



# **EMPLOYEE HANDBOOK**

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**THE TOWNSHIP OF JACKSON IS AN  
EQUAL OPPORTUNITY EMPLOYER (EOE) - M/F  
2019**



## THE TOWNSHIP OF JACKSON

### IMPORTANT DISCLAIMER & INTRODUCTION

The Township of Jackson plays an important part of the lives of the citizens it serves. The public expects that its business will be conducted to the highest standards. Public service is an honorable and rewarding career that offers many benefits not often found in the private sector.

As a Township of Jackson of Jackson employee, you have certain rights and obligations. Federal and State law as well as Township policies cover such important areas as discrimination, safety, violence, harassment and conflicts of interest. Many common attitudes of the past have changed. Behaviors that were tolerated ten or twenty years ago are no longer acceptable.

Employees have a right to a safe workplace free of discrimination, violence, harassment and conflict of interests and have an obligation to conduct themselves consistent with these policies. The Township of Jackson has a "no tolerance" policy towards workplace wrong doing.

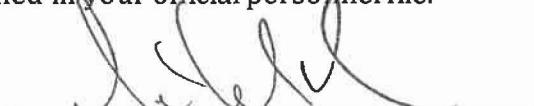
This handbook, and the policies contained herein, is intended to be consistent with the statutes of the State of New Jersey, New Jersey Civil Service Commission and Rules and Regulations, the Ordinances of the Township of Jackson, and any Federal Labor Standards.

However, the handbook itself is intended to act as a reference and to assist in advising you that the policies, as promulgated by the Township of Jackson, are carried out in a uniform manner, and to give guidance to all Township employees. Since many policies in effect pertain to various different groups and unions members, not all policies may be listed herein.

For this reason, if you have any questions concerning any Township of Jackson personnel policy, contact your supervisor, or if you prefer your Department Head, Business Administrator or Personnel Officer.

The Township of Jackson reserves the right to rescind or revise or amend this handbook. The Township of Jackson retains and reserves all managerial rights, without reservation as provided for by the State and Federal regulation, and as enumerated in all collective bargaining agreements and policies.

All employees receiving this handbook are required to sign an acknowledgement of receipt. A copy of this receipt will be maintained in your official personnel file.



MAYOR MICHAEL REINA

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DATE



## THE TOWNSHIP OF JACKSON

### GENERAL PERSONNEL POLICY

It is the policy of the Township of Jackson 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 of Jackson shall apply to all employees, volunteers, (elected or) appointed officials and independent contractors. Violations of the policies and procedures of the Township may result in disciplinary action, up to and including termination.

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

The Employee Handbook adopted by the Township of Jackson is intended to provide guidelines covering public service by Township of Jackson employees and is not a contract. This manual contains many, but not necessarily all the rules, regulations, and conditions of employment for Township personnel. All employees are encouraged to talk to their respective department heads to learn and understand any specific departmental rules and regulations.

The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Township. The Township reserves the right to rescind or revise any or all policies.

The policies and procedures contained in this manual are not intended to void, replace, or conflict with the New Jersey Department of Personnel rules and regulations, State or Federal law, or negotiated union agreements. The issuance of this manual shall not diminish the right of a collective bargaining representative to request negotiations over mandatorily negotiable terms and conditions of employment.

To the maximum extent permitted by law, the employment practices of the Township of Jackson 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 of Jackson shall have the right to terminate an employee at any time and for any reason, with or without notice, except the Township of Jackson shall comply with all Federal and State legal requirements requiring notice and an opportunity to be heard in the event of discipline or dismissal. This manual shall not be construed as a contract or other legal promise.



## THE TOWNSHIP OF JACKSON

### MANAGEMENT RIGHTS

The Township of Jackson hereby retains and reserves unto itself, without limitation, all powers, rights, authority, duties and responsibilities conferred upon and vested in it by the laws and Constitutions of the State of New Jersey and of the United States including, but not limited to, the following rights

1. To manage and control the affairs of the Township of Jackson and its properties and facilities, the operation of its departments and the work activities and scheduling of its employees;
2. To hire, fire, transfer and assign all employees subject to the provisions of the Civil Service Commission's regulations, determine their qualifications, standards of performance and conditions for continued employment or assignment, promotion and transfer;
3. To take disciplinary action for good cause according to law;
4. To establish rules, regulations, policies and procedures to affect the orderly and efficient administration of the Township of Jackson's personnel management system;
5. The failure of the Township of Jackson to exercise any of the foregoing rights, or any other management rights, shall not be construed as a waiver of these rights;
6. To lay off according to law.



## THE TOWNSHIP OF JACKSON

THE CONTENTS OF THIS HANDBOOK ARE GUIDELINES ONLY AND SUPERCEDE ANY PRIOR MANUAL AND/OR HANDBOOK. THIS MANUAL NOR ANY OTHER GUIDELINES, POLICIES OR PRACTICES CREATE AN EMPLOYMENT CONTRACT. JACKSON TOWNSHIP HAS THE RIGHT, WITH OR WITHOUT NOTICE, IN AN INDIVIDUAL CASE OR GERNALLY TO CHANGE ANY OF ITS GUIDELINES, POLICIES, PRACTICES, AND WORKING CONDITIONS OR BENEFITS AT ANY TIME. NO ONE IS AUTHORIZED TO PROVIDE ANY EMPLOYEE WITH AN EMPLOYMENT CONTRACT OR SPECIAL ARRANGEMENT CONCERNING TERMS OR CONDITIONS OF EMPLOYMENT UNLESS THE CONTRACT OR ARRANGEMENT IS IN WRITING AND IS SIGNED BY THE BUSINESS ADMINSTRATOR, EMPLOYMENT WITH JACKSON TOWNSHIP IS "AT WILL" AND MAY BE TERMINATED AT ANY TIME WITH OR WITHOUT CAUSE OR NOTICE BY THE EMPLOYEE OR JACKSON TOWNSHIP. THIS NOTICE APPLIES TO ALL EMPLOYEES REGARDLESS OF DATE OF HIRE.

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## THE TOWNSHIP OF JACKSON

# SECTION ONE: EMPLOYEE RIGHTS & OBLIGATIONS

## ANTI-DISCRIMINATION POLICY

The Township of Jackson is committed to the principle of equal employment opportunity and anti-discrimination pursuant to Title VII of the 1964 Civil Rights Act as amended by the Equal Opportunity Act of 1972 and the New Jersey Law Against Discrimination as amended by the New Jersey Pregnant Worker's Fairness Act (LAD). Under no circumstances will the Township of Jackson 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, Business Administrator, the Business Administrator or designee.

## AMERICANS WITH DISABILITIES ACT POLICY/ NEW JERSEY PREGNANT WORKER'S 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 (LAD), the Township of Jackson does not discriminate based on disability, pregnancy, pregnancy related medical condition or childbirth. The Township of Jackson will endeavor to make every work environment handicap assessable and all future construction and renovation of facilities will be in accordance with applicable barrier-free Federal and State regulations and the Americans with Disabilities Act Accessibility Guidelines, as well as the ADA Amendments Act.

It is the policy of the Township of Jackson to comply with all relevant and applicable provisions of the Americans with Disabilities Act, the ADA Amendments Act and (LAD). We will not discriminate against any employee or job applicant with respect to any terms, conditions, or privileges of employment on the basis of a known or perceived disability, pregnancy, childbirth, breastfeeding, or pregnancy related medical condition. We will also make reasonable accommodations to known physical or mental limitations of all employees and applicants with disabilities or pregnant, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided that the accommodation does not impose undue hardship on the Township of Jackson.

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

All decisions with regard to reasonable accommodation shall be made by the Business Administrator. Employees who are assigned to a new position as a reasonable accommodation will receive the salary for their new position. The Americans with Disabilities Act does not require the Township of Jackson to offer



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permanent "light duty", relocate essential job functions, or provide personal use items such as eyeglasses, hearing aids, wheelchairs, etc.

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

### CONTAGIOUS OR LIFE-THREATENING ILLNESSES POLICY

The Township of Jackson 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 of Jackson shall make reasonable accommodations to known physical and mental limitations of all employees, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided that the accommodation does not impose an unreasonable hardship on the Township of Jackson.

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

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

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

### SAFETY POLICY

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

The Township of Jackson 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.



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### **LIGHT DUTY POLICY**

The Township of Jackson will endeavor to bring employees with temporary disabilities back on the job as soon as possible and may assign Light duty to employees who temporarily cannot perform the essential functions of their positions because of injury or illness. Light duty is not guaranteed and will be assigned on a case by case basis. If a department already has one employee on Light duty, it is unlikely that another employee from that department will be assigned Light duty.

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

Employees may not refuse Light duty assignments that are recommended by the Workers Compensation Physician. In such cases, failure to report to work as directed shall constitute immediate grounds for dismissal. If the employee believes that the Light duty assignment is beyond the employee's abilities, the employee may request a meeting with the Business Administrator who will render a written response within 24 hours.

Employees on Light duty will receive their regular salaries and are prohibited from engaging in any outside employment of any kind unless they receive prior written approval from the Business Administrator. If Light duty is approved, the employee or Workers Compensation Physician must keep the Business Administrator or designee informed of the medical progress. If at the end of Light duty period the employee is not able to return to work without restrictions, the Township of Jackson reserves the right at its sole discretion to extend the Light duty or place the employee back on Workers Compensation or disability. This policy does not affect an employee's rights under the Americans with Disabilities Act, the Family and Medical Leave Act, the Fair Labor Standards Act, the Contagious or Life-Threatening Illnesses Policy or other Federal or State law.

### **ALCOHOL AND DRUG FREE WORKPLACE POLICY**

#### **I. PURPOSE**

The Township subscribes to the belief that the abuse of alcohol and/or drugs by Township employees is incompatible with the Township's obligation to endeavor to provide a safe and productive work environment for its employees and for its citizens to ensure their safety and trust in the Township. The Township further believes that healthy, drug-free employees are a greater asset to the Township, to society and to themselves. The goal of the Township Alcohol- and Drug-Free Workplace Policy ("Policy") is to maintain a work force free from prohibited drugs and alcohol abuse. The possession use or distribution of drugs/alcohol in the workplace poses an unacceptable risk to employees, the public and the Township. Accordingly, the Township hereby establishes the following policies and procedures, which shall apply to all Township employees, inclusive of the Department of Public Works. This policy shall not apply to the Police Department, which is governed by its own separate policies.



## THE TOWNSHIP OF JACKSON

### II. AUTHORITY

This Policy is intended to comply with all applicable federal and state statutes and regulations governing workplace and anti-drug testing including, but not limited to the following:

- A. Procedures for Transportation Workplace Drug Testing Programs: 49 CFR, Part 40.
- B. Omnibus Transportation Employee Testing Act: 49 CFR, Part 382.
- C. Notification and Reporting of Accidents: 49 CFR, Part 394.

### III. POLICY

- A. It is the responsibility of all employees to maintain personal health so that they are physically and mentally capable of performing in the workplace. The abuse of drugs or alcohol is an unsafe and counterproductive practice which will not be tolerated at the Township. NOTE: In this Policy, the terms "abuse" and "substance abuse" will be used interchangeably to mean the use or abuse of or dependency on illegal drugs, alcohol or drugs that can be prescribed but are used in a manner inconsistent with the prescription.
- B. Any employee of the Township reporting for work and found to be under the influence of alcohol or drugs or using drugs or alcohol while at work or in possession of, manufacturing, selling, offering for sale, trading or providing illegal drugs or alcohol will be subject to disciplinary action, up to and including termination. This Policy is in effect for all employees while on Township property, which includes the parking lots, or while engaged in Township business. The sale, possession, manufacture, distribution, dispensation, use or purchase of illegal drugs and/or alcohol on Township property or while conducting Township business is prohibited. Township property includes all areas in which the Township operates its equipment, property owned or leased by the Township, Township /employee-owned vehicles in use on Township property as well as lockers, desks, equipment, workspace and storage facilities owned or leased by the Township. (Township -sponsored activities which may include the responsible service of alcoholic beverages are not included in this provision, provided that abuse does not occur.)
- C. In an effort to ensure that the Township is an alcohol and drug-free workplace and to comply with Department of Transportation ("DOT") regulations, a drug testing program will be in effect for any person designated in a DOT regulation as subject to drug testing and/or alcohol testing including, by way of example and not limitation, individuals currently performing a safety-sensitive function, e.g. persons performing duties requiring a commercial driver's license, and applicants for employment subject to pre-employment testing. This Policy will provide for pre-employment, random, post-accident, reasonable suspicion, return-to-duty and follow-up testing. The Township has retained a Medical Review Officer or Agency (hereinafter referred to as the "MRO") to manage and administer the testing program.
- D. Any employee reporting for work impaired and unable to properly perform his/her required duties will not be allowed to work. If possible, the supervisor will first seek another supervisor's opinion of the employee's status. Also, where applicable, the supervisor will subsequently consult privately with the employee about the observation. If, in the opinion of the supervisor, the employee is considered impaired, the employee will be required to be tested for alcohol and illicit substances depending on the supervisory determination of the observed impairment. (Under no circumstances should an impaired



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employee be allowed to drive.) The Township will make arrangements to have the employee driven to the test site and home.

- E. Prescription drugs prescribed by the employee's licensed medical practitioner may be taken during working hours. The employee is, however, required to notify the supervisor if the use of properly prescribed prescription drugs may adversely affect the employee's work performance. The abuse of prescription drugs will not be tolerated. 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 using prescription drugs that may affect job performance or safety must notify their immediate supervisor and/or Department Head who is required to maintain the confidentiality of any information regarding an employee's medical condition in accordance with the Health Insurance Portability and Accountability Act ("HIPAA").
- F. The Township will provide an Employee Assistance Program (EAP) for its employees including supervisory personnel, which will include a program of education and training on the effects of drug/alcohol abuse. The Township will make available to all employees informational material related to the cause and effects of substance abuse and additionally will provide a community service hot-line telephone number, which can be used by its employees whenever assistance is required. Supervisory personnel, who will be in a position to determine whether an employee must be drug/alcohol tested pursuant to the policies herein, will receive a minimum of one hour of training on the specific physical, behavioral and performance indicators of probable drug/alcohol abuse. It is the responsibility of all employees to seek assistance from the EAP before drug/alcohol problems lead to violations of this policy and/or disciplinary action.
- G. The Township has determined to take action against its employees who unlawfully use, manufacture, distribute or possess alcohol, drugs and/or controlled substances during or outside assigned working hours in order to prevent illegal activities and to protect employees, the public and the Township and its property from any danger which may result from the illegal use of alcohol, drugs and/or controlled substances.
- H. The Township has further determined that it will not employ or use the services of any employee who refuses to be tested for drugs/alcohol and will discipline any employee who fails a drug/alcohol test, which may include termination of employment.
- I. All employees are required to acknowledge, in writing, their receipt of this policy. All employees will be provided with an orientation of this policy.

### IV. DEFINITIONS

As used in this policy, the following terms shall have the respective meanings indicated:

**ADULTERATED SPECIMEN:** A specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.

**ALCOHOL CONCENTRATION:** The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test under this Policy.



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**ALCOHOL CONFIRMATION TEST:** A subsequent test using an EBT (as defined below), following a screening test with a result of 0.02 or greater, that provided quantitative data about the alcohol concentration.

**ALCOHOL SCREENING TEST:** An analytic procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath or saliva for an alcohol test.

**CANCELLED TEST:** A drug or alcohol test that has a problem identified that cannot be or has not been corrected, or which this Policy otherwise requires to be cancelled. A cancelled test is neither a positive nor a negative test.

**CONFIRMATION (OR CONFIRMATORY) DRUG TEST:** A second analytical procedure performed on a urine specimen to identify and quantify the presence of a specific drug or drug metabolite.

**CONFIRMATION (OR CONFIRMATORY) VALIDITY TEST:** A second test performed on a urine specimen to further support a validity test result.

**DESIGNATED EMPLOYER REPRESENTATIVE ("DER"):** An employee designated by the Township of Jackson to take immediate action(s) to remove employees from safety-sensitive duties, or cause employees to be removed from these covered duties, and to make required decisions in the testing and evaluation process. The DER also receives test results and other communications for the Township, consistent with the requirements of this Policy.

**DIILUTE SPECIMEN:** A specimen with creatinine and specific gravity values that are lower than expected for human urine.

**EMPLOYEE:** A person employed by the Township of Jackson, which includes those who require a commercial driver's license to be maintained, employees in safety-sensitive positions, including all DPW employees, foremen and supervisors, all of whom shall be included in the test pool.

**FAIL A DRUG/ALCOHOL TEST:** The confirmation test result shows positive evidence of the presence of a prohibited or legal drug/alcohol in an employee's system.

**LEGAL DRUGS:** Drugs prescribed by a licensed medical practitioner for the employee and over-the-counter drugs which have been legally obtained and are being used by the employee as directed and for the purpose for which they were prescribed or manufactured.

**MEDICAL REVIEW OFFICER ("MRO"):** A person who is a licensed medical practitioner and who is responsible for receiving and reviewing laboratory results generated by the Township of Jackson drug testing program and evaluating medical explanations for certain drug test results.

**PROHIBITED DRUGS:** The drugs for which tests are required under 49 C.F.R., Part 40 and DOT Regulations are marijuana, cocaine, amphetamines, phencyclidine (PCP) and opiates except when prescribed by a licensed medical practitioner. This exception applies only when the drug is used as prescribed or authorized by the individual to of for whom the drug was prescribed.

**SAFETY SENSITIVE POSITION:** A position where the presence of alcohol and/or drugs in an employee may place the employee, co-employees and the public in danger of injury to life or limb, such as, but not limited to,



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when operating a motor vehicle, power tools, heavy machinery, working in high places or at or near busy roads.

**SPLIT SPECIMEN:** In drug testing, a part of the urine specimen that is sent to a first laboratory and retained unopened, and which is transported to a second laboratory in the event that the donor requests that it be tested following a verified positive test of the primary specimen or a verified adulterated or substituted test result.

**SUBSTITUTED SPECIMEN:** A specimen with creatinine and specific gravity that are so diminished that they are not consistent with human urine.

## **V. PRE-EMPLOYMENT TESTING FOR EMPLOYEES IN SAFETY-SENSITIVE POSITIONS**

Prospective employees selected for a safety-sensitive position will be required to undergo post-offer, pre-employment testing for the presence of alcohol and prohibited drugs. A negative test result is a condition of employment and a positive test result will result in the individual being dropped from further consideration for employment with the Township at that time or in the future.

Failure to keep an appointment with the MRO to undergo testing for the presence of alcohol and/or prohibited drugs, which was previously agreed to by both the prospective employee and the MRO, will be viewed as a refusal to submit to the testing and will result in the individual being dropped from further consideration for employment with the Township at that time or in the future.

## **VI. RANDOM TESTING**

All employees who have commercial drivers' licenses and those in safety-sensitive positions will be subject to random, unannounced alcohol and drug testing on an annual basis. Testing will be done during working hours, except under exigent circumstances. The Township shall be responsible for the costs of the testing. Split-sample testing will be as provided by this Policy. Selection criteria, numbers of tests and test frequency will be determined by the language of the applicable Federal Highway Administration ("FHWA") regulations and will be communicated to employees by Township management or the MRO.

However, annually at least fifty percent (50%) of the employees will undergo drug testing and fifty percent (50%) of the employees will undergo alcohol testing. Monthly, but no later than quarterly, a prorated number of employees will be tested. The portion will ensure that the ratios above are conducted over the calendar year. Any employee who is absent will go back into the random pool and another employee will be drawn.

Upon notification of selection, the employee will report to the designated collection site immediately. Failure to report will be viewed as a refusal to submit to the test and will result in disciplinary action, up to and including termination.

## **VII. REASONABLE SUSPICION TESTING/EMPLOYEE PHYSICAL**

All employees are subject to a fitness-for-duty evaluation, to include urine and breath-testing, when there is reasonable suspicion to believe that the employee is in violation of this Policy. A reasonable cause referral for testing will be made on the basis of documented, objective facts and circumstances which are consistent with



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the long- and short-term effects of substance or alcohol abuse. Examples of reasonable suspicion include, but are not limited to, the following:

- (1) Physical signs and symptoms consistent with substance or alcohol abuse.
- (2) Evidence of the manufacture, distribution, dispensing, possession or use of controlled substances, alcohol, or drugs.
- (3) Prohibited Conduct as follows:
  - A. Alcohol Concentration above 0.02% when Reporting For Duty or Remaining On Duty
  - B. Alcohol Possession
  - C. On-Duty Alcohol Use
  - D. Pre-Duty Alcohol Use
  - E. Alcohol Use Following an Accident
  - F. Refusal to Submit to a Required Alcohol or Controlled Substance Test
  - G. Controlled Substance Use
  - H. Positive Test For Controlled Substances

Reasonable cause testing determinations will be made by a supervisor or other Township official who is trained to recognize the signs and symptoms of drug and alcohol use and who can reasonably conclude that an employee may be adversely affected or impaired in his/her work performance due to substance abuse. If another supervisor or other Township official is immediately available, he/she will verify that there is reasonable cause before the employee is transported to the MRO's facility. At no time will this determination be made on the basis of third-party reports without verification.

The observations of the supervisors and the determination shall be set forth in a written report, which report should be completed prior to testing, but no later than two (2) hours after the employee is sent to the testing facility. The written report shall be forwarded to the Administrator who shall keep the report confidential.

**NOTE:** Employees are cautioned that various over the counter and prescribed medications can adversely affect ability to operate vehicles and other equipment. It is the employee's responsibility to report to work each day fit for his or her duties.

Employees who are deemed to require a fitness-for-duty evaluation based on reasonable cause will be sent to a health facility of the Township's choice. The attending physician will make every attempt to determine the cause of the observed behavior, including authorizing, when his/her medical opinion dictates, an additional alcohol or drug test.

Employees will be placed on unpaid medical leave of absence until the results of the examination are received by the Township. Receipt of a negative drug test result and/or doctor's statement that the employee was and is fit for duty is required prior to return to duty and continued employment. Employees who are returned to duty by this means will be reinstated without prejudice and without loss of pay.

Employees who are medically determined to be temporarily unfit to perform their duties, but who test negatively for alcohol or drugs, will be returned to duty when they obtain the original examining doctor's



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written statement that they are fit for duty. Any fitness for duty examination will only determine whether the employee is fit for duty and no medical information shall be disclosed.

Employees may be required by the Township to undergo a physical examination, which can include urine testing for drugs/alcohol. Such testing shall be done by a designated agent of the Township, who shall follow the procedures set forth in this Policy.

### **VIII. POST-ACCIDENT TESTING**

Any employee involved in an accident, while on Township property or while engaged in Township business, will be required to submit to a post-accident alcohol and drug test if:

- (1) The driver involved in an accident received a citation for a moving violation.
- (2) There is a fatality as a result of an accident.
- (3) The accident meets the DOT criteria for an accident, including but not limited to: (a) bodily injury to any person who requires immediate medical treatment away from the scene of the accident; or (b) one or more vehicles are disabled at the accident scene and require towing or transport by another vehicle.
- (4) The accident involves a Township vehicle where drug/alcohol usage may have played a role.

When post-accident testing is indicated, the Township will make every effort to have such testing performed within two (2) hours of notification of the accident. At no time will a period of more than eight (8) hours transpire between notification and testing. Documentation of the entire post-accident procedure should be made by all personnel involved in the notification and testing process.

Receipt by the Township of a negative alcohol and drug test result is required prior to return to duty. A positive test result may disqualify an employee from further employment or reinstatement at that time or any time in the future and subject the employee to disciplinary action, up to and including termination of employment.

### **IX. RETURN TO DUTY TESTING**

Any employee who tests positive for alcohol or illicit substances will not be permitted to return to work, where applicable, until he/she has met the following:

- (1) The employee must be evaluated by a substance abuse professional. This professional must meet the criteria outlined in the DOT's Alcohol and Drug Rules for Substance Abuse Professionals.
- (2) The employee must comply and complete all recommendations made by the substance abuse professional and be able to document the same.
- (3) The employee must submit to return-to-duty testing, and proof of a negative test result must be received by the Township. Return-to-duty testing for employees holding CDLs will be conducted by direct observation. See Part X.B.



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When the employee is cleared to return to work, he/she will be required to pass an alcohol and drug test. Upon receipt of a negative test result, if an employee is allowed to return to work, he/she will be subject to follow-up testing as required by applicable law and regulations and this Policy. The cost of the follow-up testing will be equally split between the Township and the employee.

All employees are entitled to voluntarily participate in the Employee Assistance Program ("EAP"). However, if there is a positive test result (drug or alcohol), participation in the EAP or an alternate program approved by the Township shall be a prerequisite to continued employment. Refusal to enroll in an EAP or alternate program or to complete a full course of rehabilitation shall be cause for immediate termination of employment of the employee with the Township. A positive alcohol test is one with a level of 0.040 or greater. Employees with a pattern of readings between 0.020 and 0.039 will also be subject to enrollment in a mandatory counseling program as a condition of continued employment with the Township. Employees will be permitted to use accrued vacation time, if available, to attend any counseling programs.

In addition to completing a mandatory course of rehabilitation, employees shall be subject to the following discipline(s):

(1) Following the confirmation of a positive test result, there shall be a suspension without pay of up to thirty (30) days. In the case of an alcohol test result between 0.020 and 0.039, the penalty will be a suspension without pay for the remainder of that day's work shift unless a pattern of this type of abuse has developed. In either case, the suspension(s) shall also remain in full force and effect until there is a negative retest provided to the Township through a certified laboratory (all costs of testing to be borne by the employee), but failure on the part of the employee to present a negative test result within six weeks from the original incident date shall automatically result in his/her termination of employment with the Township. After two weeks, the Township reserves the right, for reasons of operational efficiency, to fill the suspended employee's position and, in such case, the suspended employee would be entitled to the next available opening, provided that all other conditions (rehabilitation and negative test result) are met.

(2) Employees who test positive for alcohol on a second occasion or found to be in violation of this Policy (confirmation of a positive drug or alcohol test result) on a second occasion will be immediately dismissed and permanently barred from future employment with the Township.

(3) Refusal to be tested or failing to cooperate in a drug or alcohol test shall be deemed a positive test.

### X. FOLLOW UP TESTING

A. Any employee returning to work with the Township after being disqualified for a positive alcohol or drug test or returning to work after a leave of absence for voluntary substance abuse treatment will be subject to random follow-up testing. The employee will be tested at least six (6) times in the first twelve (12) months after returning to duty and may be subject to follow-up testing without prior notice for up to thirty-six (36) months. However, the employee is not given a fresh start after this period; the verified positive result remains in the his/her file. If any employee tests verified positive on a subsequent post-rehabilitation testing, or on any other test during employment with the Township, that employee shall be terminated from employment with the Township immediately.

B. The following applies only to Employees who are CDL Holders:



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- C. In accordance with 49 C.F.R. § 40.67, an employee will be required to provide a specimen immediately under direct observation if:
  - (1) The laboratory reported to the MRO that a specimen is invalid, and the MRO reported to the Township that there was not an adequate medical explanation for the result;
  - (2) The MRO reported to the Township that the original positive, adulterated, or substituted result had to be cancelled because the test of the split specimen could not be performed; or
  - (3) The laboratory reported to the MRO that the specimen was negative-dilute with a creatinine concentration greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL, and the MRO reported the specimen to Township as negative-dilute and that a second collection must take place under direct observation (see §40.197(b)(1)).
- D. Collection of specimens will be done under direct observation if the drug test is a return-to-duty test or a follow-up test.
- E. Employees will be subject to direct observation when directed as required by paragraphs B and C of this section; or employees bring materials to the collection site or an employee's conduct clearly indicates an attempt to tamper with a specimen; or the temperature on the original specimen was out of range; or the original specimen appeared to have been tampered with.
- F. The Township and the collector will explain to the employee the reason for a directly observed collection under appropriate paragraphs of this section.
- G. The observer under direct observation will be the same gender as the employee.
- H. Under direct observation, the employee will be requested to raise his or her shirt, blouse, or dress/skirt, as appropriate, above the waist; and lower clothing and underpants to show the observer, by turning around, that they do not have a prosthetic device. After the observer has determined that the employee does not have such a device, the observer may permit the employee to return clothing to its proper position for observed urination.
- I. The observer must watch the employee urinate into the collection container. Specifically, the observer will watch the urine go from the employee's body into the collection container.
- J. If any employee declines to allow a directly observed collection required or permitted under this section to occur, this is a refusal to test.

## XI. TESTING PROCEDURES

Collection of the urine specimen shall be done in accordance with federal regulations, as described in 49 C.F.R. §§ 40.41- 40.73, which are outlined in the instructions for employees attached to this Policy as Appendix B. Collection will be done at a collection site designated by the MRO. A proper chain of custody shall be maintained. Should this chain be broken, the test shall be invalidated, and a new collection made.

## XII. DRUG TESTING PROCEDURES



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A. All drug testing required by the Township will be performed in accordance with DOT guidelines. Drug testing is by urinalysis using split samples. Split-sample testing requires the specimen be divided into two separate specimen containers during the collection process. These two containers are designated as: the primary specimen, which shall contain no less than thirty (30) milliliters of urine; and the split specimen, which shall contain no less than fifteen (15) milliliters of urine. Upon arrival at the laboratory, the primary specimen will be opened and tested.

In the first screening test, immunoassay techniques are used to screen urine specimens for classes of drugs. In the second or confirmation test, any positive results found in the first screening will be confirmed using the tandem technique of gas chromatography/mass spectrometry (GC/MS), which positively identifies and quantifies the presence of specific drugs. No test result will be reported by the

laboratory to the MRO as a positive drug test result unless both the initial screening test and the confirmation test are positive. The laboratory shall report the test results to the MRO, who shall evaluate the chain of custody, urine custody form and test results.

All employees (or applicants for employment who have received a conditional offer of employment) selected or directed for drug testing (whether random, reasonable suspicion, post-accident, return-to-duty, or pre-employment) shall complete the Drug Testing Medication Form.

B. The MRO will perform the following duties for Township:

- (1) The MRO will review the results of each drug test before it is reported to the Township.
- (2) The MRO will review and interpret each confirmed positive test result in the following manner to determine whether or not there is an acceptable medical explanation for the confirmed positive result:
  - (a) The MRO/ will conduct a medical interview with the employee, either in person or by telephone.
  - (b) The MRO will review the employee's medical history and relevant biomedical factors.
  - (c) The MRO will review medical records made available by the employee to determine if a confirmed positive result could be attributed to the use of legally prescribed medication.
  - (d) The MRO will require, if it is deemed necessary, that the original specimen be reanalyzed.
  - (e) The MRO will verify that the laboratory report and assessment are accurate.
  - (f) If the MRO determines that there is a legitimate medical explanation for the confirmed positive result, he/she will take no further action other than informing the Township of his/her determination that the test result is negative.
- (3) If the MRO verifies that a confirmed positive test result is scientifically sufficient and that there is no legitimate medical explanation for the confirmed positive result, the MRO shall immediately contact the Township's DER (who will instruct the employee's supervisor to immediately



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suspend the employee pending management review and determination of appropriate action) and the employee.

- (4) The MRO will determine whether and when a rehabilitated employee may return to work.
- (5) The MRO will determine a schedule of post-rehabilitation testing, after consulting with the Township's designated representative, for an employee returning to work after rehabilitation.
- (6) The MRO will ensure that an employee is tested in strict compliance with the applicable DOT procedures before an employee may return to work after rehabilitation.
- (7) If the MRO so determines, based upon a review of laboratory inspection reports, quality assurance and quality control data and other drug test results, that a particular drug test result is scientifically insufficient, the MRO will conclude that the test is negative, and no further action shall be taken. The MRO may request a reanalysis of the original specimen prior to making this determination. The MRO may request the reanalysis be performed by the same laboratory or that an aliquot of the original specimen be sent for reanalysis to an alternate laboratory certified by the United States Department of Health and Human Services (USDHHS). The laboratory shall assist the MRO in making his/her determination by having its personnel available to the MRO for consultation upon request by the MRO.

### (8) Reporting and Review of Results:

#### (a) Review by MRO

The MRO will review all test results prior to the transmission of the results to the Township to consider possible alternate medical explanations for confirmed test results. The MRO shall have the qualifications and responsibilities, including those pertaining to the investigation, confirmation and communication of verified positive and negative test results and the disposition of scientifically insufficient test results, as set forth in the Medical Review Officer section of this Policy.

#### (b) Positive Test Results

1. If, after making all reasonable efforts and documenting them, the MRO is unable to reach the individual directly, the MRO shall contact the Township's DER who shall direct the individual to contact the MRO as soon as possible. The Township's DER shall employ procedures that ensure, to the maximum extent practicable, the requirement that the employee contact with the MRO is held in confidence.
2. If, after making all reasonable efforts, the Township's DER is unable to contact the employee, the MRO may place the employee on temporary, unpaid leave.
3. The MRO may verify a test as positive without having communicated directly with the employee about the test in three circumstances:
  - (a) The employee expressly declines the opportunity to discuss the test.



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- (b) The Township's DER has successfully made and documented a contact with the employee and instructed the employee to contact the MRO, and more than five (5) calendar days have passed since the date the employee was successfully contacted by the DER, without the employee contacting the MRO; or
- (c) If neither the DER nor MRO, after making and documenting all reasonable efforts has been able to contact the employee within 10 days of the date the MRO received the confirmed test from the laboratory.

4. Under the split-test method, and if the employee so chooses the split-test method, such test may be conducted, and if there is a positive result, the provisions/procedures and penalties of this Policy shall apply.

5. If a test is verified positive under the circumstances specified in this Policy, the employee may present to the MRO information documenting that serious illness, injury or other circumstances unavoidably prevented the employee from timely contacting the MRO. The MRO, on the basis of such information, may reopen the verification, allowing the employee to present information concerning a legitimate explanation for a confirmed positive test. If the MRO then concludes that there is a legitimate explanation, the MRO may declare the test to be negative.

6. Following verification of a positive test result, the MRO shall refer the case to the Township's DER for other rehabilitation or administrative action.

(c) Verification for opiates.

Before verifying a confirmed positive test result for opiates, the MRO shall determine that there is clinical evidence other than, or in addition to, the urine test of unauthorized use of any opium, opiate or opium derivative, unless confirmation testing for opiates confirms the presence of 6-acetylmorphine.

(d) Authorized reanalysis.

Only the MRO may order a reanalysis of the original primary specimen. The employee may submit a written request for a retest of the original specimen to the MRO for a reanalysis of the specimen within sixty (60) days following the day the employee was informed by the MRO that he/she tested verified positive for drug use. The MRO shall then authorize the reanalysis at the Township's expense.

(e) Disclosure of results.

Except as provided in this Policy, the MRO shall not disclose to any third party the results of the drug test or any medical information provided by the employee to the MRO as a part of the testing verification process without the employee's written consent, except as set forth in (e)1 below.

1. The MRO may disclose such information to the Township, the DOT or other federal safety agency, law enforcement officials or a licensed medical practitioner responsible for determining the medical qualification of the employee under an applicable DOT agency regulation, as applicable, only if:
  - (a) In the MRO's reasonable medical judgment, the information could result in the employee being determined to be medically unqualified for employment; or



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- (b) In the MRO's reasonable medical judgment, the information indicates that continued performance by the employee of his/her safety-sensitive function could pose a significant safety risk.
- 2. Before obtaining medical information from the employee as part of the verification process, the MRO shall inform the employee that the information may be disclosed to third parties as provided in (e)1 above and the identity of any parties to whom information may be disclosed.
- 3. In the event the MRO discloses information to any third party pursuant to Paragraph (e)(1) above, the MRO shall notify the employee in writing of the disclosure, what information is being disclosed, to whom the information is being disclosed and the reason for the disclosure.
- 4. Any third party to whom the MRO discloses information pursuant to this section shall maintain the confidentiality of the information consistent with the law.

C. The Township will immediately remove the employee from his/her job as a result of a verified positive drug test and will suspend the employee pending management review and determination of appropriate disciplinary action as outlined in Article IX.D

### XIII. ALCOHOL TESTING

- A. The DOT Regulations require breath testing for alcohol. This testing must be done using an evidential breath-testing device (EBT) approved by the National Highway Traffic Safety Administration (NHTSA). This testing can only be performed by a Breath Alcohol Technician (BAT) that is certified in the equipment being used.
- B. Two breath tests are required to determine if a person has a prohibited alcohol concentration. A screening test is conducted first. Any result less than 0.02 alcohol concentration is considered a negative test, and no further testing is required. If the initial screening shows an alcohol concentration of 0.02 or greater, a second or confirmation test is required. The confirmation test must be taken fifteen (15) minutes after the initial screening. During that fifteen (15)-minute period the employee being tested is to remain with the BAT and must refrain from eating, drinking, smoking or belching. After the fifteen (15)-minute waiting period, a second breath test will be performed. The results of the second test stand and become the official test result.
- C. If the confirmation test result shows an alcohol concentration of less than 0.02 the official test result is negative and no action is required. If the result of the confirmation test is 0.02 or greater, action by the Township is required pursuant to policies set forth herein.
- D. As well as potential disciplinary actions, other initial Township response to breath testing results that show an alcohol concentration of 0.02 or greater are as follows:
  1. If the tested employee's alcohol concentration is between 0.02 and 0.039, the regulations call for the removal of the employee from performing safety-sensitive functions for at least 24 hours and until a negative screen is revealed.



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2. If the tested employee's alcohol concentration is 0.04 or greater, he/she must immediately be removed from any safety-sensitive duties until he/she has been evaluated by a substance abuse professional (DOT Regulations have specific guidelines for who qualifies as a substance abuse professional), has complied with any recommended treatment and has taken and passed a return-to-duty alcohol test (result must be less than 0.02). The employee is then subject to unannounced follow-up testing. (See Section X, Follow-up testing.)
3. All other actions as set forth in Section IX.D. above.

E. All applicants and employees are expected to report for alcohol and drug testing as required by this Policy and in accordance with the Township's testing procedures. Employees are to report to work with no alcohol or illegal drugs in their bodies. Any refusal to submit to alcohol breath testing or urinalysis drug testing as directed by supervisory personnel will be considered a refusal-to-test and will subject the employee to the consequences as set forth in Article XVI.B. below.

## XIV. CONFIDENTIALITY OF TEST RESULTS

The results of any drug test will be reported to the Township and recorded in a confidential manner. The results will not be reported to any additional parties without the employee's written authorization. A copy of the individual's test results will be available to the individual upon his/her written request. No other medical information will be reported to the Township without an employee's written authorization, except as provided for in Article XII, B(8)(e) above.

## XV. QUALITY ASSURANCE OF THE TEST PROGRAM

- A. The Township, through its DER, will take steps in its arrangements for testing to ensure that the laboratory is certified by Substance Abuse and Mental Health Services Administration ("SAMHSA") and meets the requirements of the United States DOT.
- B. The chain of custody for any urine sample shall be maintained at all times. If the chain of custody is broken, after the tamper proof seal is applied, the employee(s) shall be retested at the Township's expense.
- C. Any employee who receives a positive test result will have the right to ask the MRO to retest the sample at a National Institute on Drug Abuse ("NIDA") certified laboratory of the employee's choice at the employee's expense. Employees whose sample is retested with a negative test result will be reimbursed the cost of the test and returned to work.
- D. The Township, through its DER, will make every reasonable effort to ensure that the equipment being used for alcohol breath testing meets all the requirements of the DOT, and all testing will be performed by a qualified BAT.

## XVI. GROUNDS FOR DISCIPLINARY ACTION/INSPECTION/APPLICABILITY

- A. Any employee engaging in the manufacture, distribution, dispensing, possession or use of prohibited substances on Township premises, in Township vehicles or while on Township business will face disciplinary action, up to and including termination. Any manufacture, distribution, dispensing, possession or use of prohibited substances by any employee in any manner which adversely affects the employee's job performance or which may cause the public or a government or corporate body to lose confidence in the



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Township's ability to perform its responsibilities may result in disciplinary action, up to and including termination. Law enforcement officials could be notified, as appropriate, where criminal activity is suspected. Any employee convicted of violating a criminal drug statute or drunken driving law/statute must notify the Township DER within three (3) calendar days of any such conviction.

B. Any employee who refuses to comply with a request for drug testing shall be considered as having produced a positive test result and may be subject to disciplinary action, up to and including termination as set forth in Section IX.D. Any employee who provides false information, in connection with a test, or who attempts to falsify test results through tampering, contamination, adulteration or substitution shall face disciplinary action, up to and including termination. If the laboratory detects any substance which has been added to the sample to interfere with the normal testing process, this will be considered a refusal to test, and the same sanctions and penalties, up to and including termination, as set forth in Section IX.D. will apply.

C. The Township reserves the right to inspect, investigate and search for controlled substances at any time, without prior notice, on or in any and all Township premises and vehicles. All coolers are subject to inspection. Refusal by any employee to cooperate with any inspection, investigation or search that is authorized by a Township representative or by a court of competent jurisdiction shall result in disciplinary action up to and including termination.

D. This Policy applies to all employees, except for police and fire department employees, who are governed by their own policies. Visitors, vendors and contractors are also governed by this Policy while on Township property or providing services to or for the Township. Failure on the part of vendors or contractors to adhere to this Policy will cause the Township to cease to do business with that concern.

## XVII. EMPLOYEES VOLUNTARILY SEEKING HELP

A. The Township strongly encourages an employee with a drug/alcohol abuse problem to voluntarily step forward to tell the Township.

B. The Township will assist in referring the employee to community assistance programs. An unpaid leave of absence will be granted for a reasonable period for treatment. Employees with accumulated sick and vacation time will be required to use their accumulated time during a leave of absence.

C. It is crucial to note that the accommodations specified in this Section apply only when an employee voluntarily comes forward. If a substance abuse problem is disclosed to the Township only after there has been a positive drug test, a violation of a Township rule or standard, a violation of law or a violation of this Policy, the same conditions outlined in Section IX.D. of this Policy apply. If an employee fails to remain drug-free after the first voluntary rehabilitation, he/she will be discharged from employment with the Township.

## XVIII. TRAINING

A. In an effort to educate employees in the dangers of drug use and the Township's commitment to keeping drugs out of the workplace, each employee will receive information covering the dangers of substance abuse, the Township's commitment to an alcohol- and drug-free workplace and the penalties for violation of this Policy.

B. Supervisory employees will receive at least one hour of training on identifying those individuals who might be impaired by the use of drugs.



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### **XIX. EMPLOYEE ACKNOWLEDGEMENT**

Each employee or prospective employee shall be given a copy of this Policy with corresponding forms and he/she must acknowledge receipt of this Policy as a condition of (continued) employment.

### **XX. ADMINISTRATION**

A. The Township has designated the Business Administrator or his designee to administer this Township's anti-drug/alcohol program. It has contracted with Meridian Occupational Health for the collection and testing to be done under the Township's and Meridian Occupational Health standard procedures, as outlined above, and for the employee awareness and supervisory training program as designed and administered by the Employee Assistance Program administered by RWJ Barnabas and Meridian Occupational Health, when available, all as more particularly required by the Township's anti-drug/alcohol program.

B. The Medical Review Officer and Drug/Alcohol Testing Laboratory shall be those entities utilized by Meridian Occupational Health in its contract with the Township.

### **WORKPLACE VIOLENCE POLICY**

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

Prohibited conduct includes

- Causing physical injury to another person;
- Making threatening remarks;
- Aggressive, hostile, or bullying behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
- Intentionally damaging employer property or property of another employee;
- Possession of a weapon while on Township of Jackson property or while on Township of Jackson 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 situations must be immediately reported. The Township of Jackson will actively intervene in any potentially hostile or violent situation.



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### GENERAL ANTI-HARASSMENT POLICY

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

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

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

Notification of appropriate personnel of any harassment problem is essential to the success of this policy and the Township generally. The Township of Jackson 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 of Jackson's policy to prohibit sexual harassment of an employee by another employee, management representative, supplier, volunteer, or business invitee. The Township of Jackson 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.



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

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

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

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

Harassment of 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 employee to appropriate personnel of any harassment problem is essential to the success of this policy and the Township of Jackson generally. The Township of Jackson 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.

### **CEPA / "WHISTLE BLOWER" POLICY**

Employees have the right under the "Conscientious Employee Protection Act (CEPA)" to complain about any activity, policy or practice that the employees reasonably believe is in violation of a law, rule, or regulation promulgated pursuant to law without fear of retaliation or reprisal. This right shall be communicated to all employees in an annual 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 of Jackson shall not take any retaliatory action or tolerate any reprisal against an employee for any of the following



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- Disclosing or threatening to disclose to a supervisor, Department Head, the Business Administrator, other official or to a public body, as defined in the Conscientious Employee Protection Act (N.J.S.A. 3419-1 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 Personnel Officer or Business Administrator. 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 emergency in nature. Employees are encouraged to complain in writing using the Employee Complaint form. See Employee Complaint Policy.

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

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

If the investigation substantiates the complaint, appropriate corrective and/or disciplinary action will be swiftly pursued. Disciplinary action up to and including discharge will also be taken against individuals who make false or frivolous accusations, such as those made maliciously or recklessly. Actions taken internally to investigate and resolve harassment complaints will be conducted confidentially to the extent practicable and



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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 or of the status of the investigation within a reasonable time from the date of the report an incident.

### CODE OF ETHICS

All employees need to be aware of the importance of conducting themselves in an ethical manner. As such employees shall not take part in or attempt to influence in any way any activity in which their own best interests may conflict with the best interest of the Township of Jackson. (See N.J.S.A. 40A9-22.5)

Additionally, some of the business conducted by the Township is confidential in nature such as contracts, acceptance of bids, personnel issues, etc. Most Township business is open to the public and is by law, open for public disclosure. However, such confidential issues shall not be improperly discussed outside of your department and may be subject to disciplinary action.

### GRIEVANCE POLICY

A grievance is any formal dispute concerning the interpretation, application and enforcement of any personnel policy or procedure of the Township of Jackson. Grievances from union employees will be handled pursuant to the terms of the applicable bargaining unit agreement.

Non-union employees shall address their concerns to the Business Administrator and/or the Personnel Officer.

All grievances from non-union employees must be presented within five (5) working days after arising and failure to report a grievance within such time shall be deemed as a waiver of the grievance. In the event of a settlement or ruling that results in a determination of monetary liability, such liability shall not exceed more than thirty working days prior to the date the grievance was first presented in writing.

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



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The official personnel file for each employee shall be maintained by the Personnel Officer. 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 of Jackson premises in the presence of the Personnel Officer or a designated supervisor. The employee will be entitled to see any records used to determine his or 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 document 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 will 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 legal requirements.

The Township 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 compliance with applicable law;
- To the Township's agents and attorneys, when necessary;
- In a lawsuit, administrative proceeding, grievance or arbitration 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 a verification of your employment.

## CONFLICT OF INTEREST POLICY

Employees including Township of Jackson 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 of Jackson. Violations of this policy will result in appropriate discipline including termination.

The Township of Jackson recognizes the right of employees to engage in outside activities that are private nature and unrelated to Township business. However, business dealings that appear to create a conflict between the employee and the Township of Jackson'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 of Jackson Municipal Clerk a state mandated disclosure form. The Township Municipal Clerk will notify employees and Township officials subject to the filing requirements of the Act.



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A potential or actual conflict of interest occurs whenever an employee including a Township of Jackson 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 Business Administrator to obtain clarification.

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

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

### **POLITICAL ACTIVITY POLICY**

Employees have exactly the same right as any other citizen to join political organizations and participate in political activities, as long as they maintain a clear separation between their official responsibilities and their political affiliations. Employees are prohibited from engaging in political activities while performing their public duties and from using Township of Jackson time, supplies or equipment in any political activity. Any violation of this policy must be reported to the supervisor, Department Head, Personnel Officer or Business Administrator.

### **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 at least once a year. After completing the evaluation, the supervisor or Department Head will review the results with the employee and return the form(s) with the signed acknowledgement to the Business Administrator. After review by the Business Administrator, the form(s) are to be forwarded to the Personnel Officer for inclusion in the employee's official personnel file. As a part of the evaluation, employees have the right to request a conference with the Business Administrator or Personnel Officer.



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### EMPLOYEE CONDUCT POLICY

Employees are expected to conduct themselves in a manner which exhibits a respect for the rights and property of the Township of Jackson, fellow employees and residents. While many of these behaviors are addressed under specific policies, the following list, while not all inclusive, further identifies examples of inappropriate behavior

- Failure to treat all residents, visitors and fellow employees in a courteous manner;
- Behavior or conduct which is offensive, undesirable or is subject to disciplinary action;
- Intoxication or drinking/drugs while on duty;
- Illegal Gambling;
- Possession of weapons or firearms which would make the employee be in violation of the Workplace Violence Policy;
- Insubordination or the refusal by an employee to follow management's instructions concerning job-related matters;
- Falsifying or altering Township of Jackson records or reports, including, but not limited to applications for employment, medical reports, time records, expense reports, absentee reports or shipping and receiving records;
- Smoking where prohibited in accordance with the Township of Jackson smoking policy;
- Unauthorized sleeping on the job;
- Improper attire or inappropriate personal appearance;
- Engaging in any form of harassment or discrimination;
- Violation of Township of Jackson policies on solicitation or distribution;
- Soliciting or accepting gratuities from visitors/residents;
- Use of Township of Jackson supplies or property for personal purposes;
- Fighting or using obscene, abusive, or threatening language or gestures;
- Theft of property from co-workers, clients or the township;
- Failure to maintain the confidentiality of Township of Jackson information;
- Disregarding safety or security regulations.

### EMPLOYEE DISCIPLINE POLICY

An employee may be subject to disciplinary action, up to, and including termination for any of the following reasons (This list is merely illustrative and does not constitute a complete list of all actions that may result in disciplinary action)

- 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;
- Failure to report to work day or days prior to or following a vacation, holiday and/or leave, and/or any other unauthorized day of absence;
- Fighting on Township property at any time;
- Being under the influence of intoxicants (i.e. liquor) or illegal drugs (i.e. cocaine or marijuana) 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;



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- Entering the building without permission during non-scheduled work hours;
- Soliciting on Township premises during work time. This includes but is not limited to distribution of literature or products or soliciting membership in fraternal, religious, social or political organizations, and/or sales of products, such as those from Avon, Amway, etc.;
- Careless waste of materials or abuse of tools, equipment or supplies;
- Deliberate destruction or damage to Township or suppliers' property;
- Unauthorized 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 absence, and chronic or excessive absence;
- Chronic tardiness;
- Unauthorized absence from work area, and/or roaming or loitering on the premises, during scheduled work hours;
- Defacing walls, bulletin boards or any other Township or supplier 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 your work effort, and/or incitement of others to delay or restrict their work effort;
- Conviction of a crime or disorderly persons offense;
- Violating any 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 working days. Minor discipline includes a formal, written reprimand or a suspension or fine of five working days or less. Employees who object to the terms or conditions of the discipline are entitled to a hearing under the applicable grievance procedure and Civil Service procedure. In every case involving employee discipline, employees will be provided with an opportunity to respond to charges either verbally or in writing.

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

In order to correct undesirable behavior, supervisors and managers may utilize the following corrective tools verbal reprimand; Business Administrator review; written reprimand; suspension; fines, and, dismissal.



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At the discretion of the Township of Jackson, action may begin at any step, and/or certain steps may be repeated or by-passed, depending on the severity and nature of the infraction and the employee's work/disciplinary record.

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

### **RESIGNATION POLICY**

An employee who intends to resign must notify the Department Head in writing at least two weeks in advance. After giving notice of resignation, employees are expected to assist their supervisor and co-employees by providing information concerning their current projects and help in the training of a replacement. During the last two weeks, the employee may not use paid time off except paid holidays. The Department Head will prepare an Employee Action form showing any pay or other money owed the employee.

The Personnel Officer will conduct a confidential exit interview to discuss benefits including COBRA options, appropriate retirement issues and pay due. A COBRA notification letter will be given directly to the employee or sent via certified return receipt to the employee's home address. At this time, the employee will sign the separation memo designating the funds owed for accrued time (vacation etc.) This memo will be retained in the official personnel file.

The exit interview will also include an open discussion with the employee regarding the employment experience. On the last day of work (prior to receiving the final paycheck) the employee must return the Employee Identification Card, all keys, radios tools, phones or any other Township equipment/property to the Department Head or Business Administrator.

### **RESIGNATION IN GOOD STANDING**

Any permanent employee may resign in good standing by giving the Township at least fourteen (14) days' notice, unless the Business Administrator consents to a shorter notice. The resignation shall be considered accepted by the Business Administrator upon receipt of the notice of resignation.

### **RESIGNATION NOT IN GOOD STANDING**

If an employee resigns without complying with the required notice in NJAC 4A2-61, he or she shall be held as having resigned not in good standing. Any employee who is absent from duty for five (5) or more consecutive days following an approved leave of absence shall be considered to have abandoned his/her position and shall be recorded as a resignation not in good standing. A request for extension of leave shall not be unreasonably denied.

Where the employee is resigned not in good standing under the above, the employee shall be provided with notice and opportunity for a department hearing under JJAC 4A2-2.5, and Final Notice and a right to appeal to the Merit System Board under NJAC 4A2-2.8. The Business Administrator or the Mayor may modify the resignation not in good standing to an appropriate penalty or to a resignation in good standing.



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### EXIT INTERVIEW

Upon receipt of resignation in good standing, an exit interview shall be conducted by the Business Administrator or Personnel Officer. Discussed at the interview shall be the reason for the resignation, COBRA information regarding benefits, payment of any vacation, sick or comp time; if applicable; and processing of New Jersey Civil Service Commission paperwork.

### WORKFORCE REDUCTION POLICY

Pursuant to N.J.A.C. 4A 8-1.1 the Township of Jackson 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 that the operation of Township of Jackson vehicles must hold a valid New Jersey State Driver's License.

All new employees who will be assigned work entailing the operating of a Township of Jackson 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. The Personnel Officer shall conduct formal Department of Motor Vehicle abstract reviews. Any employee who does not hold a valid driver's license will not be allowed to operate a Township of Jackson 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. S 2721 et seq.).



## THE TOWNSHIP OF JACKSON

# SECTION TWO: WORKPLACE POLICIES

### **JOB DESCRIPTION POLICY**

A job description including qualifications shall be maintained for each position pursuant to New Jersey Department of Personnel guidelines if the position is subject to Civil Service. All job descriptions must be approved by the Business Administrator. The Personnel Officer will make copies available upon request.

### **ATTENDANCE POLICY**

All employees are expected to be at work and ready to assume their duties at the beginning of the scheduled workday. Lateness and absence will be tolerated only in emergencies or when the supervisor gives prior approval. All absences must be reported to the supervisor prior to the start of the normal workday. The normal working hours for administrative departments are 830 AM to 430 PM. The working hours for Public Works are 700 AM to 330 PM. The Police Department is subject to alternate work schedules as determined by the Department Head.

### **EARLY CLOSING AND DELAYED OPENING POLICY**

If it is necessary to close offices because of adverse weather (deemed a state of emergency) or other conditions, employees may call their supervisor or worksite for information. Employees are not docked for building closures.

If, inclement weather is not considered an emergency, and non-safety employee choose not to report to work or leave early, said time shall be deducted from either, comp, personal, vacation.

When offices are closed early, employees who have reported to work shall not be charged any paid leave time for the balance of the day. Employees who are not at work shall be charged a full day of paid leave time.

All essential employees in the Public Works and Police Department must report to work as directed by their Department Heads.

### **BREAKS**

Breaks will be handled pursuant to the terms of the applicable bargaining agreement. Supervisory personnel must arrange breaks so that offices continue to function.

### **DRESS CODE POLICY**

The appearance of employees reflects the image of the Township and has significant impact on the way employees are viewed by residents, other employees and the general public. Dress, grooming and personal hygiene must be appropriate for the position.

Employees are required to dress in a manner that is normally acceptable in similar business establishments and consistent with applicable safety standards. Please see guidelines below



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### *Recommended Office Attire*

Pants: Dress Pants, Dockers, Khakis, Capris, Corduroys, Pantsuits

Shirts: Blouses, Collared Shirts, Sweaters

Other Dress: Skirts and Blazers

Shoes: Dress shoes, Loafers, Sandals

### *Not Recommended Office Attire*

Torn or Baggy Pants, Shorts

T-Shirts with Slogans or Pictures, Midriff, Cropped, Tank and/or Halter

Tight/Snug Fitting, Short, Revealing/Low Cut Attire, Athletic Wear or Sweat Suits

Flip Flops

### *Dress/Down/Casual Friday*

Blue Jeans, Athletic Wear

Uniforms are required for certain positions and are to be worn in accordance with applicable department standards. Uniforms, all aspects, must be worn when on duty and should be well maintained. Employees are responsible for the maintenance and cleanliness of their uniforms, including replacement when damaged.

With the advance approval of the Business Administrator, the Township of Jackson will make reasonable religious accommodations that do not violate safety standards.

Supervisors are responsible for ensuring that Dress Code is adhered to. Employees violating this policy shall be required to take corrective action or will be sent home without pay.

## **LITERATURE AND SOLICITATION POLICY**

1. Solicitations, ticket sales, requests for contributions, distributions of literature and similar activities can seriously interfere with a safe, productive working environment. These activities are not normally allowed.
2. Exceptions may occasionally be granted to collect money for presents, flowers, parties, charitable donations or relief of hardship, etc.

The Business Administrator may impose any conditions and restrictions necessary to meet these standards.

## **NEPOTISM POLICY**

The Township is committed to a policy of employment and advancement based solely on qualifications and merit and does not discriminate in favor of or in opposition to the employment of relatives. For the purposes of this policy the term "relative" shall include the following relationships: relationships established by blood, marriage or legal action. (Examples include the employee's: spouse, mother, father, son, daughter, sister, brother, mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, stepparent, stepchild, aunt, uncle, nephew, niece, grandparent, grandchildren or cousin. The term also includes domestic partners (a person with whom the employee's life is interdependent and who shares a common residence) and, a daughter or son of an employee's domestic partner.)



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It is the goal of the Township to avoid creating or maintaining circumstances in which the appearance or possibility of favoritism, conflicts or management disruptions exist.

The Township may allow existing personal relationships to be maintained or employ individuals with personal relationships to current employees under the following circumstances:

- Individuals may not work under the supervision of the same manager;
- They may not create a supervisor/subordinate relationship with a family member;
- They may not supervise or evaluate a family member;
- The relationship will not create an adverse impact on work productivity or performance;
- The relationship may not create an actual or perceived conflict-of-interest;
- They may not audit or reviewing in any manner the individual's work;
- They may not be employed if a member of the employee's immediate family (spouse, children, parents, grandparents, brothers, sisters, step family members, in-law family members) serves on the Township's Council which has authority to review or order personnel actions or wage and salary adjustments which could affect his/her job.

No personal employee relationship covered by this policy will be allowed to be maintained, regardless of the positions involved, if it creates a disruption or potential disruption in the work environment, creates an actual or perceived conflict of interest or is prohibited by any legal or regulatory mandate. This policy must be considered when hiring, promoting or transferring any employee.

Should relationships addressed within this policy be identified with either candidates for employment or, current employees, the matter should be immediately reported to the Personnel Officer and the following policies and procedures will be followed:

- After review, a determination will be made whether the relationship is subject to the Township's Nepotism Policy based on the conditions described above;
- If the relationship is determined to fall within one or more of the conditions described in this policy, the Township's Administrator or designee will attempt will to resolve the situation through the transfer of one employee to a new position or identifying some other action (e.g., Supervisory reassignment) which will correct the conflict or issue identified. If accommodations are not feasible then, with affected employee suggestions, the Township Administrator shall determine which employee must resign in order to resolve the situation.

The Township reserves the right to exercise appropriate managerial judgment to take such actions as may be necessary to achieve this intent of this policy. The Township reserves the right to vary from the guidelines outlined in this policy to address unusual circumstances on a case by case basis. It is the responsibility of every employee to identify any potential or existing personal relationship which falls under the definitions provided in this policy to the Personnel Officer.

Employees who fail to disclose personal relationships covered by this policy will be subject to disciplinary action up to and including the termination of employment.



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### APPOINTMENT POLICY

All appointments to positions shall be made in accordance with the Statutes of the State of New Jersey and in accordance with the New Jersey Civil Service Commission rules and regulations. Upon appointment, a police background check shall be required and is a condition for continued appointment. Some employees may require a physical examination by a Township-designated physician and/or a drug/alcohol test.

Your employment with the Township is "at will" and entered into voluntarily.

### TRANSFER POLICY

#### PERMANENT TRANSFERS

A permanent employee may be permanently transferred from one department to another within the Township of Jackson (4A4-7.1).

#### TEMPORARY TRANSFERS

Employees may be temporarily transferred for a maximum of six months to provide a needed service for periods of up to six (6) months or for other reasons documented to be in the Township of Jackson's best interest (4A4-7.1(d))

### PROMOTION POLICY

The Department Head will submit a written recommendation to the Business Administrator to promote an employee to an existing vacancy or a reclassification of the present position. Requests for position reclassification must be accompanied by documentation which identifies changes, or complexity of duties to justify the request.

All promotions are subject to approval by the Mayor and are in accordance with New Jersey Civil Service Commission rules and regulations.

### NO SMOKING POLICY

The New Jersey Legislature has declared that in all governmental buildings the rights of non-smokers to breathe clean air supersedes the rights of smokers.

In accordance with State law, the Township of Jackson has adopted a smoke-free policy for all buildings. Township of Jackson facilities shall be smoke-free, and no employee or visitor will be permitted to smoke anywhere in Township of Jackson buildings. Employees are permitted to smoke only outside Township of Jackson buildings and such locations as not to allow the re-entry of smoke into building entrances.

Smoking inside vehicles owned by the Township of Jackson 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. In addition, Ordinance 51-02 states the following

A. Smoking is prohibited on all Township-owned property at all times.



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### B. Violations and Penalties

Any person who violates this section shall appear for the Township of Jackson Municipal Court and shall be subject to punishment as follows

- 1) First Offense Up to 15 hrs. of community service at a place designated by the Municipal Court.
- 2) Second Offense Up to 30 hrs. of community service at a place designated by the Municipal Court and/or a fine of \$100.
- 3) Third and subsequent Offense up to 50 hrs. of community service at a place designated by the Municipal Court and/or fine of up to \$250.

### USE OF TOWNSHIP VEHICLES/PROPERTY POLICY

Township of Jackson policy, as well as state law, strictly prohibits the use of any public property for the private or personal benefit of any individual or private interest. Personal use of municipal vehicles (except for commuting), is prohibited and employees authorized to use Township vehicles for commuting to/from work are to have a fringe benefit value added to the gross income reported on the employee's W-2 (unless the vehicle meets the "qualified non-personal vehicle" criteria specified by the IRS. Under no circumstances is any Township of Jackson property to be used to benefit any private interest whatsoever. This includes but is not limited to vehicles, fuel, tools, parts and supplies, computers, office equipment, office supplies, etc.

Any Township employee who improperly uses any Township property for personal gain or misuses any public property in the absence of a public purpose, will face immediate disciplinary action including termination. Furthermore, under certain circumstances, the employee may face criminal prosecution through referral to the criminal justice system.

Township-owned vehicles shall be used only for official business and shall only be used to transport passengers for official business purposes. At no time shall children be in the Township vehicle when responding to an emergency. Any violation of this policy constitutes cause for disciplinary action.

A Department Head may grant temporary approval for an employee to take a vehicle home to facilitate responses to after-hours emergency calls, provided that it is to be used only for official Township business. Employees who have been granted said approval may be required to return their assigned vehicle when on a leave that extends beyond two (2) days.

Any employee whose work requires the operation of a vehicle, whether township or privately-owned will be required to

- Submit to a State of New Jersey Motor Vehicle Commission (MVC) driving records check as a condition of employment;
- Maintain a valid New Jersey State Driver's License;
- Submit to periodic visual and formal MVC driving record checks;
- Participate in defensive driving training as required by the township;
- Ensure that proper vehicle documentation including registration and insurance card are in the vehicle prior to operating;
- Abide by all state and federal laws, local ordinances and policies concerning the safe operation of a vehicle;
- Notify the Township in the event a license has been revoked.



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If an MVC driving record check reveals multiple violations, employees may lose driving privileges with the township. If improper or unauthorized use of a township vehicle results in an accident, the employee may be required to make restitution for the damages.

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.).

### REPORTING INCIDENTS INVOLVING TOWNSHIP EMPLOYEES/PROPERTY POLICY

Employees should perform their duties, utilize Township of Jackson property and operate Township vehicles and equipment in a safe and responsible manner. Any employee involved in an incident involving Township of Jackson employees, property, equipment/vehicles, no matter how minor, for which the Township may be held accountable, now or in the future, shall report the incident immediately to his/her supervisor, Department Head, the Township Clerk's Office and/or Business Administrator.

Employees may be liable for damages incurred to or caused by Township equipment, property and/or vehicles if such damage is the result of employee negligence. CDL License Holders may require a drug/alcohol test in accordance with the Township Drug/Alcohol Policy.

The health and safety of all employees is a major concern of the Township of Jackson. For the protection and welfare of employees, the township will ensure its operations are in accordance with the safety provisions defined by the following

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

Any safety equipment issued to an employee must be worn as required or disciplinary action will be taken against the employee.

Police Officers shall refer to Departmental policies.

### TELEPHONE USAGE POLICY

Department Heads and supervisors will instruct employees in telephone usage procedures and proper telephone answering techniques. This instruction includes, but is not limited to, the following

- Answer telephones promptly and courteously;
- Identify the department and give your name;
- Telephones shall be answered using the following script  
“Good Morning/afternoon, department, name speaking, how may I help you?  
When signing off “Is there anything else I can help you with today?”;
- When taking messages, record the caller's name, address, telephone number including area code along with a brief message; include date and time of the call along with your initials.

Employees are not authorized to accept collect telephone calls.



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### PERSONAL CALLS & USE OF HANDHELD DEVICES POLICY

“Personal calls” include all telephone communications, E-Mails, text messages and ‘tweets’ which are not necessitated by an employee’s assigned work. Township business shall take priority over use of personal handheld devices including cellular telephones for personal use. Township employees are responsible for the following

- a. Confining personal calls to lunch and break periods unless an emergency arises;
- b. Keeping length of personal calls to a minimum made during business hours;
- c. Bear costs of unauthorized personal calls made on a Township land line or handheld device;
- d. Maintaining Township and/or personal handheld devices in a way that minimizes disruption to the work environment;
- e. Employees shall not use cellular telephones while operating Township equipment or while driving on Township business;
- f. The Township assumes no liabilities for loss or damage to employees’ personal property, including cell telephones carried on company equipment or left on company property. Employees assume the risk of loss or damage to cell phones or other electronic devices carried during the workday;

Each supervisor is responsible for minimizing the misuse of Township and personal handheld devices through methods which he/she deems practical and appropriate for the situation as it exists.

### COMMUNICATION MEDIA POLICY/ SOCIAL MEDIA POLICY

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

All data stored on and/or transmitted through Communication Media is the property of the Township of Jackson. For purposes of this policy, “Data” includes “electronically-stored files, programs, tables, data bases, audio and video objects, spreadsheets, reports and printed or microfiche materials which serve a Township of Jackson business purpose, regardless of who creates, processes or maintains the data, or whether the data is processed manually or through any of the Township mainframe, midrange or workstations; servers, routers, gateways, bridges, hubs, switches and other hardware components of the Township local or wide-area networks.”

The Township of Jackson respects the individual privacy of its employees. However, employee communications transmitted by the Township 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.



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

All email, voicemail and Internet messages (including any technology-based messaging) are official documents subject to the provisions of the Open Public Records Act (NJSA 471A-1). Employees of the Township of Jackson are required to use the assigned municipal email account for ALL Township business and correspondence. The use of private email accounts for ANY Township business or during business hours is strictly prohibited. Employees are hereby advised that if they conduct work-related business on their personal emails, cell phones, or other personal Communication Media, it is subject to the provisions of the Open Public Records Act. However, nothing in this Social Media Policy prevents employees from using his/her own personal Communication Media during the employee's non-working hours to engage or participate in protected concerted activities pursuant to the National Labor Relations Act. Protected concerted activities include when an employee addresses group concerns with the employer; forms, joins or helps a labor organization; initiates, induces or prepares for group action; or speaks on behalf of or represents other employees. Nevertheless, employees are encouraged to resolve workplace grievances internally by discussing issues with their supervisor and/or the Administration.

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

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

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

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



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Employees may only access data for which the Township has given permission. All employees must take appropriate actions to ensure that Township's data is protected from unauthorized access, use or distribution consistent with these policies. Employees may not access or retrieve any information technology resource and store information other than where authorized. All Township data must be stored centrally as required by Township of Jackson. This provides greater security and ensures that backup of all Township data is performed.

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

Employees may not install, modify or remove ANY hardware device, software application, program code, either active or passive, or a portion thereof, without the express written permission from the Township of Jackson. 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 of Jackson. Employees shall observe the copyright and licensing restrictions of all software applications and shall not copy software from internal or external sources unless legally authorized. Workstation settings and configurations and network settings must not be modified by unauthorized employees. Internet security settings (where applicable) must not be changed. The foregoing includes but is not limited to the systems Network ID (or Computer Name), IP Address, Gateway and DNS addresses etc.

Social Media and its uses in government and daily life are expanding each year, however, information posted on a website is available to the public; therefore, employees must adhere to the following guidelines for their participation in social media.

Only those employees directly authorized by Business Administrator may engage in social media activity during work time through the use of the Township's Communication Media, as it directly relates to their work and it is in compliance with this policy.

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, and intelligence and tactical operations files.

No Township employee shall post internal working documents to social media sites. This includes, but is not limited to, screenshots of computer stations, pictures of monitors and/or actual documents themselves without the prior approval of the Business Administrator. In addition, employees are prohibited from releasing or disclosing any photographs, pictures, digital images of any crime scenes, traffic crashes, arrestees, detainees, people or job-related incident or occurrence taken with the Township's Communication Media to any person, entity, business or media or Internet outlet whether on or off duty without the express written permission of the Business Administrator. Except in "emergency situations, "Employees are prohibited from taking digital images or photographs with media equipment not owned by the Township of Jackson.

For purposes of this section, an "emergency situation" involves a sudden and unforeseen combination of circumstances or the resulting state that calls for immediate action, assistance or relief, and may include



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

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

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

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 Business Administrator is prohibited.

Employees must respect the laws regarding copyrights, trademarks, rights of public Township of Jackson 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 Jackson, is strictly prohibited. To minimize the risk of a copyright violation, employees should provide references to the source(s) of information used and cite copyrighted works identified in online communications.

If employees choose to identify themselves as a Township employee on their personal social media accounts and even those that do not should be aware that he or she may be viewed as acting on behalf of the Township of Jackson, 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 of Jackson expresses views that are detrimental to the Township's mission or undermine the public trust or is insulting or offensive to other individuals or to the public in regard to religion, sex, race or national origin. Township of Jackson employees are encouraged to exercise extreme caution posting photographs of themselves in uniform or in situations where they can be readily identified as a Township of Jackson employee.

To the extent that employees use social media outside their employment while engaging in protected concerted activities as defined above, employees will not be subject to discipline or retaliation for expressing views, opinions, and/or facts surrounding the Township employment policies. For all other communications



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by employees on personal social media sites in which matters related to the Township of Jackson are discussed, employees must add a disclaimer on the front page stating that the posting does not express the views of the Township of Jackson, and that the employees are expressing their own personal views. For example, "The views expressed on this website/web log are mine alone and do not necessarily reflect the views of my employer."

The disclaimer must be placed in a prominent position and repeated for each posting that is expressing an opinion related to the Township of Jackson or the Township's business, with the exception of postings and social media communications by employees engaging in protected concerted activities. Employees are advised that if they post information on social media that is in violation of either the terms and conditions of the within social media policy, or in violation of federal, state, or local laws, the disclaimer will not shield them from disciplinary action. However, no retaliation or discipline will result if and when employees are engaging in protected concerted activity, and/or choose to report inappropriate social media activities to the Township Administration.

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

### USE OF INTERNET POLICY

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

Employees must comply with all policies adopted by the Township, 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 of Jackson's tax-exempt status or its proper operation; and/or
- Download unauthorized software, fonts, templates or scripts.

As stated in the Communications Policy above, the Township of Jackson reserves the right to monitor 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.



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### VIDEO SURVEILLANCE POLICY

The Township of Jackson 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 video surveillance camera systems are a significant tool to which the employees of the Township of Jackson 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 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 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.

The Township of Jackson shall designate a person to be responsible for the maintenance and administration of the video surveillance camera system. Such designee will be responsible for maintaining a user access log detailing the date and name of individuals who view/access a stored recording. Any employee who becomes aware of any unauthorized disclosure of a video record in a contravention of this policy and/or a potential privacy breach has the responsibility to ensure that Township Administration is immediately informed of such breach.

### BULLETIN BOARD POLICY

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

### IDENTIFICATION CARD POLICY

Various employees may be issued identification cards. Identification cards must be available for presentation by an employee upon request. Please see your department head to ascertain if you require an identification card.

Each employee must immediately report a lost or stolen identification card to the Business Administrator, Personnel Officer and/or department head. When terminating employment, each employee must surrender his/her identification card to the Personnel Officer.

### OUTSIDE EMPLOYMENT

Employees are permitted to seek jobs outside of the Township of Jackson employment if:

1. They maintain the Township as the primary employer;



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2. Such employment does not impede the performance of their duties or conflict with their position with the Township of Jackson;
3. Certain job titles may require prior approval by the Business Administrator;
4. Department/Division Heads are required to notify the Division of Personnel regarding outside employment to ensure that there is no potential conflict of interest;
5. Police Officers should refer to departmental policies.

#### EMPLOYEE PERSONAL PROPERTY POLICY

The Township of Jackson will make every attempt to assure a secure building. However, because the public has access to the general office area and at time the private offices, the Township assumes no responsibility for employees' personal property beyond maintenance of a reasonably secure building.



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### SECTION THREE: PAID AND UNPAID TIME OFF POLICIES

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

#### PAID HOLIDAY POLICY

Full-time permanent, provisional and unclassified employees are entitled to paid holidays. Part-time, permanent employees are entitled to official holidays on a pro-rated basis. Police Officers shall refer to their collective bargaining agreements. The following is a list of holidays granted by the Township

- New Year's Day
- Martin Luther King's Birthday
- Lincoln's Birthday
- President's Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Election Day
- Veterans Day
- Thanksgiving Day
- Day after Thanksgiving (except Sanitation personnel who receive one extra day)
- Christmas Day

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. Please be advised of the following

- To be paid holiday pay, an employee must be on active pay status.
- If a paid holiday occurs while an employee is on approved vacation or sick leave, the employee shall not have that holiday charged as vacation or sick leave.
- If a paid holiday occurs on the normal workday of a permanent, part-time employee, the employee is entitled to his/her regular part-time pay.
- When it is necessary for an employee to work on a paid holiday to maintain operations, the employee will be compensated in accordance with the provisions in the appropriate negotiated agreement.
- The observance of religious holidays other than those listed as official paid holidays will be granted and charged as personal or vacation days.



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### VACATION LEAVE POLICY

Permanent, unclassified and provisional full-time employees are entitled to paid vacation leave in accordance with the following schedule

- After the initial month of employment and up to the end of the first calendar year, employees shall receive one (1) vacation day for the initial month of employment if they begin work on the 1<sup>st</sup> through the 8<sup>th</sup> day of the calendar month, and one-half (1/2) working day if they begin on the 9<sup>th</sup> through the 23<sup>rd</sup> day of the month;

After that time, annual paid vacation leave for the above employees shall be as follows:

- From one year but less than five years of continuous service, 13 working days;
- After five years of service but less than 10 years of continuous service, 17 working days;
- After 10 years but less than 15 years of continuous service, 21 working days; and
- After 15 years or more of continuous service, 25 working days.

Vacation time is credited at the beginning of the calendar year in anticipation of continued employment. (See NJAC 4A6-1.2(a)) An increase in vacation leave shall be granted at the beginning of the calendar year in which the service requirement is met. Paid vacation days shall not accrue during certain leave of absences or suspension.

Permanent part-time employees are entitled to proportionate amounts of paid vacation leave. (See N.J.S.A. 11A6-7)

Department/Division Heads are to receive an additional five (5) vacation days per year on the schedule above.

1. Requests for vacation shall be submitted via the appropriate Request for Leave form (Police personnel are to use police leave form and follow established submittal procedures) to the department head. Requests submitted will be honored if possible; however, proper staffing of department units must take precedence over all other considerations in scheduling vacations.
2. In an effort to afford all staff the convenience of scheduling vacations, and to avoid employees having an abundant balance of days at the end of the year which they must "use or lose," all employees are to submit "Application for Leave" vacation requests, for the year, by the end of February. This is for ease of scheduling only, and to limit disruption to office operations, and would not preclude employees from taking other days off.
3. Vacation requests submitted up to and including February 27<sup>th</sup> shall be considered on a seniority basis, however, any requests submitted after February 27<sup>th</sup> shall be considered on a first-come first-serve basis.
4. An employee who leaves service with a local jurisdiction shall be paid for unused earned prorated vacation leave. (See NJAC 4A6-1.2(h). Please refer to your respective collective bargaining agreement for



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any applicable bonus upon retirement. Non-union employees shall, upon retirement only, receive a bonus of 5%. Non-union employees hired after 1/1/96 shall receive a 5% bonus with a cap of \$12,000 inclusive of sick pay.

5. Vacation time for all employees may be taken in hours.
6. Vacation leave not taken during the calendar year because of the pressure of official business shall be used during the next succeeding year only and shall be scheduled to avoid losing the leave (maximum up to one-year vacation allowance.) (See NJAC 4A6-1.2(g))
7. Any employee who exhausts all of his/her vacation leave in any one year shall not be credited with any additional paid vacation leave until the beginning of the next calendar year. (See NJAC 4A6-1.2(i))
8. Unused prorated vacation leave shall be paid to the estate of a deceased employee. (See NJAC 4A6-1.2(j))
9. If employment terminates prior to the end of the calendar year, an adjustment will be made in the employee's final paycheck for any vacation leave which has been used, but not yet earned.
10. Accumulated vacation leave shall not be utilized in order to extend the effective termination of service date, nor shall it be used to attain additional insurance coverage, holidays or accrued time.
11. If an employee is sick or injured while on vacation leave, he/she may submit a written request to the Business Administrator to change vacation leave to sick leave. Proper medical verification may be requested. Approval is subject to the Business Administrator's discretion. Such requests must be made within a reasonable period of time as determined by the Business Administrator.
12. Other provisions which may affect vacation procedures may be found in the negotiated agreements.
13. If an employee wishes to take time off in excess of his/her accrued time, said employee must submit a request, in writing, at least thirty (30) calendar days in advance of the requested time off. Said request should be dated and shall be reviewed and approved or disapproved by the Business Administrator. Employees will be docked in pay.

Police Officers shall refer to collective bargaining agreement and/or policy established by their department head.

## SICK LEAVE POLICY

### ACCUMULATION

Permanent, provisional and unclassified full-time employees are entitled to fifteen (15) working days of sick leave per calendar year. Permanent part-time employees are entitled to proportionate amounts of paid sick leave. (See N.J.S.A. 11A6-7).

Sick leave may be used for personal illness or injury, exposure to contagious disease, or to care for a seriously ill member of an employee's immediate family. Immediate family shall be defined in the appropriate negotiated agreement and/or the Family Leave Act. If an employee is attending to an immediate family member, including civil union partner, a doctor's verification of that individual is required.



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Unused sick leave shall accumulate from year to year without limit (NJAC 4A6-1.3(f)). Paid sick days shall not accrue during certain leave of absences without pay or suspension.

An employee who exhausts all paid sick days in any one year shall not be credited with additional paid sick leave until the beginning of the next calendar year. (See NJAC 4A6-1.3(e))

After the tenth day of absence on sick leave in one calendar year, a doctor's verification must be submitted for all sick leave absences, regardless of duration.

Prior to the return to work, the Township may require an employee to be examined by the Township-appointed physician to verify fitness to return to normal duties. An employee will not be permitted to return to work until the verification is received.

### USE OF SICK LEAVE

All employees are responsible for immediately notifying their department in the manner prescribed by the Department Head if they will be absent due to use of sick leave. Failure to follow the procedure for notification of absence could result in denial of sick leave for that absence and/or disciplinary action.

If an employee is sick or injured while on vacation leave, he/she may submit a written request to the Business Administrator to change vacation leave to sick leave. Proper medical verification may be requested. Approval is subject to the Business Administrator's discretion. Such requests must be made within a reasonable amount of time.

When an employee uses more sick leave than accrued, employees must submit a doctor's note for each occurrence. Failure to submit within one week of absence will result in the individual being docked for actual time out as well as disciplinary action. Said disciplinary action shall be progressive in nature.

An employee may be required to submit official proof of the need to use sick leave in the form of a doctor's verification of illness or injury when

- The employee is absent on sick leave for three (3) or more consecutive working days;
- If an employee is attending to an immediate family member, a doctor's verification of that individual may be required.
- After the tenth occurrence of absence on sick leave in one calendar year;
- There is a pattern of utilizing sick time to extend weekends, absences due to holidays or use of personal or vacation time.
- The Business Administrator determines such requirement appears reasonable.

Failure to comply with the above policy may result in disciplinary action. The submittal of a doctor's note shall not preclude disciplinary action from being taken. A review of the employee's personnel file shall be conducted and if an employee has a pattern of excessive and chronic abuse of sick leave in prior years, stronger disciplinary action will occur. "Chronic and/or excessive absenteeism" are to be determined by management. If no pattern of abuse exists in prior years and a doctor's note is submitted, every due consideration shall be given.



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If the requested sick leave qualifies under the "Family Leave Act" (NJFLA) and/or the "Family and Medical Leave Act" (FMLA) you will receive written notification that your sick leave request has been designated as NJFLA and/or FMLA. The use of accrued time will run concurrent with family leave time and shall not extend the leave period. Refer to Family and Medical Leave Act Policy for detailed policy information.

### RETURN TO WORK FROM SICK LEAVE

Prior to the return to work from medical/sick leave, the Township may require an employee to be examined by a physician designated by the Township to verify fitness to return to normal duties. An employee will not be permitted to return to work until the verification is received.

Short-term absences will be reported to the Business Administrator on the employee time sheets. For long-term absences, Department Heads will send a memo to the Business Administrator stating the anticipated length of the employee's absence. The Township may require a medical certificate/release from the attending physician stating that the employee is able to return to perform regular duties and in doing so would not jeopardize the health of the employee or other employees.

The employee's supervisor will forward the medical certification to the Business Administrator for the employee's personnel file. If an illness is of a chronic or recurring nature, the employee may be required to provide one proof of illness every six months. Such proof must specify the nature of the illness and that it is likely to cause periodic absences.

### PAYMENT OF SICK LEAVE

At the employee's option, employees who do not utilize their yearly allotment of accrued sick days may sell back a portion (in part or full) of his/her sick time in straight pay. Said request shall be submitted to the Personnel Officer no later than November 1st of each year.

Sold back sick days are to be deducted from the employee's accumulated total and shall not be applicable to the Sick Bonus Pay Program. Where applicable, employees may be eligible for the Sick Bonus Pay Program, whereby the employee shall receive one (1) day's pay for every five (5) days of sick leave which is earned, but not used during the calendar year.

When an employee retires, the township shall pay back a portion of unused sick in accordance with the terms of the appropriate collective bargaining agreement. Non-union employees shall be paid up to a maximum of 130 days in addition to a 5% bonus. Non-union employees hired after 1/1/96 shall receive a 5% bonus with a cap of \$12,000 inclusive of vacation pay.

If an employee terminates employment prior to the end of the calendar year, an adjustment will be made in the final paycheck for any sick leave which has been used but not yet earned.

### PERSONAL LEAVE POLICY

Permanent, provisional and unclassified employees shall be granted two (2) personal days at the beginning of each calendar year in anticipation of continued employment. Department/division heads shall be granted three (3) personal days at the beginning of each calendar year.



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Personal days shall not be cumulative.

During the initial year of employment, employees shall be granted one-half day of personal leave for each full calendar month of employment up to a maximum as specified above for the remainder of the calendar year.

Personal leave may be taken in hourly increments.

### **ABSENT WITHOUT OFFICIAL LEAVE (AWOL) POLICY**

An employee is considered to be Absent without Official Leave (AWOL) when that employee does not contact his/her department in accordance with procedures established by their department head to advise that he/she will not be in. The Department Head is to then notify the Personnel Officer of said AWOL whereby disciplinary action shall be taken.

The employee shall also be docked for day(s) he/she was AWOL. An AWOL for five (5) or more consecutive workdays is considered as an abandonment of the position whereby the employee shall be terminated subject to Civil Service Commission rules and regulations.

If an employee has a pattern of excessive and chronic AWOLs, including those in prior years, stronger disciplinary action may occur. A review of the employee's file shall be conducted, and management shall make a determination as to disciplinary action warranted.

### **BEREAVEMENT LEAVE POLICY**

In the case of death in the immediate family, a full-time permanent, provisional or unclassified employee shall be granted up to four (4) consecutive days of bereavement leave. This leave shall not be deducted from any other leave and shall be granted as many times as may be necessary during any given year. The term "immediate family" shall include the following spouse or civil union partner, children, step-children, parents, step-parents, siblings, sister-in-law, brother-in-law, grandparents, grandchildren, great-grandparents, great-grandchildren of the employee or employee's spouse.

Two (2) days of bereavement leave shall be granted to the employee in the event of the death of an aunt, uncle, niece or nephew of the employee or employee's spouse. If travel time is required, the Business Administrator may grant up to one (1) additional day of bereavement leave. Said time shall be taken from one of the employee's leave banks.

### **JURY DUTY POLICY**

An employee required to render jury service shall be entitled to be absent from work during that service and will be paid the difference between any payment received for jury duty and the employee's regular salary.

### **LEAVE OF ABSENCE POLICY**

Employees may be granted a personal leave of absence for up to six months at the sole discretion of the Business Administrator if the leave does not cause undue operational disruption. The leave must include the



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use of any accrued vacation and sick leave time, regardless of the length of leave requested. The portion of the leave that runs beyond the exhaustion of vacation and sick leave will be without pay or longevity credit.

In exceptional circumstances, the Business Administrator may extend a leave of absence for an additional six months, if such extension is considered in the best interests of the 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 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 of Jackson Employee Health Benefits Policy.

A personal leave is granted with the understanding that the employee intends to return to work for the Township of Jackson. If the employee fails to return within five business days after the expiration of the leave, the employee shall be considered to have resigned.

### **JURY DUTY/WITNESS SUBPOENA LEAVE POLICY**

An employee required to render jury service shall be entitled to be absent from work during that service and will be paid the employee's regular salary, subject to the following conditions:

1. The employee must notify their supervisor immediately upon receipt of a summons for jury service.
2. The employee has not voluntarily sought jury service.
3. The employee submits adequate proof of the time served on the jury and the amount received for such service.
4. Any compensation received by the employee as a juror, except for meal and travel expenses, shall be returned to the Township.

### **LEAVES OF ABSENCE WITHOUT PAY POLICY**

Employees may be granted a personal leave of absence for up to six months at the sole discretion of the Business Administrator if the leave does not cause undue operational disruption. The leave must include the use of any accrued vacation and sick leave time, regardless of the length of leave requested. The portion of the leave that runs beyond the exhaustion of vacation and sick leave will be without pay or longevity credit. In exceptional circumstances, the Business Administrator may extend a leave of absence for an additional six months, if such extension is considered in the best interests of the 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 weeks in any month will not receive holiday pay, and will not accrue personal leave, sick leave or vacation time for that month. Health benefits may also be impacted. Refer to the Township Health Benefits Policy. 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 business days after the expiration of the leave, the employee shall be considered to have resigned.



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Employees may be granted leaves of absence without pay in accordance with New Jersey Civil Service Commission Rules and Regulations. The length and conditions of all leaves are subject to the approval of the Business Administrator and/or the Mayor. Each case is considered on its own merit and does not set a precedent for future cases.

Since leaves of absence may affect certain employee benefits, employees should see the Personnel Officer to discuss possible continuation of such benefits. Employees are required to maintain employee contributions for health benefits during the leave period. Health benefits may be terminated with advance notice if employee's contributions are not kept up-to-date.

Vacation and sick leave shall not accrue while an employee is on approved leave of absences without pay. An employee may also lose service credit while on leave. Disability Leaves are considered part of a Family Leave.

The Township will report all leaves of absences to the New Jersey Civil Service Commission.

Employees are expected to return to work on the day after their leave expires. If the employee fails to return to work upon expiration of a leave, they will be considered to have resigned. Employees will be restored to the position they held immediately prior to their leave, if it is available. If the position has been filled, they will be restored to an equivalent position. Should the Township of Jackson undertake a reduction in force or layoff during your leave, the employee would retain all layoff rights.

## FAMILY AND MEDICAL LEAVE ACT POLICY (FMLA/NJFLA)

Employees may be eligible for an unpaid family and medical leave under the federal Family and Medical Leave Act ("FMLA"). Employees also may be eligible for family and/or medical leave pursuant to the New Jersey Family Leave Act ("FLA"). In order to be eligible for such leave, employees must have: one (1) year of service with Township; and, at least 1,000 hours of work (for New Jersey leave) and 1,250 hours of work (for Federal leave) during the previous twelve (12) months and is employed at a worksite where 50 or more employees are employed by the employer within 75 miles of the worksite (for Federal leave). Eligible employees may receive up to twelve (12) weeks of leave per year (FMLA) or twelve (12) weeks every twenty-four (24) months (FLA).

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

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



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

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

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

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

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



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

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

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

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

Employees who request qualifying exigency leave to spend time with a military member on Rest & Recuperation may take up to a maximum of 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.

## FAMILY LEAVE INSURANCE



Commencing July 1, 2009, Family Temporary Disability ("FTD") payments for up to six (6) weeks in a twelve (12) month period will become available for eligible employees who are caring for a seriously ill immediate family member who is incapable of self-care or care of a newborn or adopted child. To be eligible, the employee must have worked at least twenty (20) weeks at minimum wage within the last fifty-two (52) weeks or earned 1000 times the minimum wage.

The weekly benefit is 2/3 of weekly compensation up to a maximum of \$650 per week and is subject to change per the NJ Department of Labor and Workforce Development. FTD will run concurrently with FMLA and/or FLA leaves and there is a one week waiting period. Employees may also be required to use accrued sick, vacation or personal leave for up to two weeks.

## 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;



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- 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.



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To be eligible for Domestic Violence Leave, an employee must meet the following criteria

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

Employees may take leave on an intermittent basis, but such leave cannot be shorter than one (1) full day. To the extent the leave is foreseeable, employees must provide advice 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 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 under 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 not be entitled to paid leave but shall be granted non-paid military leave without loss of time.

Employees on military service will also continue to receive paid health insurance coverage during the period of the paid leave plus an additional thirty days 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 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



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- 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.



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# SECTION FOUR: COMPENSATION & EMPLOYEE BENEFITS POLICIES

## PAYROLL POLICY

Pay periods for all employees are bi-weekly in length starting on Saturday and ending on Friday. Paychecks are distributed the Friday which is the last day of the pay period. Pay must be issued in the year it is budgeted.

Pay will not be distributed to employees prior to the actual pay dates, to ensure that checks are not cashed prior to the date they are legally valid. If a payday falls on an official holiday, paychecks will be issued the day before with the exception of New Years. New Year pay will be distributed following the holiday.

Employees must cash their paychecks on personal time, not during official municipal working hours. Per Ordinance 11-14, effective September 1, 2014, there will be mandatory direct deposit for all full-time employees.

Salary ranges are established by ordinance and are paid in accordance with collective bargaining agreements. Non-union employees' wages are subject to the decision and approval of the Mayor or in some cases, the Township Council.

Mandatory deductions from paychecks may include the following

- Federal Income Tax
- State Withholding Tax
- Social Security (FICA)
- Unemployment Insurance
- Pension Deductions & Loan Repayments
- Court-ordered Wage Garnishments
- Medicare
- Short and Long-term Disability Insurance
- NJ Family Leave Insurance (FLI)

Employee-authorized deductions shall include

- PERS Contributory Insurance (mandatory for the first year of enrollment in the Pension system)
- Supplemental Insurance
- Union Dues and Representation Fees
- Deferred Compensation
- Health Insurance Benefits, where applicable



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### OVERTIME COMPENSATION POLICY

Under the Federal Fair Labor Standards Act, certain employees in managerial, supervisory, administrative, computer or professional positions are exempt from the provisions of the Act. There are also employees who may be exempt because their compensation exceeds \$100,000 per year depending upon their job duties.

The Personnel Officer shall notify all Exempt employees of their status under the Act. Exempt employees are not eligible to receive overtime compensation and are required to work the normal workweek and any additional hours needed to fulfill their responsibilities. Time off consideration for large amounts of additional hours may be provided with the Business Administrator's prior approval and at the sole discretion of the Business Administrator.

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

Department heads must first receive authorization from the Business Administrator before scheduling overtime for employees, except in emergency situations.

- Overtime is paid at a rate of time and one half.
- Employees called in for work shall receive a minimum of two hours pay.
- Compensatory time may be granted in lieu of overtime pay.
- Exempt employees, including department heads are not to receive overtime and/or comp time except that such employees may be granted hour for hour compensation in the form of a cash payment or compensatory time for emergency or extraordinary work, including but not limited to, maintenance, construction, snow removal or other related work in situations which constitute unreasonable safety hazards to the public. Such hour for hour compensation in the form of cash payment or compensatory time may be approved in writing, at his or her reasonable discretion, by the Business Administrator, upon submission of proper documentation which requires, at a minimum, accurate timekeeping records and detailed prior written justifications, except in emergency situation if prior justification is not reasonably practicable.
- If the Business Administrator is requesting hour for hour compensation in the form of a cash payment or compensatory time for emergency or extraordinary work, such approval shall be given in writing, at his or her reasonable discretion, by the Mayor.
- Under no circumstances may any exempt employee, including department heads, approve his or her own time for purposes of receiving overtime pay and compensatory time.

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



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### **TIME AND ATTENDANCE /TIMESHEET COMPLETION POLICY**

Timely and regular attendance is an expectation of performance for all Township employees. To ensure adequate staffing, positive employee morale, and to meet expected productivity standards throughout the organization, employees will be held accountable for adhering to their workplace schedule.

In the event an employee is unable to meet this expectation, he/she must obtain approval from their supervisor in advance of any requested schedule changes. This approval includes requests to use appropriate accruals, as well as late arrivals to or early departures from work.

#### **SCOPE**

This policy covers all employees that are required to clock in using the Prime-Point timekeeping system.

#### **DEFINITIONS**

The terms "clock in," "punch in" and "swipe in (or out)" all mean the same. They all refer to the action whereby an employee uses the time clock that reads the employee's fingerprint and transmits the information to the timekeeping database.

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

#### **INTERPRETATION & CONTROL**

Employees are responsible for entering accurate information in the time clock on a consistent basis. The Department Head in whose department a time clock is being utilized is responsible for the daily oversight of this policy.

The Information Technology Department is responsible for the technical aspects relating to the accurate and consistent functioning of the time clock, as well as for any technical changes or upgrades set forth by the manufacturer.

The Division of Personnel has the responsibility for the electronic transfer of time clock data and is responsible for the interpretation, authorization and control of this policy.

The Mayor/Business Administrator have ultimate authority for this policy.

#### **EMPLOYEE CLOCKING RESPONSIBILITIES**

It is a job requirement for ALL EMPLOYEES with the exception of Elected Officials, the Municipal Judge, Business Administrator and Sworn Police Officers must "clock in" at the beginning of their shift and "clock out" at the end of each workday. Additionally, employees who are not assigned off site are to "clock out" at the beginning of lunch breaks or when they leave the job site and "clock back in" when they return from lunch or when they return after being away from the job site.



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### **SUPERVISOR'S / TIME KEEPER RESPONSIBILITIES**

All absences (scheduled and unscheduled) shall be documented on the time detail record by the employee's supervisor and/or timekeepers. Supervisors and/or timekeepers are to edit work time entries and absence entries ideally on a daily basis, with a reason code for the revision.

Supervisors are to review all entries each pay period, then sign off on time sheet in the system the day following the end of the payroll cycle.

Supervisors should contact the Information Technology Department and/or Division of Personnel with time clock concerns/issues.

### **GRACE PERIOD**

The timekeeping system "clock in" and "clock out" will have a seven (7) minute grace period to punch in both before and after the start or end of a shift. The grace period is not to be construed as permission for late arrivals or early departures.

### **LUNCH BREAK**

Full-time employees must take a meal break. The employee must "clock out" for meal break and "clock back in" after the appropriate lunch period. The timekeeping system will automatically deduct meal breaks from the work day. If the employee "clocks in" early, the full meal break will be charged. If the employee "clocks back in" longer than the allotted meal break, the meal break will extend to the exact time the employee punches back in.

If an employee is required by their supervisor to come back to work before the end of their meal break, it is the responsibility of the supervisor to adjust the employee's time.

### **MISSED TIME CLOCK PUNCHES**

If an employee forgets to "clock in" or "out" for their shift; they are to contact their supervisor immediately when it is realized, to explain the circumstances and to provide actual clock in or out information. The Supervisor/timekeeper will adjust the employee's time in the system. Employees will be subject to disciplinary action up to and including termination\* for excessive failure to clock in or out without reasonable justification.

### **FALSIFICATION OR TAMPERING**

Any attempt to tamper with the timekeeping hardware or software will be considered a serious offense, subject to disciplinary action, up to and including termination.

Any employee interfering with another's use of time clocks will be subject to disciplinary action up to and including termination. The Department Head and Personnel Officer will review the specific details of such an infraction and develop an appropriate response.



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### **CLOCK PROBLEMS**

If any employee is unable to "punch in" or "out" because of a time clock malfunction, it is the employee's responsibility to immediately inform his/her supervisor. In the event of time clock malfunction, supervisory personnel will clock employees in and out and will notify the Information Technology Department and Personnel Office of the problem.

### **OVER TIME**

Overtime must always be authorized in advance by a supervisor and documented in the system. Both actual hours worked, and contractual hours received must be reflected in the attendance system.

### **EMPLOYEE BENEFITS POLICY**

#### **MEDICAL/PRESCRIPTION, DENTAL, AND VISION**

Eligible employees and their immediate family members, including civil union partner, are provided medical, prescription, dental, and vision care coverage in accordance with the applicable Collective Bargaining Agreement.

The State Health Benefits Program (SHBP) administers medical and prescription coverage for new employees after the first sixty (60 days of employment or when meeting the eligibility requirements.

Open Enrollment is offered annually in November and elections become effective January 1st of the following year. Open Enrollment allows employees to change or waive coverage options.

Dental is offered through Delta Dental according to groups ( Dept Heads/Clerical/Police/DPW) following the first sixty (60) days of employment. For specific questions, please contact the Personnel Officer.

Vision Care is only offered to employees through a Vision Care provider following the first sixty (60) days of employment. Dependents are not eligible for this benefit. Employees are covered for eye exams and frames or corrective lenses.

Employees are required to contribute a percentage of their total health care costs by state mandate. Please contact the Division of Personnel for details.

Employees may choose to waive health coverage plan at any time and instead receive a cash payment in lieu of coverage. Employees who choose to waive benefit coverage must complete a Waiver form and submit a copy of their insurance card to the Personnel Officer.

#### **COBRA**

Upon termination of coverage, employees in need of health insurance coverage may extend health insurance coverage for themselves or their dependents under the Consolidated Omnibus Budget Reconciliation Act (COBRA) provisions. For further information regarding COBRA options please contact the Division of Personnel for details.



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The Township reserves the right to change provider networks, claims agents, and insurance mechanisms. The Summary of Benefit Coverage is available upon request.

New employees must complete and submit the enrollment forms to the Division of Personnel as soon as possible or no later than five (5) business days after beginning employment to ensure timely coverage. Failure to do so will delay enrollment.

Employees are required to contribute towards the cost of their health benefits in accordance with state mandate. Employee contributions may be calculated on the State Health Benefits Program (SHBP) website or contact the Division of Personnel for assistance.

1. After retirement or termination, health benefits will continue in accordance with State Health Benefit Program plan terms.
2. Employees on FMLA, NJFLA, Disability approved leaves of absence are required to maintain employee contributions while out on leave. These contributions must be kept up-to-date and timely in order to maintain health benefit coverages.
3. Employees no longer on FMLA, NJFLA and/or other approved leaves of absence (i.e. personal emergency) are required to pay the full health insurance premium in order to maintain coverage.
4. Employees that do not maintain full health benefit premium payments are subject to health benefits termination.

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

Any questions regarding eligibility and/or enrollment may be directed to the Division of Personnel. Questions regarding specific claims issues should be directed to the appropriate carrier.

### SHORT AND LONG-TERM DISABILITY POLICY

The Township shall provide short-term and long-term disability benefits to all full-time employees and part-time employees who work thirty (30) hours a week or more (excluding police officers, all interim, temporary and seasonal employees, whether full-time or part-time). Dependents are not eligible for this coverage.

Disability benefits are effective the 1st of the month following sixty (60) days of employment or once eligibility requirements are met. Employees shall pay one-half of one percent of the premium cost through payroll deductions. Please see benefits plan booklet for details.

While on an approved leave of absence, disability benefit coverage may be continued. To ensure uninterrupted group coverage, employees should see the Personnel Officer as early as possible for complete details. Employees who have exhausted leave under the federal Family Medical Leave Act are required to pay the full health premiums while on disability.

There may be additional voluntary/optional Disability Plans, including Cancer Illness Plans which are paid at the employee's expense. Please contact the Division of Personnel for details.



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### GROUP LIFE INSURANCE POLICY

Employees who are members of the Public Employees' Retirement System of New Jersey or Police and Firemen's Retirement System are automatically enrolled in the group life insurance provided through New Jersey Pensions and Benefits.

### PENSION PLAN POLICY

The Township will enroll employees in the Public Employees' Retirement System (PERS), Police and Firemen's Retirement System (PFRS) or Defined Contribution Retirement Program (DCRP) in accordance with the rules of the State of New Jersey, Department of the Treasury, Division of Pensions and Benefits.

### DEFERRED COMPENSATION POLICY

The Township offers Deferred Compensation Plans through various providers to its employees. Participation is completely voluntary. Payment for these plans is made through payroll deductions. Please contact the Division of Personnel for details.

### FLEXIBLE SPENDING ACCOUNTS (FSA) POLICY

The Township of Jackson offers a Flexible Spending Account to all eligible employees as required by law. Employees are offered the opportunity to enroll/re-enroll annually in November or December of each year. Please contact the Division of Personnel for details.

### RETIREMENT POLICY

Under State law, most regular 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. When an employee plans to retire, PERS and PFRS request six months advance notice to process retirement applications. Further information regarding the retirement process for PERS and PFRS should be directed to the Divisions of Pensions and Benefits.

An employee who has completed the required number of years and who has reached the required age under the Plan may retire from the Township by submitting an intent to retire letter, which specifies the effective date of retirement, to the Department Head.

The State Retirement plan requests six (6) months advance notice to process the application. After giving notice of retirement to the Department Head, employees are expected to assist with the transition of their employment by providing information to their direct supervisor and/or Department Head on the status of their duties and responsibilities, any current projects and help in the training of a replacement.

The Personnel Officer will conduct a confidential exit interview to discuss benefits including appropriate retirement issues and pay due. The exit interview will also include an open discussion with the employee regarding their employment experience with the Township of Jackson.



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On the last day of work, and prior to receiving the final paycheck, the employee must return the Employee Identification Card, all keys and equipment.

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

### 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 the Ocean County Joint Insurance Fund.

Additionally, the Township of Jackson will supplement any payments received as workers compensation for temporary disability to equal an employee's full salary for up to one year as long as the employee is temporarily disabled under workers compensation. This supplemental income, in the form of a leave of absence with pay, is available to any full or part-time employee who is injured or disabled as a result of his/her employment.

Any occupational injury or illness must be immediately reported to the Supervisor and/or Department Head. The Supervisor and/or Department Head will insure that the First Injury Report form/Employee Report Form/Supervisors Report Form is filled out completely.

Occupational Injuries and Illnesses occurring during regular business hours are reported to the designated medical claims coordinator by the Personnel Officer. Occupational Injuries and Illnesses occurring after regular business hours or on weekends should be reported to the medical claims' coordinator at 1-800-293-9795 by the Supervisor on duty.

Filling out the First Injury / Supervisor's Report form prior to calling in the injury/illness will ensure that the caller has the required information. All required medical treatment must be performed by the appointed Township Appointed Compensation Physician; payment for unauthorized medical treatment may not be covered pursuant to the Act. Follow up employee medical treatment will be in accordance with minimal disruption to department operations.

Accidents not requiring immediate medical treatment are also required to be documented as a record only by the completion of the First Injury Report /Supervisor's Report form. The injury or illness is called in and filed as "medical record only" report by the Personnel Officer in the event that the employee requests medical treatment at a later date. All Worker's Compensation report of injury/illness forms should be forwarded to the Personnel Officer.

Failure to report job related injuries and illnesses in a timely manner may result in disciplinary action, up to, and including termination.

### EDUCATIONAL ASSISTANCE AND TRAINING POLICY

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



## THE TOWNSHIP OF JACKSON

course or program is "directly related" to the employee's work. Employees are strongly urged to obtain this determination before enrolling in a course or program.

### CONFERENCE AND SEMINAR POLICY

Requests to attend a conference or seminar must be approved by the Department Head and the Business Administrator. Requests shall be made sufficiently in advance to take advantage of discounts for early registration and must be submitted to the Department Head at least thirty days before the event.

Requests must be in writing including 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.



**THE TOWNSHIP OF JACKSON**

**RECEIPT FOR EMPLOYEE HANDBOOK**

I ACKNOWLEDGE THAT I HAVE RECEIVED A COPY OF TOWNSHIP OF JACKSON'S EMPLOYEE HANDBOOK. I AGREE TO READ IT THOROUGHLY AND AGREE THAT IF THERE IS ANY POLICY OR PROVISION IN THE HANDBOOK THAT I DO NOT UNDERSTAND, I WILL SEEK CLARIFICATION FROM MY SUPERVISOR, DEPARTMENT HEAD, BUSINESS ADMINISTRATOR OR THE BUSINESS ADMINISTRATOR OR DESIGNEE.

I UNDERSTAND THAT TOWNSHIP OF JACKSON IS AN "AT WILL" EMPLOYER AND CONSISTENT WITH APPLICABLE FEDERAL AND STATE LAW (INCLUDING THE NEW JERSEY CIVIL SERVICE ACT), (AS WELL AS APPLICABLE BARGAINING UNIT AGREEMENTS), EMPLOYMENT WITH THE TOWNSHIP OF JACKSON IS NOT FOR A FIXED TERM OR DEFINITE PERIOD AND MAY BE TERMINATED AT THE WILL OF EITHER PARTY, WITH OR WITHOUT CAUSE, AND WITHOUT PRIOR NOTICE.

NO SUPERVISOR OR OTHER REPRESENTATIVE OF THE TOWNSHIP OF JACKSON HAS THE AUTHORITY TO ENTER INTO ANY AGREEMENT FOR EMPLOYMENT FOR ANY SPECIFIED PERIOD OF TIME, OR TO MAKE ANY AGREEMENT CONTRARY TO THE ABOVE. IN ADDITION, I UNDERSTAND THAT THIS HANDBOOK STATES TOWNSHIP OF JACKSON'S PERSONNEL POLICIES IN EFFECT ON THE DATE OF PUBLICATION.

I UNDERSTAND THAT NOTHING CONTAINED IN THE HANDBOOK MAY BE CONSTRUED AS CREATING A PROMISE OF FUTURE BENEFITS OR A BINDING CONTRACT WITH TOWNSHIP OF JACKSON FOR BENEFITS OR FOR ANY OTHER PURPOSE. I ALSO UNDERSTAND THAT THESE POLICIES ARE CONTINUALLY EVALUATED AND MAY BE AMENDED, MODIFIED OR TERMINATED AT ANY TIME.

PLEASE SIGN AND DATE THIS RECEIPT AND RETURN IT TO THE DIVISION OF PERSONNEL.

DATE \_\_\_\_\_

SIGNATURE \_\_\_\_\_

PRINT NAME \_\_\_\_\_

DEPARTMENT \_\_\_\_\_