session. Such request must be granted. Prior to the discussion by the Governing Body or any body of the Township concerning such matters, the Clerk shall notify the affected persons, within a reasonable period of time, of the meeting date, time and place, the matters to be discussed and the person's right to request that the discussion occur in open session. In the event more than one person is affected by the discussion and one of the affected persons does not request that the discussion be in open session, then the discussion shall be in closed session. If the individual(s) does not request that the discussion be held in open session, the Governing Body or other body of the Township may at its sole discretion invite the affected individual(s) to attend the applicable portion of the closed session.

## **Processing and Orientation of New Employees Procedure**

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

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

## **Initial Employment Period Procedure**

Except where State requirements direct otherwise, new employees or present employees transferring to new positions will be hired subject to an initial employment period of not less than three months or more than six months, as determined by the Township Manager. During this initial employment period, the new employee or transferee will be provided with training and guidance from the supervisor. At the end of the initial employment period, the supervisor will conduct an employee evaluation – see Performance Evaluation Procedure.

New employees may be discharged at any time during this period if the Township Manager concludes that the employee is not progressing or performing satisfactorily. Under appropriate circumstances, the Township Manager may extend the initial employment period. (Newly hired

employees are not eligible for payment of paid time off except holidays until the successful completion of their initial employment period.)

Nothing in the procedure set forth in this section shall alter 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.

## **Employee Handbook Procedure**

The Township Manager with the assistance of the Personnel Administrator and Township's Attorney shall draft an Employee Handbook for the approval of the Governing Body. A separate version of the Handbook will be drafted for part-time and seasonal employees as well as for major bargaining groups if appropriate. Once approved, copies will be distributed and employees will be required to sign an acknowledgement of receipt that will be placed in the official personnel file. The Handbook will be revised and re-distributed whenever there is a significant change in personnel practice or every two years.

## **Performance Evaluation Procedure**

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

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

- **Setting the Stage:** The reviewer must create a productive climate for the discussion. In preparing the evaluation form, prior evaluations should be reviewed to identify trends. Employees must be notified in advance of the meeting and should be given a copy of the blank evaluation form. The meeting should be private without interruptions in a comfortable environment.
- **Confirm Expectations:** The reviewer should start the discussion of each performance area by reviewing expectations. Ask the employee to confirm the employee's understanding of the job requirements. Refer to the job description as appropriate.
- **Rating:** Continue the discussion by giving the employee's rating in each performance area. The supervisor should be prepared to refer to documentation. Employees should be evaluated based on set standards, not as they compare to other employees. It is rare that any person's rating in all areas is either high or low. The evaluation should consider performance during the entire period, not just the recent past. Care should be taken to

avoid allowing one aspect of a person's performance to overshadow all other performance factors be it positive or negative. Ideally, each performance area should be evaluated individually based on specific behaviors exhibited.

- **Discussing Future Plans:** This is where the reviewer should turn to the discussion to the future performance and development of the employee. A Counseling Action Plan form must be completed if any item is rated "Needs Improvement" or "Does Not Meet Minimum Standards." Specific performance goals must be established for the next review period along with plans for achieving those goals.
- **Closing the Discussion:** When all performance areas have been discussed, close the discussion by summarizing all of ratings in an overall rating for the review period.

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

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

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

*Needs Improvement* means performance in one or more critical areas does not meet expectations. Not all planned objectives were accomplished within the established standards and some responsibilities were not completely met.

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

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

## **Disciplinary Action Procedure**

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.

Should a supervisor believe that an employee is not conforming to the Township's policies and rules or to specific instructions, or has acted improperly, the supervisor will first privately

discuss the matter with the employee to obtain the employee's view. If the supervisor determines that the employee has acted improperly, the supervisor shall take one of the following actions depending upon the gravity and the employee's past record. At the discretion of the supervisor and the Township Manager, action may begin at any step, and/or certain steps may be repeated or by-passed.

- **Verbal Reprimand:** Depending on the circumstances, the supervisor may verbally notify the employee that the employee's actions have been improper and warn the employee against further occurrences. The supervisor will prepare a record of the verbal reprimand including the date, time and what was discussed with the employee. This record must be forwarded to the Township Manager for the employee's official personnel file.
- **Township Manager Review:** Should the supervisor consider the offense sufficiently serious to warrant consideration by the Township Manager, the employee will be so advised and a meeting arranged with the Township Manager at the earliest possible date. All facts should be detailed at this meeting and, if possible, a determination will be made at that time of disciplinary action, if any.
- **Corrective Action Plan:** Corrective action plans may be appropriate where there is a deviation from the standards or requirements the employee is required to fulfill. The employee's supervisor may, but is not required to, provide the employee with a written corrective action plan for the purpose of correcting undesirable behavior and preventing a recurrence of that behavior. Employees given a corrective action plan are required to sign an acknowledgment indicating they have received the plan, and a copy of the plan and acknowledgment will be placed in their personnel file. Subsequent evaluations of the employee should reference the corrective action plan and the employee's progress in attaining or failing to attain the goals of the plan.
- **Written Reprimand:** When a supervisor determines that a written reprimand is appropriate, the situation must be discussed with the Township Manager. The reprimand should clearly identify the problem and outline a course of corrective action within a specific time frame. The employee should clearly understand both the corrective action and the consequence (i.e., termination) if the problem is not corrected or reoccurs. The employee should acknowledge receipt of the warning and may include additional comments. A copy of the written reprimand with the signed acknowledgement and comments must be forwarded to the Township Manager for the employee's official personnel file.
- **Suspension:** Whenever an employee is recommended for suspension, the Township Manager will make the decision and may seek the advice of the Township's Attorney if appropriate. Suspended Employees may request a hearing under the applicable grievance and Civil Service procedure.
- **Dismissal:** Whenever an employee is recommended for dismissal, the Township Manager will make the decision only after seeking the advice of the Township's Attorney. There must be a complete review of the employee's personnel file and all other facts to determine if there is sufficient cause for the dismissal. Terminated employees may request a hearing under the applicable grievance and Civil Service procedure.

## **Personnel File Procedure**

The official personnel files shall be maintained by the Township Manager with the assistance of the Personnel Administrator. Employee medical information will be maintained in a separate file. At least annually, the Township Manager will review files to make sure they are up-to-date.

The Official file shall include at least the following:

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

## **Employee Complaint Investigation Procedure**

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

- **Reporting:** Employees should be asked to report complaints in writing utilizing the Employee Complaint form, but are not compelled to do so.

- **Identification/Screening:** The Supervisor, or Township Attorney must report all written or verbal complaints to the Township Manager unless the complaint is against the Township Manager. Upon receipt, the Township Manager will determine if the complaint was made pursuant to the General Anti-Harassment Policy, the Anti-Sexual Harassment Policy, the Whistle Blower Policy, a grievance procedure or is another form of complaint. A file will be established including the written complaint, the investigation procedure followed and the response action plan. As soon as possible but no later than ten days after receiving the complaint, the Township Manager or investigator appointed by the Township Manager will interview the employee. If the employee is reluctant to sign a written complaint, the Township Manager or investigator will prepare written notes of the date, time and place of the complaint and the specific allegations. These notes will be read back to the employee who will be asked to affirm, preferably in writing the information's accuracy.
- **Investigation:** The Township Manager will seek the advice of the Township Attorney when planning the investigation. The investigation should be conducted by the Township Attorney and county prosecutor if it involves potential criminal charges. The investigation should establish the frequency and nature of the alleged conduct and whether the complaint coincides with other employment events such as a poor performance evaluation. The investigation should also determine if other employees were subjected to similar misconduct. The Police Department will investigate complaints through Internal Affairs and if necessary will report to the Township Attorney and/or county prosecutor. It is important to protect the rights of both the person making the complaint and the alleged wrongdoer.
- **Response Plan – No Corrective Action Required:** The Township Manager will discuss the conclusions with the Township Attorney and render a decision within fourteen days after the investigation is complete. If the validity of a complaint cannot be determined or the complaint is groundless, the complaining employee should be notified in writing. Care should be taken to avoid being too specific, confrontational or accusatory and to avoid any language that might be construed as defamatory. A general statement is usually more appropriate that the claim was thoroughly investigated, but could not be sufficiently documented or confirmed to justify taking formal action. The employee should be assured that future complaints will be investigated and that the Township is committed to eliminating wrongful employment practices when they are found to exist. If the investigation reveals that the complainant intentionally and maliciously levied false charges against the alleged wrongdoer, the complainant must be notified of the seriousness of filing a false complaint, and the appropriate disciplinary penalty under the circumstances, up to and including termination.
- **Response Plan – Corrective Action Required:** If the investigation reveals that the complaint is justified and substantiated, the Township Manager will formulate with the advice of the Township's Attorney a corrective action plan as well as possible disciplinary action. The complaining employee will be notified, in writing that it appears that the complaint was justified and an appropriate response plan has been formulated. A copy of the response plan should be attached to the letter. The response plan should provide for appropriate remedial action to prevent a recurrence of the wrongful act or behavior.

## **Requests for Employment Verification and Reference Procedure**

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

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

## **Continuing Education Procedure**

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

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