Bernards Township

EMPLOYEE HANDBOOK of PERSONNEL POLICIES AND PROCEDURES

Full Time
Part Time
Seasonal
Temporary

Administration Office: One Collyer Lane, Basking Ridge, NJ 07920
Amended January 2, 2020
DISCLAIMER OF EMPLOYMENT CONTRACT

Bernards Township has prepared this Employee Handbook to summarize many of the Township’s policies, procedures and benefit programs. No Handbook can anticipate every circumstance or question about policy. The Township reserves the right to revise, add to, or delete any policies or portion of this Handbook at any time as it deems appropriate, in its sole and absolute discretion with or without prior notice to employees. This Handbook replaces any prior written and oral communications about the subjects contained in it.

Except where otherwise provided by collective negotiations agreement or statute, employment with the Township is at-will, which means that it is for no definitive period, and may be terminated by either the employee or the Township at any time with or without cause, prior notice or procedural requirements. Neither this Handbook, nor any Township policy, procedure nor communication (with the exception of the Township’s collective negotiations agreements) shall create any right for any employee or guarantee employment for any period. No representative of the Township may enter into any agreement or make any representations to alter an employee’s at-will status or otherwise create a contractual obligation. Only the Township Committee may enter into binding commitments, and only when such commitments are in writing and are adopted by the Township Committee pursuant to state law.

This Handbook has been written so as not to conflict with the collective negotiations agreement between the Township and its unionized employees. If there is a conflict between this Handbook and any collective negotiations agreement, the provisions of the collective negotiations agreement will prevail for represented employees.
INTRODUCTION

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

As a Township 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.

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 has a “no tolerance” policy towards workplace wrongdoing.

This Employee Handbook adopted by the Township Committee discusses these issues and many other Township personnel policies. You are urged to read this Handbook and become acquainted with its contents. By its very nature, a handbook cannot be comprehensive or address all possible situations. For this reason, if you have any questions concerning any Township personnel policy, contact your Supervisor, or if you prefer, your Department Head, Human Resources Manager or Township Administrator.

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

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 James Baldassare
January 2, 2020
RECEIPT FOR EMPLOYEE HANDBOOK

I acknowledge that the Bernards Township Employee Handbook is posted on www.bernards.org on the Human Resources Department tab or that I may request a copy of it. I agree to read it thoroughly, including the statements in the foreword describing the purpose and effect of the Handbook. I agree that if there is any policy or provision in the Handbook that I do not understand, I will seek clarification from the Human Resources Department.

I understand that the purpose of this Handbook is to inform me about the Township’s current policies and procedures, and that nothing in this Handbook constitutes an employment contract or agreement to maintain any current level of benefit. I further understand that this Handbook is meant as a guideline only and does not create a promise of future benefits or a binding contract with Bernards Township for any purpose. I also understand that these policies and procedures are continually evaluated and may be amended, modified or terminated at any time with or without prior notice to me.

I understand that Bernards Township is an "at will" employer and as such, unless I am covered by a collective negotiations agreement or other statutory protection, employment with the Township 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, with the exception of the Township Committee in writing and in compliance with law, 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.

I understand that if I am covered by a collective negotiations agreement, the terms of that agreement will govern when in conflict with the provisions herein.

I understand that this Handbook contains the Township’s Drug and Alcohol testing policy, which I am subject to, as with all of the Township policies.

Please sign and date this receipt and return it to the Human Resources Manager.

Date: __________________________

Signature: ______________________

Print Name: _____________________

Department: _____________________
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GENERAL PERSONNEL POLICY

It is the policy of the Township to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations. The personnel policies and procedures of the Township shall apply to all employees, volunteers, elected or appointed officials. In the event there is a conflict between these policies and procedures and any collective negotiations agreement, personnel services contract, or Federal or State law including the Attorney General’s guidelines with respect to Police Department personnel matters, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

All regular employees, officers and Department Heads shall be appointed and promoted by the Township Committee. Employees, officers and Department Heads for the Library, Health Department and Sewerage Authority shall be appointed and promoted by their respective Boards. No person shall be employed or promoted unless there exists a position created by an ordinance adopted by the Township Committee as well as the necessary budget appropriation and salary ordinance.

The Township Administrator and all managerial/supervisory personnel are responsible for administration of these personnel policies and procedures. The Township Committee has appointed the Human Resources Manager to assist the Township Administrator in implementing these personnel practices.

The Township has a “no tolerance” policy toward workplace wrongdoing. Township officials, employees and volunteers are to report anything perceived to be improper to their Supervisor, the Human Resources Manager or the Township Administrator. The Township believes strongly in an Open Door Policy and encourages employees to talk with their Supervisor, Department Head, Township Administrator, or the Human Resources Manager concerning any problem.

This Employee Handbook is intended to provide guidelines covering public service by Township employees and is not a contract. This handbook contains many, but not necessarily all of the rules, regulations, and conditions of employment for Township personnel. The provisions of this handbook may be amended and supplemented from time to time without notice and at the sole discretion of the Township.

IMPORTANT NOTICE

To the maximum extent permitted by law, the employment practices of the Township shall operate under the legal doctrine known, as “employment at will.” Within Federal and State law and any applicable collective negotiations agreement, the Township shall have the right to terminate an employee at any time and for any reason, with or without notice, except the Township shall comply with all Federal and State legal requirements requiring notice and an opportunity to be heard in the event of discipline or dismissal.
EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT
Bernards Township is committed to the principles of Equal Employment Opportunity. Accordingly, the Township will provide equal opportunity to all persons without regard to race, creed, color, religion, national origin, civil union status, gender identity or expression, age, marital or political status, disability or handicap, sex or sexual orientation, genetic information or any other category protected by federal, state or local law or regulation. This policy applies to all areas of employment, including recruitment, hiring, training and development, promotion, termination, layoff, compensation, benefits and all other conditions, terms and privileges of employment in accordance with federal, state and local laws.

Any employees with questions or concerns about any type of discrimination or harassment in the workplace are encouraged to bring these issues to the attention of the Human Resources Manager through the complaint procedure set forth in the Anti-Harassment Policy set forth in this Handbook.

Appropriate disciplinary action may be taken against any employee willfully violating this policy.

NON-DISCRIMINATION AND EQUAL EMPLOYMENT
It is the policy of Bernards Township that there shall be equal employment opportunity for all municipal employees and applicants without regard to race, creed, color, religion, sex, sexual orientation, pregnancy, age, national origin, marital or political status, civil union status, gender identity or expression, veteran status, genetic information, disability or handicap which can be reasonably accommodated without undue hardship or any other classification protected by federal, state or local law or regulation.

1. This policy applies to all areas of employment and includes recruitment, selection, promotion, demotion or transfer, layoff, recall, termination, rates of pay and other forms of compensation, selection for training and special assignments.

2. All levels of management, through day-to-day actions, shall ensure the full integration of all employees into the work force in all occupations and at all levels regardless of the employee’s race, creed, color, religion, sex, sexual orientation, pregnancy, civil union status, gender identity or expression, age, national origin, marital status, veteran status, disability or handicap or any other classification protected by federal, state or local law or regulation.

3. Employees are encouraged to report any instance of alleged discrimination or harassment by members of the public, vendors or employees of the Township workforce. All inquiries and reports of discrimination should be directed to the Human Resources office or the Township Administrator.

Bernards Township is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that
promotes equal employment opportunities and prohibits discriminatory practices, including harassment. Therefore, Bernards Township expects that all relationships among persons in the workplace will be business-like and free of bias, prejudice and harassment. The Township will not tolerate discrimination or harassment of or by Township employees towards anyone, including any Supervisor, co-worker, vendor, or citizen. Harassment Awareness training will be conducted on an annual basis for supervisory personnel and bi-annually for non-supervisory personnel and within two weeks of hire for all new personnel.

Violations of this policy will result in disciplinary action up to and including discharge or, in the event non-employees are found to be at fault, other appropriate action. Employees who feel they have been subject to discrimination, harassment or disrespect as prohibited above, should file a complaint pursuant to the Township’s Anti-Harassment Policy Complaint Procedure, noted below.

**OPEN DOOR POLICY**

The Township encourages employees who feel they have been treated unfairly or contrary to the Township’s policies to discuss their concerns with their Supervisor, or if they prefer with their Department Head, Human Resources Manager or Township Administrator. This includes work related problems or those of harassment or discrimination. The Township encourages employees to express their concerns about their employment with the Township. Please refer to the following policies – Non-Discrimination and Equal Employment Opportunity Policy, Anti-Harassment Policy and Employee Complaint Policy - below as to complaint procedures.

**OPEN PUBLIC MEETINGS ACT PROCEDURE CONCERNING PERSONNEL MATTERS**

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

**ANTI-HARASSMENT POLICY**

The Township is committed to maintaining a workplace free from harassment, sexual or otherwise, or intimidation of any employee or job applicant, male or female, that is severe or pervasive enough to alter the terms and conditions of one’s employment.
The Township does not accept, condone or tolerate actions of harassment by any employee, vendor, member of the public or any other person associated with the Township on the basis of any personal characteristic, including, but not limited to race, creed, color, religion, sex, sexual orientation, pregnancy, national origin, civil union status, gender identity or expression, age, marital or political status, veteran status, disability or handicap, genetic information, or any other classification protected by federal, state or local law.

Harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based on a person’s protected status, such as race, creed, color, religion, sex, sexual orientation, age, pregnancy, national origin, marital or political status, veteran status, civil union status, gender identity or expression, genetic information, disability or handicap which can be reasonably accommodated without undue hardship or any other classification protected by federal, state or local law or regulation. Harassment involves behavior that is personally offensive, fails to respect the rights of others, lowers morale and interferes with work effectiveness. Harassment may take different forms. Whatever form it takes, harassment is insulting and demeaning to the recipient and will not be tolerated in the workplace.

The Township will not tolerate harassing conduct that affects tangible job benefits, that interferes unreasonably with an individual's work performance, that creates an intimidating, hostile, or offensive working environment or that is severe or pervasive enough to otherwise alter the terms and conditions of one’s employment.

Applicability
Township officials, appointees, managers, supervisors, employees, and volunteers alike must comply with this policy and take appropriate measures to ensure that such conduct does not occur. Independent contractors, vendors and all other parties engaged in a professional business relationship with the Township of Bernards are also expected to abide by the policy.

Sexual Harassment
One type of harassment is sexual harassment. The Township prohibits sexual harassment of its employees in any form. Sexual harassment of non-employees by a Township employee is also prohibited.

Such conduct shall result in appropriate disciplinary action up to and including dismissal from employment.

Sexual Harassment Defined
Sexual harassment is unwelcome, unsolicited conduct of a sexual nature or because of one’s sex, which an employee reasonably regards as undesirable or offensive. It includes unwelcome sexual advances, requests for sexual favors and any other conduct of a physical, verbal or nonverbal nature where:

a) Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment; or

b) Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment, or
c) That conduct or communication is severe and pervasive enough to significantly alter the terms and conditions of employment, has the purpose or effect of substantially or unreasonably interfering with an individual's employment, or creating an intimidating hostile or offensive employment environment.

Unwelcome sexual advances toward non-employees such as 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.

It is recommended, but not required, that an individual who believes that he/she has been subjected to harassment should confront his/her harasser and make clear that such behavior is not welcome. The individual should immediately bring the matter to the attention of his/her immediate Supervisor or Department Head. The employee may bring the complaint directly to the Human Resources office.

Supervisors and Department Heads must inform the Human Resources office of any complaints raised in a timely manner. The Human Resources office may ask the employee to complete a Harassment Complaint Form. The complaining party should specify the name of the alleged harasser and any and all witnesses to such alleged harassment. Completion of the written Harassment Complaint Form is preferred but not required. The alleged harassment does not have to occur on Township property during regular work hours for a complaint to be filed under this policy.

Any individual who prefers not to report an incident to the Township's Human Resources office should feel free to go to the Township Administrator. Under no circumstances shall an employee be required to make a report of harassment to the person he/she is accusing of harassment. Any employee who receives a complaint of harassment or of conduct which would violate this policy from a non-employee or has knowledge of harassment or conduct which would violate this policy, by any Township employee, agent, volunteer or representative, must report the matter to the Human Resources office or Township Administrator immediately. The failure to make such a report may subject the employee to discipline.

The Township encourages employees who witness conduct which they believe violates the Township’s Anti-Harassment Policy to report the violation pursuant to this complaint procedure. All supervisory personnel are required to ensure adherence to and compliance with this policy. Upon being informed of and/or witnessing possible harassment, supervisory employees are required to inform the Human Resources office and take appropriate remedial action to stop the harassment.
The Township encourages the prompt reporting of complaints so that rapid response and appropriate action may be taken. Any complaint should be reported within 120 days to be considered current. Nevertheless, due to the sensitive nature of these problems, all complaints will be investigated, regardless of when they are filed.

Investigation Procedure
The Township shall conduct an investigation into the harassment complaint to determine the merits of the allegations. The Human Resources office shall designate an objective investigator to determine the validity of any complaint. The objective investigator may include the Human Resources office or any third party deemed appropriate. The investigation shall be completed in a reasonable time to resolve the issue and minimize the effects of such investigation on the parties involved.

1. The investigation will, at a minimum, include an interview with the employee bringing the complaint and the accused. If the Township determines that the complaint has merit, the accused shall face appropriate disciplinary action based upon the severity of the complaint and any prior history of past charges against the individual. Disciplinary action may include a written warning, suspension, demotion, and/or termination of employment. Any disciplinary action shall be consistent with applicable collective negotiations agreements and applicable due process safeguards.

2. All employees have a responsibility to cooperate fully with the investigation of harassment. Although the extent of each investigation will vary, discretion and cooperation are crucial at all levels.

3. In the event that the Township determines the complaint to be intentionally dishonest, appropriate disciplinary action may be taken against the employee who caused the complaint to be filed.

The Township has a compelling interest in protecting the integrity of its investigations. In every investigation, the Township has a strong desire to protect witnesses from harassment, intimidation and retaliation, to keep evidence from being destroyed, to ensure that testimony is not fabricated, and to prevent a cover-up.

The Township may decide in some circumstances that in order to achieve these objectives, the investigation must be maintained in strict confidence. If the Township reasonably imposes such a requirement and an employee does not maintain such confidentiality, the employee may be subject to disciplinary action up to and including immediate termination.

Responsibility of Supervisory Personnel
Supervisors are to monitor the work environment to ensure that all employees comply with the Anti-Harassment policies. When a Supervisor learns of a violation of these policies, the Supervisor shall assist the victim in reporting the alleged incident(s) of harassment. Alternatively, the Supervisor shall report the matter to the Human Resources office. Any Supervisor who receives a harassment complaint from any employee must immediately bring it to the attention of the Human Resources office for resolution.
Retaliation Prohibited
The Township encourages victims of harassment to bring their complaints to management by ensuring that no reprisals or retaliation will result from the good faith reporting of harassment. It is a violation of this policy for any personnel to retaliate against another because he or she filed a complaint or otherwise participated in the complaint procedure.

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

Any retaliatory conduct or recurrence of the offensive behavior should be reported immediately to the Human Resources office.

Any employee with questions regarding the Township’s Anti-Harassment policies may contact the Human Resources office.

EMPLOYEE COMPLAINT POLICY
To foster sound employee-employer relations through communication and reconciliation of work-related problems, the Township provides employees with an established procedure for expressing employment related concerns. If a complaint is one of discrimination or harassment, please go to the policies on Non-Discrimination and Equal Employment Opportunity and Anti-Harassment and follow the procedures noted there.

In situations where employees feel a work-related complaint is in order, the following steps should be taken:

1. If an employee believes that he/she has a legitimate work-related complaint, the employee is encouraged to first attempt to resolve the issue(s) through discussions with his/her immediate Supervisor. The Supervisor shall not exceed his/her authority nor the discretion within which he/she may act.

2. If the situation is not satisfactorily settled verbally within forty-eight (48) hours from the time the complaint is discussed with the employee’s immediate Supervisor, barring extenuating circumstances, the employee may, with prior notice to his or her Supervisor or Manager, meet with the Human Resources office with written documentation.

3. If the matter of complaint cannot be satisfactorily settled within forty-eight (48) hours of being brought to the attention of the Human Resources office, the employee may, with prior notice to the Human Resources office, request in writing a meeting with the Township Administrator, or if appropriate, Health Officer, Library Director or Sewerage Authority Director, for final disposition.

The Township will attempt to resolve the complaint within a reasonable period of time while preserving the confidentiality and privacy of those involved to the extent feasible.
Police Department employees shall be governed by their own rules and regulations, and Public Works employees in a collective bargaining unit by their contract provisions.

**RLUIPA COMPLAINT POLICY**

Consistent with the United States Constitution and the Religious Land Use and Institutionalized Persons Act of 2000 ("RLUIPA"), Bernards Township, the Planning Board, and the Zoning Board of Adjustment do not discriminate against religious exercise or violate the other protections of RLUIPA. If any person believes that Bernards Township, acting through its agents or employees, may have violated RLUIPA, they have a right to file a complaint.

Should any Township personnel receive a verbal complaint, it should be communicated immediately, in writing, to the Municipal Clerk, who will offer and provide the Complaint Against the Township of Bernards form to the complainant.

Any submitted Complaint Against the Township of Bernards forms should be forwarded to the Municipal Clerk immediately upon receipt.

The complete process and Complaint Against the Township of Bernards form is located on the Bernards Township Website in the Documents section of the Planning and Zoning Departmental page. In the event of an alleged RLUIPA event, please refer to the referenced website page and follow the procedure noted there.

**VIOLENCE IN THE WORKPLACE**

Bernards Township maintains the policy that any violent acts or threats of the same, made by an employee against another person’s life, health, well-being, and family or property or for the purpose of intimidation, are entirely unacceptable and cause for disciplinary action up to and including immediate dismissal. This policy applies to any threats made on Township property, at Township events or under other circumstances that may negatively affect the Township’s ability to conduct business. Such acts or threats of violence, whether made directly or indirectly, by words, gestures or symbols, infringe upon the Township’s right or obligation to provide a safe workplace for its employees.

An employee who believes that he or she has been the target of violence or threats of violence or intimidation or has witnessed or otherwise learned of violent conduct by another employee in the capacity described above, should contact the Human Resources office and his or her immediate Supervisor immediately.

**Prohibited Conduct**

The Township will not tolerate any type of workplace violence committed by or against employees. Employees are prohibited from making threats or engaging in violent activities. This list of behaviors, while not inclusive, provides examples of conduct that are prohibited.

a) Causing physical injury to another person;
b) Making threatening remarks;
c) Aggressive, hostile or intimidating behavior that creates a reasonable fear of injury or loss to another person or to personal property or subjects another individual to emotional distress;

d) Intentionally damaging employer property or property of another employee;

e) Possession of a weapon while on Township property or while on Township business;

f) Committing acts motivated by, or related to, harassment or domestic violence.

**Reporting Procedures**

Any potentially dangerous situations must be reported immediately to a Supervisor or the Human Resources office. All reported incidents will be investigated. Reports or incidents warranting confidentiality will be handled appropriately and information will be disclosed to others only on a need-to-know basis. The Township will actively intervene at any indication of a possibly hostile or violent situation.

**Enforcement**

Threats, threatening or intimidating conduct, or any other acts of aggression or violence in the workplace will not be tolerated. Any employee determined to have committed such acts will be subject to disciplinary action, up to and including termination. Non-employees engaged in violent acts on the Township’s premises will be reported to the proper authorities and fully prosecuted.

**AMERICANS WITH DISABILITIES ACT POLICY STATEMENT**

The Township is committed to complying with all the relevant and applicable provisions of the Americans with Disabilities Act (“ADA”), as amended by the Americans with Disabilities Amendments Act (“ADAAA”) and related state laws. The Township will not discriminate against any qualified employee or job applicant with respect to any terms, privileges, or conditions of employment because of a person’s physical or mental disability. The Township will also engage in an interactive process and make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or an employee unless undue hardship or a direct threat would result.

An applicant or employee who requires an accommodation in order to perform the essential functions of the job he or she holds or desires should contact his/her Department Head or the Human Resources office and request such accommodation. The accommodation request can be written or oral and can be made by the employee or by someone else on the employee’s behalf. The accommodation request should specify the accommodation the employee needs to perform the job. If the requested accommodation is reasonable and will not impose an undue hardship or a direct threat, the Township will make the accommodation in accordance with applicable law. The Township may propose an alternative to the requested accommodation or substitute one reasonable accommodation for another, but the Township retains the ultimate discretion to choose between reasonable accommodations.

Employees are expected to fully cooperate in the accommodation process. The duty to cooperate includes making every effort to provide management with current medical information. Employees who do not meaningfully cooperate in the accommodation process will waive the right to accommodation.
Procedure for Requesting an Accommodation

On receipt of an accommodation request, the Human Resources office and the employee’s Supervisor will meet with the employee to discuss and identify the precise limitations resulting from the disability and the potential accommodation that the Township might make to help overcome those limitations.

The Human Resources office will make recommendations to the Township Administrator, Health Officer, Library Director or Sewerage Authority Director to determine the feasibility of the requested accommodation considering various factors, including, but not limited to the nature and cost of the accommodation, and the accommodation’s impact on the operation of the Township, including its impact on the ability of other employees to perform their duties and on the Township’s ability to conduct business.

The Human Resources office will inform the employee of the decision on their accommodation request or on how to make the accommodation. If the accommodation request is denied, employees will be advised of their right to appeal the decision by submitting a written statement explaining the reasons for the request to the Township Administrator, Health Officer, Library Director or Sewerage Authority Director, as appropriate. If the request on appeal is denied, that decision is final.

The ADA does not require the Township to make the best possible accommodation, to reallocate essential job functions, or to provide personal use items (i.e., eyeglasses, hearing aids, wheelchairs etc.).

An employee or job applicant who has questions regarding this policy or believes that he or she has been discriminated against based on a disability should notify the Human Resources office. All such inquiries or complaints will be treated as confidential to the extent permissible by law.

ALCOHOL-FREE AND DRUG-FREE WORKPLACE POLICY

The Township has a vital interest in maintaining a safe, healthy and efficient working environment. Being under the influence of drugs or alcohol on the job poses serious safety and health risks to the user and to those who work or come in contact with the user in the workplace. Accordingly, the use, sale, purchase, transfer, possession or being under the influence of illegal drugs or alcohol in the workplace poses unacceptable risks for safe, healthy and efficient operations and will be grounds for immediate discipline up to and including termination of employment.

The Township further expresses its intent, through this policy, to comply with federal, state and local rules, regulations and/or laws that relate to the maintenance of a workplace free from illegal drugs and alcohol.

As a condition of employment, all employees are required to abide by the terms of this policy and to notify the Township of any criminal drug or alcohol statute conviction for a violation occurring no later than five (5) days after such conviction.
**Scope**
This policy applies to all departments, all employees (including all contracted employees) and all job applicants.

CDL Drivers: Employees who are required to maintain a CDL license as an essential function of their job will also be subject to additional procedures (including random testing) pursuant to federal law and regulations. No driver shall use alcohol or be under the influence of alcohol within 4 hours before going on duty or operating or having physical control of a commercial motor vehicle. Employees with CDL licenses being called into work shall inform their supervisor if they consumed alcohol within 4 hours prior and will not be allowed to operate any commercial motor vehicle.

Police personnel shall also be subject to current police department Internal Affairs, Drug Testing and/or any and all applicable policies, directives, rules and regulations regarding the use, possession or being under influence of alcohol and/or drugs.

**Definitions**

**Alcohol:** Any beverage that contains ethyl alcohol (ethanol), including, but not limited to, beer, wine and distilled spirits.

**Township premises/facilities:** All property of the Township, including, but not limited to, the offices, facilities and surrounding areas of Township-owned or leased property, parking lots and storage areas. The term also includes all Township-owned or leased vehicles and equipment wherever located, and includes all other premises or facilities visited by employees in the course of their employment.

**Illegal drug:** Any drug which is not legally obtainable; any drug which is legally obtainable, but has not been legally obtained; any prescribed drug not legally obtained, not being used for the prescribed purpose or by the prescribed person or not being used in the prescribed dosage or manner; and any drug being used for a purpose not in accordance with bona fide medical therapy. Examples include, but are not limited to, marijuana, hashish, cocaine, heroin, methamphetamine, phencyclidine (PCP), barbiturates and so-called designer or look-alike drugs.

**Reasonable Suspicion:** A belief based on objective facts sufficient to lead a prudent person to conclude that a particular employee is under the influence of alcohol or drugs. Reasonable suspicion must be directed at a specific person and must be based upon specific and articulable facts and the logical inferences and deductions that can be drawn from those facts. Reasonable suspicion may be based upon things such as: observable phenomena – such as the direct observation of the possession or use of a drug or alcohol or the direct observation of physical symptoms of being
under the influence of a drug or alcohol such as slurred speech, unsteady gait; a pattern of unusual or abnormal conduct or erratic behavior; information provided by a reliable and credible source; work-related accidents and deviations from safe working practices.

**Employee Responsibilities**
Each employee has the responsibility to:

1. Report to work at all times free of alcohol or illegal drugs and their effects;
2. Be aware of the Township’s *Alcohol-Free and Drug-Free Workplace Policy*;
3. Seek assistance for alcohol and other drug abuse or related problems through an approved program before job performance is impacted;
4. Support the Township’s efforts to eliminate alcohol and other drug abuse among employees.

Supervisors and other management personnel will be trained in detecting the signs and behavior of employees who may be using illegal drugs or alcohol at work.

**Authorized Use of Prescribed Medication**
An employee undergoing prescribed medical treatment with any drug that may impair his/her ability to perform his/her job without posing a safety risk to himself/herself or others must report this treatment to the Human Resources Manager who is required to maintain the confidentiality of any information regarding an employee’s medical condition in accordance with the Health Insurance Portability and Protection Act. An employee may continue to work under the influence of a prescribed drug only if, after consultation with medical professionals, it is determined that such use does not pose a safety risk and the employee’s job performance is not negatively impacted and/or cannot be reasonably accommodated.

If justified by medical information and the employee’s work performance, the Township may restrict an employee’s work activity, place the employee on a leave of absence, or take other appropriate action in compliance with law.

**Reasonable Suspicion Testing**
Whenever the Township has reasonable individualized suspicion that an employee is under the influence of alcohol or illegal drugs, the following procedures shall be applied:

1. An employee reasonably believed to be under the influence of alcohol or illegal drugs shall be immediately prevented from engaging in further work by his/her Supervisor and Department Head and shall be prohibited from returning to work until negative test results are received. Any employee removed from a job for suspected drug or alcohol use will
suffer no loss in pay provided the test result is negative.

2. The decision to test an employee shall be made by the Human Resources Manager after consultation with the Township Administrator, Health Officer, Library Director or Sewerage Authority Director and legal counsel.

3. If the Township determines to test an employee, the employee will be given a direct order to submit to the test. Unionized employees shall be given the opportunity to have a Union Representative present if requested. The test will not be unreasonably delayed waiting for the attendance of a Union Representative. Refusal on the part of the employee to submit to a test shall be considered misconduct and shall subject the individual to discharge.

4. The employee shall be transported in a reasonable amount of time to a qualified testing facility where a drug and/or alcohol screening will be administered. The employee will be required to sign a consent form prior to the test. Refusal to sign the consent form or intentional interference with the effective operation of the test shall be considered misconduct and shall be grounds for discharge.

5. The Township will afford the employee subject to testing the opportunity to list all prescription and non-prescription drugs they have used or recently used and the circumstances surrounding the use of such drugs and controlled substances.

6. The Township will allow a split sample to be taken so the employee may independently test the specimen at his/her own expense.

7. All alcohol and drug testing reports shall be treated in a confidential fashion and will only be revealed to those with a business need to know.

**Disciplinary Action**

Any person violating any of the provisions of this policy, including testing positive for illegal drugs and/or alcohol, will be subject to discipline up to and including termination of employment. Disciplinary action taken may be appealed to the Township Administrator, subject to applicable statutory appeal procedures and/or subject to the grievance procedures in individual union contracts. For non-union employees, the determination of the Township Administrator will be final and binding unless appealed to the Township Committee pursuant to “Disciplinary Action Procedure & Termination” policy.

Employees working in the Health Department, Library or Sewerage Authority can appeal a decision to the appropriate authority, i.e., the Board of Health, Library Board or Sewerage Authority.

At its discretion, based on the individualized circumstances of the case, the Township may provide a one-time opportunity to the employee to enter and successfully complete a rehabilitation program that has been approved by the Township at the employee’s own expense. Costs not covered under the employee’s health insurance plan shall be paid for by the employee. During rehabilitation, the employee will be prohibited from working and will be required to submit periodic
updates to the Township. Upon successful completion of rehabilitation, the employee will be subject to unannounced drug and/or alcohol testing for a period of 36 months. In the event the employee fails to successfully complete the rehabilitation program or tests positive in a test conducted after rehabilitation, the employee will be terminated.

**Voluntary Identification**
Employees who come forward and identify themselves as having a drug and/or alcohol abuse problem prior to being requested to take a test by the Township based on reasonable suspicion, will be provided the opportunity to successfully complete a rehabilitation program at his/her own expense.

**Applicant Testing**
All applicants for employment may be subject to drug testing. If an applicant refuses to take a drug test, or if evidence of the use of illegal drugs by an applicant is discovered, either through testing or other means, the pre-employment process will be terminated.

**Exceptions**
1. The policy and procedures set forth herein do not supersede the policy and procedures established by the governing body regarding the use and consumption of alcoholic beverages in any municipal building, park and/or recreational facility as it pertains to an activity or affair either sponsored by the Township of Bernards or an outside organization using Bernards Township facilities. Such activities or affairs must have the prior approval of the Recreation Committee and/or the Bernards Township Committee. In such cases, the dispensing and consuming of any alcoholic beverages shall be in total compliance with Title 33 of the Statutes of New Jersey, including all rules and regulations promulgated under N.J.A.C. 13:2 et seq.
2. Due to the unique nature of police work, police officers may carry and/or transport alcoholic beverages or illegal drugs as part of their regular job requirement. This policy does not prevent the storage of confiscated alcohol and drugs in police evidence lockers. Any drug or alcohol testing will be in accordance with the New Jersey Division of Criminal Justice Guidelines. This policy does not supersede any protections afforded police officers under N.J.S.A. 40A:14-147.

**DISCIPLINARY ACTION PROCEDURES & TERMINATION**
All employees are expected to meet the Township’s work performance standards. The intent of the Disciplinary Action Procedure is to formally document problems and provide the employee with a reasonable time to improve performance. The process should encourage development by providing employees with guidance in areas that need improvement such as poor work performance, attendance problems, personal conduct, general compliance with the Township’s policies and procedures and other disciplinary problems.

1. Should a Supervisor believe that an employee is not conforming to the Township’s policies and rules or to specific instructions, or has acted improperly, the Supervisor will first privately discuss the matter with the employee to obtain the employee’s view. If the Supervisor determines that the employee has acted improperly, the Supervisor shall
discuss the matter with the Human Resources Manager. Depending upon the gravity of the situation and the employee's past record, one of the actions below will be taken.

1. **Verbal Reprimand:** The Supervisor will verbally notify the employee that the employee's actions have been improper and warn the employee against further occurrences. The Supervisor will maintain a record of this discussion.

2. **Written Reprimand:** A written reprimand should clearly identify the problem and outline a course of corrective action within a specific time frame. Depending on the nature of the performance issue, the written reprimand may be made in the form of a Counseling Action and/or a Performance Improvement Plan. These documents outline the issue(s) needing correction, the goals for improvement and the timeline for review.

   The employee should clearly understand both the corrective action and the consequence (i.e., termination) if the problem is not corrected or reoccurs. The employee should acknowledge receipt of the warning and may include additional comments. A copy of the written reprimand with a signed acknowledgement of receipt should be placed in the employee’s official personnel file maintained by the Human Resources Manager along with a record of the discussion and the employee’s comments.

3. **Suspension:** Whenever an employee is recommended for suspension, the Township Administrator or if appropriate, the Health Officer, Library Director or Sewerage Authority Director, will be consulted as appropriate and be advised by the Human Resources Manager.

4. **Dismissal:** Whenever an employee is recommended for dismissal, the Township Administrator or if appropriate, the Health Officer, Library Director or Sewerage Authority Director, will make the decision in consultation with the Human Resources Manager. There must be a complete review of the employee’s personnel file and all other facts to determine if there is sufficient cause for the dismissal.

   An employee may be terminated, depending upon the circumstances, for the following reasons (such list not being exhaustive):

   - Incompetence, inefficiency or failure to perform duties;
   - Conviction of a crime;
   - Conduct unbecoming a public employee;
   - Violation of municipal policies, procedures and regulations;
   - Falsification of public records, including personnel records;
   - Violation of Federal, State or municipal regulations concerning drug and alcohol use and possession;
   - Chronic or excessive absenteeism or lateness;
   - Misuse of public property, including motor vehicles; or
   - Other sufficient cause.

Public Works employees shall be governed by their contract provisions.
Members of the Police Department shall be disciplined in accordance with department policy and procedures regarding Internal Affairs. Additionally, sworn contractual members of the Police Department shall be subject to discipline in accordance with current department policy and collective bargaining agreement.

DOMESTIC VIOLENCE POLICY

PURPOSE

The purpose of the State of New Jersey Domestic Violence Policy for Public Employers (herein "policy") is to set forth a uniform domestic violence policy for all public employers to adopt in accordance with N.J.S.A. 11A:2-6a. The purpose of this policy is also to encourage employees who are victims of domestic violence, and those impacted by domestic violence, to seek assistance from their human resources officers and provide a standard for human resources officers to follow when responding to employees.

DEFINITIONS

The following terms are defined solely for the purpose of this policy:

Domestic Violence - Acts or threatened acts, that are used by a perpetrator to gain power and control over a current or former spouse, family member, household member, intimate partner, someone the perpetrator dated, or person with whom the perpetrator shares a child in common or anticipates having a child in common if one of the parties is pregnant. Domestic violence includes, but is not limited to the following: physical violence; injury; intimidation; sexual violence or abuse; emotional and/or psychological intimidation; verbal abuse; threats; harassment; cyber harassment; stalking; economic abuse or control; damaging property to intimidate or attempt to control the behavior of a person in a relationship with the perpetrator; strangulation; or abuse of animals or pets.

Abuser/Perpetrator - An individual who commits or threatens to commit an act of domestic violence, including unwarranted violence against individuals and animals. Other abusive behaviors and forms of violence can include the following: bullying, humiliating, isolating, intimidating, harassing, stalking, or threatening the victim, disturbing someone's peace, or destroying someone's property.

Human Resources Officer (HRO) – An employee of a public employer with a human resources job title, or its equivalent, who is responsible for orienting, training, counseling, and appraising staff. Persons designated by the employer as the primary or secondary contact to assist employees in reporting domestic violence incidents.

Intimate Partner - Partners of any sexual orientation or preference who have been legally married or formerly married to one another, have a child or children in common, or anticipate having a child in common if one party is pregnant. Intimate partner also includes those who live
together or have lived together, as well as persons who are dating or have dated in the past.

**Temporary Restraining Order (TRO)** - A civil court order issued by a judge to protect the life, health or well-being of a victim. TROs can prohibit domestic violence offenders from having contact with victims, either in person or through any means of communication, including third parties. TROs also can prohibit offenders from a victim's home and workplace. A violation of a TRO may be a criminal offense. A TRO will last approximately 10 business days, or until a court holds a hearing to determine if a Final Restraining Order (FRO) is needed. In New Jersey, there is no expiration of a FRO.

**Victim** - A person who is 18 years of age or older or who is an emancipated minor and who has been subjected to domestic violence by a spouse, former spouse, or any other person who is a present household member or was at any time a household member. A victim of domestic violence is also any person, regardless of age, who has been subjected to domestic violence by one of the following actors: a person with whom the victim has a child in common; a person with whom the victim anticipates having a child in common, if one of the parties is pregnant; and a person with whom the victim has had a dating relationship.

**Workplace-Related Incidents** - Incidents of domestic violence, sexual violence, dating violence, and stalking, including acts, attempted acts, or threatened acts by or against employees, the families of employees, and/or their property, that imperil the safety, well-being, or productivity of any person associated with a public employee in the State of New Jersey, regardless of whether the act occurred in or outside the organization's physical workplace. An employee is considered to be in the workplace while in or using the resources of the employer. This includes, but is not limited to, facilities, work sites, equipment, vehicles, or while on work-related travel.

**PERSONS COVERED BY THIS POLICY**

All employees of **Bernards Township** are covered under this policy, including full and part time employees, seasonal employees, interns, volunteers and temporary employees at any workplace location.

**RESPONSIBILITY OF EMPLOYERS TO DESIGNATE A HUMAN RESOURCES OFFICER**

Bernards Township hereby designates the following employees as the Primary HRO and Secondary HRO, to assist employees who are victims of domestic violence.

**Primary HRO:**

Emily Kesselmeyer  
Human Resources Manager  
(908)204.3064  
ekesselmeyer@bernards.org
Secondary HRO:  
Carol Ackerman  
HR Generalist  
(908)204.3011  
cackerman@benards.org

The designated Primary and Secondary HRO shall receive training on responding to and assisting employees who are domestic violence victims in accordance with this policy.

Managers and supervisors are often aware of circumstances involving an employee who is experiencing domestic violence. Managers and supervisors are required to refer any employee who is experiencing domestic violence or who report witnessing domestic violence to the designated HRO. Managers and supervisors must maintain confidentiality, to the extent possible, and be sensitive, compassionate, and respectful to the needs of persons who are victims of domestic violence.

The name and contact information of the designated HRO will be provided to all employees via distribution of this handbook.

This policy does not supersede applicable laws, guidelines, standard operating procedures, internal affairs policies, or New Jersey Attorney General Directives and guidelines that impose a duty to report. For example, if there is any indication a child may also be a victim, reporting is mandatory to the Department of Children and Families, Child Protection and Permanency, under N.J.S.A. 9:6-8.13.

DOMESTIC VIOLENCE REPORTING PROCEDURES

Employees who are victims of domestic violence are encouraged to seek immediate assistance from their HRO. Employees who have information about or witness an act of domestic violence against an employee, are encouraged to report that information to the designated HRO, unless the employee is required to report the domestic violence pursuant to applicable laws, guidelines, standard operating procedures, internal affairs policies, or New Jersey Attorney General directives and guidelines that impose a duty to report, in which case the employee must so report to the appropriate authority in addition to reporting to the designated HRO. Nothing in this policy shall preclude an employee from contacting 911 in emergency situations. Indeed, HROs shall remind employees to contact 911 if they feel they are in immediate danger.

Each designated HRO shall:

A.Immediately respond to an employee upon request and provide a safe and confidential location to allow the employee to discuss the circumstances surrounding the domestic violence incident and the request for assistance.

B. Determine whether there is an imminent and emergent need to contact 911 and/or local law enforcement.

C. Provide the employee with resource information and a confidential telephone line to
make necessary calls for services for emergent intervention and supportive services, when appropriate. The HRO or the employee can contact our Employee Assistance Program (CONCERN – (800)242-7371) to assist with securing resources and confidential services.

D. Refer the employee to the provisions and protections of The New Jersey Security and Financial Empowerment Act, N.J.S.A. 34:11C-1 et seq. (NJ SAFE Act), referenced under Section VIII of this policy.

E. In cases where domestic violence involved a sexual touching or sexual assault between employees, the HRO is also required to report the incident to their agency’s EEO Officer, Emily Kesselmeyer 908-204-3064.

F. If there is a report of sexual assault or abuse, the victim should be offered the services of the Sexual Assault Response Team, (908) 526-7444

G. Maintain the confidentiality of the employee and all parties involved, to the extent practical and appropriate under the circumstances, pursuant to this policy. (See Section VI).

H. Upon the employee's consent, the employee may provide the HRO with copies of any TROs, FROs, and/or civil restraint agreements that pertain to restraints in the work place and ensure that security personnel are aware of the names of individuals who are prohibited from appearing at the work location while the employee who sought the restraining order is present. All copies of TROs and FROs shall be maintained in a separate confidential personnel file.

CONFIDENTIALITY POLICY

In responding to reports of domestic violence, the HRO shall seek to maintain confidentiality to protect an employee making a report of, witnessing, or experiencing domestic violence, to the extent practical and appropriate under the circumstances and allowed by law. Thus, this policy does not supersede applicable laws, guidelines, standard operating procedures, internal affairs policies, or New Jersey Attorney General Directives and guidelines that impose a duty to report.

This confidentiality policy shall not prevent disclosure where to do so would result in physical harm to any person or jeopardize safety within the workplace. When information must be disclosed to protect the safety of individuals in the workplace, the HRO shall limit the breadth and content of such disclosure to information reasonably necessary to protect the safety of the disclosing employee and others and comply with the law. The HRO shall provide advance notice to the employee who disclosed information, to the extent possible, if the disclosure must be shared with other parties in order to maintain safety in the workplace or elsewhere. The HRO shall also provide the employee with the name and title of the person to whom they intend to provide the employee's statement and shall explain the necessity and purpose regarding the disclosure. For example, if the substance of the disclosure presents a threat to employees, then law enforcement will be alerted immediately.
This policy does not supersede applicable laws, guidelines, standard operating procedures, internal affairs policies, or New Jersey Attorney General Directives and guidelines where mandatory reporting is required by the appointing authority or a specific class of employees.

CONFIDENTIALITY OF EMPLOYEE RECORDS

To ensure confidentiality and accuracy of information, this policy requires the HRO to keep all documents and reports of domestic violence in confidential personnel file separate from the employee’s other personnel records. These records shall be considered personnel records and shall not be government records available for public access under the Open Public Records Act. See N.J.S.A. 47:1A-10.

THE NEW JERSEY SECURITY AND FINANCIAL EMPOWERMENT ACT

The New Jersey Security and Financial Empowerment Act, N.J.S.A. 34:11C-1, et seq. (NJ SAFE Act), is a law that provides employment protection for victims of domestic or sexual violence. The NJ SAFE Act allows a maximum of 20 days of unpaid leave in one 12-month period, to be used within 12 months following any act of domestic or sexual violence. To be eligible, the employee must have worked at least 1,000 hours during the 12-month period immediately before the act of domestic or sexual violence. Further, the employee must have worked for an employer in the State that employs 25 or more employees for each working day during 20 or more calendar weeks in the current or immediately preceding calendar year. This leave can be taken intermittently in days, but not hours.

Leave under the NJ SAFE Act may be taken by an employee who is a victim of domestic violence, as that term is defined in N.J.S.A. 2C:25-19 and N.J.S.A. 30:4-27.6, respectively. Leave may also be taken by an employee whose child, parent, spouse, domestic partner, civil union partner, or other relationships as defined in applicable statutes is a victim of domestic or sexual violence. Leave under the NJ SAFE Act may be taken for the purpose of engaging in any of the following activities, for themselves, or a child, parent, spouse, domestic partner, or civil union partner, as they relate to an incident of domestic or sexual violence:

1) Seeking medical attention;
2) Obtaining services from a victim services organization;
3) Obtaining psychological or other counseling;
4) Participating in safety planning, temporarily or permanently relocating, or taking other actions to increase safety;
5) Seeking legal assistance or remedies to ensure health and safety of the victim; or
6) Attending, participating in, or preparing for a criminal or civil court proceeding relating to an incident of domestic or sexual violence.

The full text of the New Jersey SAFE Act is provided on the Bernards Township Intranet.
PUBLIC EMPLOYER DOMESTIC VIOLENCE ACTION PLAN

Bernards Township has developed the following action plan to identify, respond to, and correct employee performance issues that are caused by domestic violence, pursuant to N.J.S.A. 11A:2-6a, and in accordance with the following guidelines:

A. Designate an HRO with responsibilities pursuant to Sections IV and V of this policy.

B. Recognize that an employee may need an accommodation as the employee may experience temporary difficulty fulfilling job responsibilities.

C. Provide reasonable accommodations to ensure the employee’s safety. Reasonable accommodations may include, but are not limited to, the following: implementation of safety measures; transfer or reassignment; modified work schedule; change in work telephone number or work-station location; assistance in documenting the violence occurring in the workplace; an implemented safety procedure, or other accommodation approved by the employer.

D. Advise the employee of information concerning the NJ SAFE Act; Family and Medical Leave Act (FMLA); or Family Leave Act (FLA); Temporary Disability Insurance (TOI); or Americans with Disabilities Act (ADA); or other reasonable flexible leave options when an employee, or his or her child, parent, spouse, domestic partner, civil union partner, or other relationships as defined in applicable statutes is a victim of domestic violence.

E. Commit to adherence to the provisions of the NJ SAFE Act, including that the employer will not retaliate against, terminate, or discipline any employee for reporting information about incidents of domestic violence, as defined in this policy, if the victim provides notice to their Human Resources Office of the status or if the Human Resources Office has reason to believe an employee is a victim of domestic violence.

F. Advise any employee, who believes he or she has been subjected to adverse action as a result of making a report pursuant to this policy, of the civil right of action under the NJ SAFE ACT. And advise any employee to contact their designated Labor Relations Officer, Conscientious Employees Protection Act (CEPA) Officer and/or Equal Employment Opportunity Officer in the event they believe the adverse action is a violation of their collective bargaining agreement, the Conscientious Employees Protection Act or the New Jersey Law Against Discrimination and corresponding policies.

G. Employers, their designated HRO, and employees should familiarize themselves with this policy. This policy shall be provided to all employees upon execution and to all new employees upon hiring. Information and resources about domestic violence are encouraged to be placed in visible areas, such as restrooms, cafeterias, breakrooms, and where other resource information is located.
RESOURCES
This policy provides an Appendix listing resources and program information readily available to assist victims of domestic violence. These resources should be provided by the designated HRO to any victim of domestic violence at the time of reporting.

DISTRIBUTION OF POLICY
Bernards Township’s HRO, or designee will be responsible for distributing this policy to employees, volunteers, and other employees identified above.

Bernards Township’s HRO, or designee will be responsible for updating this policy at least annually to reflect circumstances changes in the organization.

Bernards Township’s HRO, or designee will be responsible for monitoring The Civil Service Commission and the Division of Local Government Services in the Department of Community Affairs for modifications thereto, to public employers.

OTHER APPLICABLE REQUIREMENTS
In addition to this policy, the HRO and the public employer’s appointing authority must follow all applicable laws, guidelines, standard operating procedures, internal affairs policies, and New Jersey Attorney General Directives and guidelines that impose a duty to report. Additionally, to the extent that the procedures set forth in this policy conflict with collective negotiated agreements or with the Family Educational Rights and Privacy Act (FERPA), the provisions of the negotiated agreements and the provisions of FERPA control.

ETHICS POLICY
Bernards Township is committed to conducting its business with integrity underlying all relationships, including those with citizens, customers, suppliers and communities, and among employees. The highest standards of ethical business conduct are required of Township employees in performance of their responsibilities. Employees will not engage in conduct or activity that may raise questions as to the Township’s honesty, impartiality or reputation or otherwise cause embarrassment to the Township. Employees will avoid any action, whether or not specifically prohibited in the personnel policies, which might result in or reasonably be expected to create an appearance of:

- Using public office or public position for private gain;
- Giving preferential treatment to any person or entity;
- Losing impartiality;
- Adversely affecting the confidence of the public in the integrity of Bernards Township.

Every employee has the responsibility to ask questions, seek guidance, report suspected violations and express concerns regarding compliance with this policy.
Employees with specific guidelines through licensing, certification etc., i.e., construction or sub-code official or inspector as noted in NJAC 5:23-3.4(j), must also comply with such guidelines as required.

Employee concerns should be directed to the Township Administrator or Human Resources Manager for review and investigation. Retaliation against employees who use this reporting mechanism to raise genuine concerns is prohibited.

CONFLICT OF INTEREST AND OUTSIDE EMPLOYMENT STATEMENT

Bernards Township conducts its business fairly, impartially, in an ethical and proper manner, and in compliance with all laws and regulations.

Employees, including municipal 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 municipality. Violations of this policy will result in appropriate discipline up to and including termination.

Conflict of Interest

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

A potential or actual conflict of interest occurs whenever an employee, including a municipal official, is in a position to influence a municipal 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 municipality may assess and prevent potential conflicts. If there are any questions whether an action or proposed course of conduct would create a conflict of interest, immediately contact the Township Administrator to obtain clarification.

Outside Employment

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

Any employee who wishes to engage in outside employment shall submit a written request to the Township Administrator. The request must contain the name and address of the employer, hours
worked and the nature of the work. After reviewing the statement submitted by the employee the Township Administrator will either approve or deny the employee’s request for outside employment and advise the employee of the decision.

If there are any changes to the information submitted on the original request, a new statement must be submitted to the Township Administrator with the updated information.

From time to time, Township employees may be required to work beyond their normally scheduled hours. Employees must perform this work when requested. In cases of conflict with any outside activity, the employee’s obligations to the Township must be given priority.

Employees are hired and continue in the Township’s employ with the understanding that the Township is their primary employer and that other employment or commercial involvement, which is in conflict with the best interests of the Township, is strictly prohibited.

Acceptance of Gifts
Township employees may not accept donations, gratuities, contributions or gifts, which would be a direct result of their employment with the Township or could be interpreted to affect their conduct in the performance of their duties with the Township. Under no circumstances may employees accept donations, gratuities, contributions or gifts from a vendor doing business with, or seeking to do business with, the municipality or any person or firm seeking to influence municipal decisions. Meals and other entertainment valued in excess of $25.00 are also prohibited. Employees are required to report to the Township Administrator any offer of a donation, gratuity, contribution or gift including meals and entertainment that is in violation of this policy.

Compliance
A violation of this policy will result in immediate and appropriate discipline, up to and including termination. Any Township employee having knowledge of any violation of the policy shall promptly report such violation to their Department Head, Human Resources Manager or Township Administrator. Each Department Head is responsible for compliance. When questions arise concerning any aspect of this policy, contact the Human Resources Manager.

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

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

WHISTLE BLOWER PROTECTION POLICY
Employees have the right to complain of anything they perceive to be improper. All complaints will be taken seriously and promptly investigated.

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

- Disclosing or threatening to disclose to a Supervisor, Department Head, the Township Administrator, other official or to a public body, as defined in the Employment Protection Act (N.J.S.A. 34:19) 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 municipality. However, disclosure is not required where (1) the employee is reasonably certain that the violation is known to one or more officials; (2) where the employee reasonably fears physical harm; or (3) the situation is emergent in nature. Employees are encouraged to complain in writing using the Employee Complaint Form but may make a verbal complaint at their discretion (see Employee Complaint Policy). Under the law, the employee must give the municipality 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. In accordance with the statute, a copy of this policy will be posted in all facilities.

The Township has designated the following contact person to receive written notifications:
- Name: Human Resources Manager
- Address: 1 Collyer Lane, Basking Ridge, NJ 07920
- Telephone Number: (908) 204-3064

CONTAGIOUS OR LIFE-THREATENING ILLNESS POLICY
The Township has a legal obligation and is committed to providing a safe and healthy work environment for all employees and to the public. Accordingly, employees of the Township who have been diagnosed with any illness that poses a health hazard to other employees or to the
public must immediately disclose this information to their Department Head. The Department Head shall consult with the Human Resources Manager and a physician, if necessary, to assist in making a determination as to the appropriate course of action. All medical information received about the employee will be kept strictly confidential.

Employees who fail to disclose contagious illnesses or illnesses which would pose a direct threat to the health and safety of other employees or the public will subject the employee to discipline up to and including discharge.

The Township treats life-threatening/catastrophic illnesses in accordance with its policy on equal employment opportunity and the requirements of the New Jersey Law Against Discrimination and the Americans with Disabilities Act. The Township recognizes that a supportive and caring response from Supervisors and co-workers is an important factor in maintaining the quality of life for an employee with a life-threatening/catastrophic illness.

An employee’s health condition is private and confidential. An employee is under no obligation to disclose his or her condition to a Supervisor or any other employee of the Township unless such condition impacts the ability of the employee to safely perform his or her job. If an employee notifies a Supervisor of his/her medical condition, the Supervisor is expected to take careful precaution to protect the confidentiality of information regarding the employee’s health condition.

The Township recognizes that an employee with a medical condition may wish to continue his or her employment. All decisions regarding continued employment will be based on the ability of the employee to meet normal performance standards with or without reasonable accommodation, and on the receipt of satisfactory medical evidence that the employee does not present a direct threat to him/herself or others.

Employees with questions or concerns about contagious or life-threatening illnesses are encouraged to contact the Human Resources Manager.

**FIRST RESPONDER PHOTOGRAPHY PROHIBITION**

In accordance with New Jersey law, a first responder shall not disclose any photograph, film, videotape, record, or other reproduction of the image of a person being provided medical care or other assistance at the scene of a motor vehicle accident or other emergency situation without the prior written consent of the person, or the person’s next-of-kin if the person cannot provide consent, unless that disclosure was for a legitimate law enforcement, public safety, health care, or insurance purpose or pursuant to a court order.

**POLITICAL ACTIVITY**

It shall be the declared policy of the Township to appoint or hire all employees without regard to political considerations.
Township employees shall not engage in any political activities during working hours on municipal property. Employees are prohibited from engaging in political activities while performing their public duties and from using municipal time, supplies or equipment in any political activity.

No Township employee shall directly or indirectly use or seek to use his or her authority for contributions from municipal employees for political campaign purposes.

No person in Township employ shall invite, demand or accept payment or contribution from municipal employees for political campaign purposes.

Employees have exactly the same right as any other citizen to join political organizations and participate in political activities, as long as they maintain a clear separation between their official responsibilities and their political affiliations. Nothing in this section shall be construed to prevent Township employees from voting with complete freedom in any election.

Any violation of this policy must be reported to the Supervisor, Department Head, Township Administrator, or Human Resources Manager. Violation of any provision of this section shall be deemed sufficient cause for suspension or dismissal from the Township service.

PUBLIC RECORDS POLICY
Bernards Township public officials and employees at all levels must ensure that public records are protected from unauthorized alteration, defacement, transfer or destruction.

NJSA 47:3-16 defines a public record as: “... any paper, written or printed book, document or drawing, map or plan, photograph, microfilm, data processed or image processed document, sound-recording or similar device, or any copy thereof which has been made or is required by law to be received for filing, indexing, or reproducing by any officer, commission, agency or authority of the State or of any political subdivision thereof, including subordinate boards thereof, or that has been received by any such officer, commission, agency or authority of the State or of any political subdivision thereof, including subordinate boards thereof, in connection with the transaction of public business and has been retained by such recipient or its successor as evidence of its activities or because of the information contained therein.”

Information that employees and officials generate or receive in the transaction of their official duties is a public record. This is true regardless of the medium used to store the information – e.g., paper, microfilm, or digital copy, or in the case of digital copy and e-mail, on the computer or hand-held device from which it is sent or received. E-mails regarding Bernards Township business sent and received via personal e-mail addresses are still considered government records.

Not all public records are subject to access by the general public (the deciding factor is if the record serves to document the organization, functions, policies, decisions, procedures, operations or other activities); but all public records must be retained according to records retention and disposition schedules approved by the State Records Committee. No public record may be destroyed without prior consent of appropriate Bernards Township officials, as well as the NJ Division of Revenue & Enterprise Systems, Records Management, even if the retention period for
the record has expired. All record retention schedules and disposal requests must be processed through the NJ State Artemis System. Questions regarding this process should be directed to the Municipal Clerk.

The township follows the 7-year retention schedule for emails. The IT Department is responsible for back-up and retrieval of emails within the 7-year period. To retain emails longer than 7 years, users are required to move those emails to their personal computer archive folders or move them to one of the Township’s Registered Document Imaging Systems (Application Extender or BTOR).

On an annual basis, in December of each year, the IT Department will dispose of the prior 7 years of emails.

Although the IT Department routinely backs up its E-mail servers, each back-up is maintained only briefly for disaster recovery purposes and therefore cannot be regarded as a tool for meeting public records retention requirements with regard to e-mail.

**E-MAIL POLICY**

Access to the Internet has been provided to public employees for the benefit of Bernards Township and its residents. It allows employees to connect to information resources around the state, the country and the world. Every employee has a responsibility to maintain and enhance the Township's public image and to use the Internet in a productive manner. To ensure that all employees are responsible, productive Internet users and are protecting the Township's public image, the following guidelines have been established for using the Internet.

**Confidentiality, Privacy and Monitoring**

All Township electronic systems, including e-mail, Internet connections and instant messaging, are the property of the Township. All documents, information and data created, stored and/or copied to the Township’s computer system are the property of the Township and may not be copied or in any form transmitted to any third party other than in the ordinary course of business on behalf of the Township.

Employees using the Township’s computer systems are cautioned that e-mail and internet systems do not provide complete confidentiality and Township employees have no right to privacy when they use Township systems. The Township has the right to access, monitor and disclose the contents of any file or electronic message composed, sent received or viewed on Township computer systems for any business purpose, including but not limited to breaches of security, violations of Township policy or other computer system or e-mail misuse. The Township right to access, monitor and disclose the contents of computer files, documents and e-mails of Police Department personnel, shall be exercised under the direction of the Township Administrator and/or his/her designee in consultation with the Chief of Police.

Employees are prohibited, unless for an official police purpose as authorized by the Chief of Police, from using their personal communication device to copy and/or upload any work product, confidential communications, interoffice memorandum, time cards, or photographs of the interior of the office. Personal communication devices are defined as, but not limited to, cellular or two-
way phones, text-messaging devices, iPhones, Android-enabled devices, Blackberrys and pagers.

All communication on behalf of the Township or relating to Township business must be done through the bernards.org email account assigned to Township employees as needed. Employees should be aware and understand that the use of personal e-mail accounts, texts and other transmissions including those made on personal, password protected, web-based accounts to engage in Township business may result in those personal accounts being subject to the provisions of the Open Public Records Act (OPRA, NJSA 47:1A-1) and/or other statutes pertaining to access to government records.

**Acceptable Uses of the Internet**

Employees accessing the Internet are representing the Township. All communications should be for professional reasons. Employees are responsible for seeing that the Internet is used in an effective, ethical and lawful manner. Databases may be accessed for information as needed for Township business. E-mail may be used for business contacts.

**Unacceptable Uses of the Internet**

The Internet should not be used for personal gain or advancement of individual views. Solicitation of non-Township business or any use of the Internet for personal gain is strictly prohibited. Use of the Internet must not disrupt the operation of the Township network or the networks of other users. It must not interfere with employee productivity.

**Unacceptable Uses of Work E-Mail**

The Bernards Township e-mail system should not be used for personal gain or advancement of individual views. Solicitation of non-Township business or any use of Township e-mail for personal gain, family businesses, charity, donations, children’s activities is strictly prohibited.

**E-Mail Communications**

All employees are responsible for the content of all text, audio or images that they place or send over the Internet. Fraudulent, harassing or obscene messages are prohibited. All messages communicated on the Internet should have the sender’s name attached. No messages will be transmitted under an assumed name except for an official police purpose. Users may not attempt to obscure the origin of any message. A signature of name, title, and contact number should be included in e-mail communications. Information published on the Internet should not violate or infringe upon the rights of others. No abusive, profane or offensive language may be transmitted through the system. Employees are prohibited from expressing personal opinions through use of the Township’s Internet names and connections.

Notwithstanding the Township’s right to read and retrieve any electronic mail messages, such messages should be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to retrieve or read any e-mail messages that are not sent to them. Any exception to this policy must receive prior approval from the Township Administrator or Human Resources Manager. Employees should not attempt to gain access to another employee’s messages without the latter’s permission. All computer passwords and login names must be submitted to the Information Technology Director. No codes may be used that are unknown to the Information Technology Director.
In order to maintain the integrity of systems and databases utilized by the police department, police personnel shall have unique log-on and passwords known only to them. In the event the Chief of Police, the Human Resources Manager and/or Township Administrator request any of the unique log-on and passwords known only to police personnel, said personnel shall provide same to the Chief of Police, the Human Resources Manager and/or Township Administrator. This shall include, but not be limited to police records management files, computer aided dispatch reports, state and national criminal justice and judiciary databases as well as any other police record exempt from OPRA or public view.

**Instant Messaging**
Use of the internet and/or Bernards Township computer system for personal purposes or reasons unrelated to the work of the Township is permitted only in cases of emergency or where such use is minimal and incidental. All users of instant messaging in any form (web-based, application, mobile), on any Township owned equipment must have approval of the Information Technology Director.

Any personal use of the Internet and or the Township’s computer system may not interfere with the conduct of the Township’s business or interfere with an employee’s performance of his/her job duties.

Employees who have Township issued Smart Phones must follow the guidelines for communications as explained under Internet Code of Conduct, and Instant Messaging.

Misuse of Instant Messaging, the Township’s computer system, and Township issued mobile phones is grounds for disciplinary action up to and including termination of employment.

**Software**
To prevent computer viruses from being transmitted through the system, there will be no unauthorized downloading of any software. All software downloads will be done directly through the Information Technology Department, whether from the IT Director or an active employee within the IT Department, as authorized by the Director. All requests are to be submitted via email to the IT Department.

**Copyright Issues**
Copyrighted materials belonging to entities may not be transmitted by Township employees on the Internet. One copy of the copyrighted material may be downloaded for an employee’s own personal use in research. Users are not permitted to copy, transfer, rename and/or delete information or programs belonging to other users unless given express permission to do so by the owner. Failure to observe copyright or license agreements may result in disciplinary action or legal action by the copyright owner.

**Work Product Ownership**
The Township retains legal ownership of the work product of all employees. Work product includes: written and electronic documents, audio and video recordings, system code, and any concepts, ideas or other intellectual property developed for Bernards Township regardless of
whether the intellectual property is actually used by the Township. No work product created while an employee is employed or contracted by Bernards Township can be claimed, construed or presented as their property, even after their employment with the Township is terminated or the relevant project completed. If an employee requests use of a document created by them, the release of said document shall be with the written authorization of the Information Technology Director and Township Administrator.

Security
All messages created, sent or retrieved over the Internet are the property of Bernards Township. The Township reserves the right to access and monitor all messages and files on the computer system as deemed necessary and appropriate. The confidentiality of any messages should not be assumed. Even when a message is erased, it is possible to retrieve and read that message. Further, the use of passwords for security does not guarantee confidentiality. All communications, including text and images, can be disclosed to law enforcement or other third parties without prior consent of the sender or the receiver.

Harassment
Harassment of any kind is prohibited. No messages with derogatory or inflammatory remarks about an individual's or group's race, religion, national origin, physical attributes or sexual preference may be transmitted.

Violations
Violations of any guidelines listed above will be presented to the department Supervisor, Human Resources Manager and/or Township Administrator or as appropriate, Health Officer, Library Director or Sewerage Authority Director. It may result in disciplinary action up to and including termination. If necessary, the Township will advise appropriate legal officials of any illegal violations.

SYSTEMS, COMPUTER AND INTERNET POLICIES
Systems Privacy, Including E-mail, Voicemail, Computer and Internet Usage
Bernards Township respects the individual privacy of its employees; however, e-mail, voicemail, Internet, Township-issued cellular devices and the computer network are for official business. All e-mail, voicemail and Internet messages are public records subject to possible disclosure to the public pursuant to the provisions of the Open Public Records Act (NJSA 47:1A-1).

E-mail messages created and transmitted on Bernards Township computers or using Bernards Township E-mail servers are the property of Bernards Township. Bernards Township reserves the right to monitor all e-mail transmitted via the Township's computer system. Employees have no reasonable expectation of privacy when it comes to use of Bernards Township's e-mail system.

Notwithstanding the Township's right to read and retrieve any electronic mail messages, such messages should be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to retrieve or read any e-mail messages that are not sent to them. Any exception to this policy must receive prior approval from the Township Administrator or Information Technology Director or his/her designee. Employees should not
attempt to gain access to another employee's messages without the latter’s permission. All computer passwords and login names must be submitted to the Information Technology Director. No codes may be used that are unknown to the Information Technology Director.

Bernards Township may monitor, inspect, copy, review, and store any files, information, software, and other content created, sent, received, downloaded, uploaded, accessed, or stored through the Bernards Township's communications system.

By using Township e-mail, computer systems, voicemail and the Internet, each user agrees that the Bernards Township has unrestricted access and the right to disclose all information communicated or stored on the e-mail, computer systems, cell phones, voicemail and the Internet.

Due to the confidential nature of records related to police systems databases, any access or monitoring of any police computer data or file shall only be granted after consultation between the Chief of Police and the Township Administrator and/or the Human Resources Manager.

**Care in Use of E-mail, Voicemail, Internet and Computer Network Systems**

Employees must exercise a greater degree of caution in transmitting the Township’s confidential information on the e-mail, voicemail, Internet and computer network systems than they take with other means of communicating information, because of the ease with which such information can be redistributed and the public access to such information through the Open Public Records Act. Employees must take care to ensure all addressees are appropriate recipients of the information to be distributed via e-mail, voicemail, Internet, text message or other electronic forms of communication, especially when distributing information to a list of recipients.

Except in emergency situations or as part of their officially assigned or regular or permitted duties, employees are prohibited from taking any photographs, pictures, digital images or audio recordings of any crime scenes, traffic crashes, arrestees, detainees, people, job related incident or occurrence, or Township data and information with any personal analog or digital device, camera, imaging device, audio recorder or cellular telephone.

This section also applies in off duty scenarios regarding any law enforcement and emergency response related activities. Any photographs, images or recordings taken with any personal device pursuant to or in violation of this section are considered evidence and are subject to applicable laws, code guidelines or directives concerning storage release and disposal. Employees who have recorded any photographs, images or recordings with any personal device shall notify their supervisors as soon as practical. For the purposes of this section, an “emergency situation” involves a sudden and unforeseen combination of circumstances or the resulting state that calls for immediate action, assistance or relief, and may include accidents, crimes and flights from accidents or crimes.

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 a personal or agency analog or digital device, camera or cellular phone to
any person, entity, business or media or Internet outlet whether on or off duty without the express written permission of the Township Administrator or appropriate functional head.

**Personal Use of E-mail and Internet Access**

Incidental and occasional personal use of e-mail and Internet access is subject to the same policies, procedures and legal considerations that apply to business-related e-mail and Internet use. Incidental and occasional personal use must be done on employee time such as during lunch or breaks. Such personal use is permissible so long as the incremental cost is negligible, no Township business activity is preempted by the personal use, and no Township policies or laws are violated. Excessive personal use and personal use in violation of this policy can be grounds for discipline up to and including termination. Personal use of the Township’s Internet access and e-mail constitutes the user’s consent to the Township to monitor, read, and use in any way any message, record, or other information created by the personal use.

Since the contents of e-mail and voicemail may be accessed by the Township without prior notice to employees, and since Bernards Township can monitor employees’ use of its computer network systems, employees should not use any of the systems to transmit any messages they would not want to disclose to a third party.

Employees who maintain personal web pages and web sites, including but not limited to Facebook, YouTube, MySpace, Twitter, etc., shall not post information on such sites that would constitute a violation of the personnel policies of the Township if expressed or published using any other medium or in any other manner. The posting of words, phrases, photographs, images or any kind of information on a personal web site may be grounds for disciplinary action if the words, phrases, photographs, images or information adversely reflects on the employee’s fitness for duty or constitutes a violation of the policies of the Township. Moreover, employees should not use these systems during the work day or their work hours for soliciting or advocating with others for commercial ventures, religious or personal causes, outside organizations or other similar, non-job-related solicitations.

**Forbidden Content of E-mail, Voicemail, Internet and Computer Network Systems Communications**

Employees may not use the e-mail, voicemail, Internet computer network systems, or Township-issued cell phones or any other Township-issued electronic devices in any way that may be insulting, defamatory, obscene, harassing, disruptive, or offensive by other persons. 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 sex, sexual orientation, gender, gender identity, transgender, race color, national origin, citizenship status, ancestry, age, marital status, medical condition, mental or physical disability, veteran status, religious or political beliefs, or any other characteristic protected by federal, state, or local law, ordinance or regulation.

**Unauthorized Access**

Employees are prohibited from the unauthorized use of the password(s) of other employees to gain access to another employee’s messages in the e-mail, voicemail, Internet or computer
network systems including but not limited to all secured access software that employees may have access to.

**Mobile Devices**
Employees whose devices with mobile access to the bernards.org mail server are subject to the following requirements to protect the security and integrity of Township data. This applies to personal devices and Township-issued devices.

The Township is authorized to monitor, filter and inspect Township information accessible via the device. The Information Technology Director has the authority to clear any device that has established a connection to the bernards.org mail server. Employees with remote access to the server release the Township from liability for the destruction and/or viewing of any personal information by the Information Technology staff when such action is taken on behalf of the Township’s interests.

The Information Technology Director must be notified immediately in the event a device with remote access to the bernards.org mail server is lost, stolen or compromised.

If a Township-issued phone is replaced, the original phone must be returned to the Information Technology Director.

Employees must abide by the privacy, security and other relevant procedures and policies established herein for their mobile device access and usage.

Employees with Township-issued mobile devices must have approval of the Information Technology Director to load any applications onto the devices.

At termination, the supervisor must identify all devices for which an employee has access to the bernards.org mail server. The Information Technology staff will remove such access. If necessary, this may include wiping the device clear of all applications.

**Instant Messaging**
All users of instant messaging in any form (web-based, application, mobile), on any Township owned equipment must have approval of the Information Technology Director.

Any personal use of the Internet and or the Township’s computer system may not interfere with the conduct of the Township’s business or interfere with an employee’s performance of his/her job duties.

Employees who have Township issued mobile devices must follow the guidelines for communications as explained under Internet Code of Conduct, and Instant Messaging.

Misuse of Instant Messaging, the Township’s computer system, and Township-issued mobile phones is grounds for disciplinary action up to and including termination of employment.

**Software**

Bernards Township Employee Handbook
October 28, 2003; Updated January 2020
To prevent computer viruses from being transmitted through the system, there will be no unauthorized downloading of any software. All software downloads will be done directly through the Information Technology Department, whether from the IT Director or an active employee within the IT Department, as authorized by the IT Director. All requests are to be submitted via E-mail to the IT Department. Employee use of personal e-mail software (e.g., Gmail, Yahoo, etc.) can also bring computer viruses into the system.

**Copyright Issues**
Copyrighted materials belonging to entities may not be transmitted by Township employees on the Internet. One copy of the copyrighted material may be downloaded for an employee’s own personal use in research. Users are not permitted to copy, transfer, rename and/or delete information or programs belonging to other users unless given express permission to do so by the owner. Failure to observe copyright or license agreements may result in disciplinary action or legal action by the copyright owner.

**Work Product Ownership**
The Township retains legal ownership of the work product of all employees. Work product includes: written and electronic documents, audio and video recordings, system code, and any concepts, ideas or other intellectual property developed for Bernards Township regardless of whether the intellectual property is actually used by the Township. No work product created while an employee is employed or contracted by Bernards Township can be claimed, construed or presented as their property, even after their employment with the Township is terminated or the relevant project completed. If an employee requests use of a document created by them, the release of said document shall be with the written authorization of the Information Technology Director and Township Administrator.

**Security**
All messages created, sent or retrieved over the Internet are the property of Bernards Township. The Township reserves the right to access and monitor all messages and files on the computer system as deemed necessary and appropriate. The confidentiality of any messages should not be assumed. Even when a message is erased, it is possible to retrieve and read that message. Further, the use of passwords for security does not guarantee confidentiality. All communications, including text and images, can be disclosed to law enforcement or other third parties without prior consent of the sender or the receiver.

**Policy Violations**
Violations of the Township policy of the use of e-mail, voicemail, Internet, complete network systems and Township-issued cell phone or any other Township-issued electronic device will subject the employee to discipline, up to and including termination.

If necessary, the Township will advise appropriate legal officials of any illegal violations.

**PERSONAL BLOGGING AND SOCIAL NETWORKS POLICY**
Social networking, both professional and personal, is a popular way to connect with friends, foster relationships and create a complex group of online networks and online communities. However,
these new communication and networking opportunities also create new responsibilities for those who engage in social networking. Employees who choose to use or contribute to online media are not only impacting their personal image but may be potentially impacting the image of the Township. The purpose of this policy is to provide reasonable guidelines for online behavior for employees of the Township. Only those employees directly authorized by the Administrator may engage in social media activity during work time through the use of the Township’s Communication Media, as it directly relates to their work and it is in compliance with this policy.

**General Rule**

When communicating in social media, employees act at their own peril. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any conduct that adversely affects job performance, the performance of fellow employees or otherwise adversely affects clients, people who work on behalf of the Township or the Township’s legitimate business interests may result in disciplinary action up to and including termination. Employees must never engage in communication which injures the reputation of the Township or its clients or which discloses confidential information. Also, remember that the employee’s own reputation is at risk – what is said or done, even if not otherwise connected to the Township, may be seen by others who will make judgments about the employee based upon what they place online. The employee’s position in the Township could thus be impacted by their personal internet activities.

In the rapidly expanding world of electronic communication, social media can mean many things. Social media includes all means of communicating or posting information or content of any sort on the Internet, including, but not limited to:

- Social networking or affinity web site such as, but not limited to, Facebook, Twitter, MySpace, LinkedIn, You-Tube, Instagram, Vine, etc.
- Websites, your own or someone else’s Web log, Blog Site(s), Journal or Diary, Personal Websites or Blog(s)
- Wikis such as Wikipedia and any other site(s) where text can be edited or posted
- Social bookmarks such as Digg and Delicious
- Web bulletin board or a chat room

All of these activities on these sites are referred to as "Internet postings" in this policy. This Internet Postings Policy applies, but is not limited, to all of the aforementioned Internet postings on social media, whether or not associated or affiliated with the Township, as well as any other form of electronic communication.

**Know and follow the rules**

Carefully read these guidelines and ensure your postings are consistent with this policy. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination of employment by the Township.

If an employee is unsure about information disclosed in any posting, contact the Township Administrator or Human Resources Manager.
Be respectful
Always be fair and courteous to fellow employees, clients, management and people who work on behalf of the Township. Try to resolve work-related complaints by speaking directly with co-workers or management rather than by posting complaints to a social media outlet. If posting complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage fellow employees, clients, management or people who work on behalf of the Township, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone’s reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or Township policy. Remember that harassment, bullying, discrimination and retaliation that would not be permissible in the workplace is not permissible between employees online, even if done after hours, from home and on home computers.

Be honest and accurate
Make sure to always be honest and accurate when posting information or news, and if a mistake is made, correct it quickly. Be open about any previous posts that have been altered. Remember that the internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors known to be false about fellow employees, clients, the Township and employees of the Township, including members of management and the governing body.

Post only appropriate and respectful content
1. Maintain the confidentiality of the Township’s private or confidential information and attorney-client privileged information. Do not post internal reports, policies, procedures or other internal business-related confidential communications.

2. Do not create a link from a personal blog, website or other social networking site to a Township website without identifying yourself as a Township employee.

3. Express only personal opinions. Employees should never represent themselves as a spokesperson for the Township unless they have been specifically authorized to do so. If the Township is a subject of the content being creating, be clear and open about the fact that you are an employee and make it clear that these views do not represent those of the Township, the governing body or fellow employees of the Township. If publishing a blog or post online related to the work being done or subjects associated with the Township, the employee should make it clear that they are not speaking on behalf of the Township or the governing body. It is best to include a disclaimer such as “The postings on this site are my own and do not necessarily reflect the views of Bernards Township.” Please be aware that the term “internet postings” is not limited to blog postings, it also includes comments, videos and images. When posting a point of view, an employee should neither claim nor imply they are speaking on behalf of the Township, unless they are authorized in writing by the Township Administrator to do so.

4. Do not represent any opinion or statement as the policy or view of the Township or of any individual in their capacity as an employee or otherwise on behalf of the Township.
5. Do not post any disparaging or defamatory statements about the Township, including members of management and the governing body, its product or services that are unrelated to specific terms and conditions of your employment.

6. Respect all copyright, privacy, fair use and other intellectual property laws. For the Township’s protection as well as that of the employee, it is critical to show respect for the laws governing copyright, fair use of copyrighted material owned by others, trademarks and other intellectual property, including the Township's own copyrights and trademarks. Do not use the Township’s logos or trademarks in postings without express permission from the Township.

7. Avoid harming the image and integrity of the Township by posting content that would be considered harassment, bullying, discrimination or retaliation and would not be deemed permissible if said and/or done in the work place. Internet postings should not violate any other applicable Township policy, including, but not limited to, the following: Anti-Harassment Policy, Non-Discrimination and Equal Employment Opportunity Policy, and E-Mail and Internet Code of Conduct Policy.

8. Ensure that any posts comply with the FTC “endorsement” guidelines.

9. If a member of the news media or blogger contacts an employee about an Internet posting that concerns Township’s business, immediately bring this to the attention of the Township Administrator. Also, please be respectful when responding to negative posts.

Employees agree that the Township shall not be liable, under any circumstances, for any errors, omissions, loss or damages claimed or incurred due to any Internet postings.

**Using social media at work**

Refrain from using social media while on work time or on equipment we provide, unless it is work-related as authorized by a manager. Employees should not use a Township email addresses to register on social networks, blogs or other online tools utilized for personal use.

Employees may, as part of their job responsibilities, be required to use social media for public relations, recruitment, Township communications or other business purposes. The Township owns all social media accounts used on behalf of the Township or otherwise for business purposes, including any and all log-in information, passwords and content associated with each account, such as followers and contacts. The Township owns all such information and content, regardless of the employee that opens the account or uses it, and will retain all such information and content regardless of separation of any employee from employment with the Township.

If an employee’s job duties require that they to speak on behalf of the Township in a social media environment, they must still seek approval for such communication from their supervisor, who may require them to receive training before they do so and impose certain requirements and restrictions with regard to their activities. Likewise, if an employee is contacted for comment about the Township for publication, including in any social media outlet, the inquiry should be directed to the
Township Administrator and the employee should not respond without approval of the content and response.

The Township may request, in its sole and absolute discretion, that an employee temporarily or permanently confine their website, web log or other commentary to topics unrelated to the Township if it believes this is necessary or advisable to ensure compliance with laws or regulations.

Failure to comply may lead to discipline up to and including termination, and if appropriate, the Township will pursue all available legal remedies.

Retaliation is prohibited
The Township prohibits taking negative action against any employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

CONSERVATION AT WORK PROGRAM
Bernards Township seeks to provide information and tools to all employees to engage in sustainable practices. Sustainability connects to environmental, social and economic resources. All Township employees are requested to participate in the township’s official conservation at work policy/program. Following are areas for employees to address to help save resources, money and reduce pollution:

• Energy and Water Conservation
• Document Management Efficiency
• Recycling
• Cleaning Products
• Personal Practices
• Transportation Efficiency
RECRUITMENT PROCEDURES

Township Administrator
The Township Committee shall be solely responsible for recruitment to fill a vacancy in the position of Township Administrator.

Positions in Grade Level –12 – 18

Positions in grades 12-18
In the event of a vacancy in a position classified by the Salary Ordinance in pay grades 12 - 18, the Department Head shall consult with the Human Resources Manager and the Township Administrator or, as appropriate, the Board of Health, Library Board or Sewerage Authority to determine the current organization needs, strategy and approach to fill the position. In some cases, an established succession plan may already be in place. If the selection approach includes recruitment, the Department Head will work with the Human Resources Manager to determine the recruitment strategy and process, which includes completion of a Job Requisition Form as well as the identification of the advertising/posting sources, interview panel and offer and approval process.

All Other Positions
In the event of vacancy in all other positions, the Department Head shall notify the Human Resources Manager by submitting a Job Requisition Form. All regular positions require Township Committee approval or as appropriate, Board of Health, Library Board or Sewerage Authority approval prior to posting.

Seasonal/Temporary hiring of employees within budget constraints is considered operational and shall be handled by the Director of the appropriate department in conjunction with the Human Resources office.

Recruitment for Open Positions
Unless an approved position is to be filled in accordance with an established succession plan within the given department or other circumstances as determined by the Human Resources Manager in concert with the Township Administrator or as appropriate, the Board of Health, Library Board or Sewerage Authority, job openings will be posted for a period of eight working days. This period of time may be extended based on the recruitment process results. Job Postings will be placed on the bulletin board in Town Hall outside the Court office, distributed to “Everyone” via e-mail, and under certain circumstances, posted on the Township’s web site. The Township Committee, or as appropriate, the Board of Health, Library Board or Sewerage Authority may choose to interview applicants at their discretion.

The Township utilizes various means to advertise an open position, depending on the position. Examples are internal postings on Township bulletin boards, the Township website and other Internet sites, local access television, newspapers and professional publications or other means of recruitment that may be applicable to each specific opening.
Residency Requirements for Employees
In accordance with the “New Jersey First Act” (P.L. 2011, c. 70), effective September 1, 2011, Township employees shall have their “principal residence” in the State of New Jersey. There are several limited exemptions to the law:

1) Employees hired on or after September 1, 2011 who are not residents when hired receive a one-year exemption. If they fail to establish residency within that year, they shall be deemed unqualified for holding the office, employment, or position.

2) Employees, officers, and appointees who did not meet the residency requirement on the effective date (i.e., residency was out-of-state on 9/1/2011), are exempted unless they break public service for a period of time greater than seven days.

All employees must be in compliance with this law and this stipulation is incorporated into the recruitment process.

Interview and Selection
After applications are submitted, interviews shall be conducted by Human Resources and/or the Department Head, who shall select an applicant to be recommended for employment. The applicant may be tested for various skill sets, i.e., computer skills, driving skills, appropriate to the position being applied for. After selection of an applicant for employment, a background check will be performed.

When a candidate for a regular full time or part-time position accepts that position, a Resolution of Appointment shall be submitted to the Township Committee, Board of Health, Library Board or Sewerage Authority for their approval of such appointment, classification and compensation. An offer letter will be sent to the candidate to confirm the employment offer and their acceptance of the position.

Medical Examination and Drug Screening
The Township reserves the right to require a medical examination and/or drug screening as a condition of employment. Such examination will be conducted after a conditional offer of employment is made, but before the employee starts work.

Position Specific Criminal, Sex Offender, Credit, Motor Vehicle Background Checks and Physicals
The Township reserves the right to require a criminal, sex offender, credit or motor vehicle background check or physical as a condition of employment dependent upon the specific position for which a candidate applies. Such pre-employment screenings will be conducted after a conditional offer of employment is made, but before the employee starts work. A signed authorization from the applicant is required before a background check may be requested from an outside reporting agency.

Sex Offender checks are required of all candidates, whether paid or volunteer, that may work directly with children/youth/minors. Seasonal employees over the age of 18 who work in Parks and Recreation seasonal programs, i.e., pool, camp, shall have Sex Offender checks conducted by the Director of Parks and Recreation or his/her designee.
If the background check is favorable, Human Resources will notify the hiring Supervisor that the candidate is approved to begin employment.

The Human Resources Manager shall be informed of any information that would disqualify a person from working with children/youth/minors. The Human Resources Manager will review the information in consultation with legal counsel. The Human Resources Manager will inform the candidate of any information that would disqualify the person from working with children/youth/minors.

Some Township positions require a job-related physical examination, including a drug screening to determine whether the candidate is capable of performing essential functions of the position being offered. The Township coordinates the appointment, and the examinations are at no cost to the applicant.

Results of all background checks and physicals will be kept confidential and will not be disclosed to any person except to the extent necessary to administer and enforce this policy, or as required by law or appropriate legal process. Such information will not be deemed a public record under P.L. 1963, C.72 (C:471A-1, et. seq.) as amended and supplemented by P.L. 2001, c.404(C:47:1A-5, et seq.).

Once a candidate has been notified of a disqualifying condition, the candidate has 14 calendar days to file a letter to appeal the decision to the Human Resources Manager, requesting a hearing with the Township Administrator or appropriate Director/Officer. In making a determination on the appeal, the following information will be considered:

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

**INITIAL EMPLOYMENT PERIOD FOR REGULAR EMPLOYEES**

New regular employees (or present employees transferring to new positions) go through an initial employment period of adjustment of not less than three months or more than one year as determined by the Human Resources Manager after recommendation by the Department Head.
During this time, the new employee will be provided with training and guidance from the Supervisor. The new employee may be discharged at any time during this period if the Supervisor concludes that the new employee is not progressing or performing satisfactorily. Under appropriate circumstances, the Human Resources Manager, Township Administrator, Health Officer, Library Director or Sewerage Authority Director may extend the Initial Employment Period (“IEP”). Additionally, as is true at all times during an employee’s employment with the Township, employment is not for any specific time and may be terminated at will, with or without cause and without prior notice.

At the end of the Initial Employment Period, the Supervisor will conduct an employee evaluation (see the Pay for Performance Program policy). Provided the employee’s job performance is satisfactory at the end of the Initial Employment Period, the employee will continue in the Township’s employment as an “at-will employee” and may be eligible for a salary adjustment in accordance with the pay plan.

Newly hired employees are eligible for scheduled holidays and may be eligible for use of accrued paid time off, with their Department Head’s approval, during the Initial Employment Period.

**Oath of Allegiance**
All regular new hires are required to sign an Oath of Allegiance, which will be administered by the Clerk’s office.

**Police Officer's Oath of Office**
All Police Officers will be sworn in by the Clerk’s office and are required to take Oaths of Office.

**Date of Employment**
Every employee is appointed by the Township Committee or as appropriate, the Board of Health, Library Board or Sewerage Authority. The employee’s date of employment is after the Committee appoints him/her. The first day of employment shall govern the determination of vacation and sick leave and other benefits, unless otherwise expressly provided in the appointment. For employees coming from other entities with similar work experience, recognition may be given to prior service credit in the calculation of vacation benefits.

**NOTHING IN THIS SECTION SHALL BE DEEMED TO CREATE A GUARANTEE OF CONTINUED EMPLOYMENT OR ALTER THE AT-WILL NATURE OR EMPLOYMENT.**

**EMPLOYEE CATEGORIES & BENEFIT ELIGIBILITY**
Employees are grouped into four (4) classifications:

1. Regular full-time employees who work thirty (30) hours or more per week shall receive the Township’s full benefits package.
2. Regular part-time employees who are regularly scheduled to work twenty (20) hours a week or more shall receive paid time off benefits for vacation, sick, holiday, and personal time on a prorated basis and may be eligible for educational assistance with regard to training and licensing and certification.
3. Regular part-time employees who are regularly scheduled to work less than twenty (20) hours a week will receive holiday pay only for holidays falling on days they are normally scheduled to work. If the employee works a flexible schedule and does not have a regular work schedule (i.e., Tuesday and Thursday 8:30 am – 4:30 pm), they are not entitled to holiday pay.

4. Temporary/on-call employees are hired for project-and-assignment-specific needs and time frames and may work irregular schedules. A temporary employee is hired for a finite period of time to meet Township needs such as work volume, to fill in for an employee of leave of absence, etc. A seasonal employee is one whose duties are needed for a specific season (e.g., Crossing Guards, Parks and Recreation Camp Counselors, etc.). A temporary/on-call or seasonal employee in a non-exempt position is paid by the hour while a temporary/on-call or seasonal employee in an exempt position is paid according to the terms of hire for that individual. Temporary/on-call and seasonal employees do not receive any additional compensation or benefits provided by the Township, except as required by law. Student interns, i.e., individuals who have been accepted in or are currently enrolled in an accredited school, college or university and who are hired in a student intern role, are considered temporary employees.

Per the New Jersey Pensions and Benefits Handbook, any newly appointed or elected officer will be required to work a minimum of 35 hours per week to be considered “full-time” and eligible for coverage under the SHBP/SEHBP. Any employee or officer of a local employer who was enrolled on or before May 21, 2010, is eligible for continued coverage based on the minimum work hour requirements in place prior to May 21, 2010, provided there is no break in the employee's/officer's service or reduction in work hours.

**Exempt** employees are classified as such if their job duties are exempt from the overtime provisions of the Federal and State Wage and Hour Laws. Employees in positions classified as Exempt shall be required to work a 35- or 40-hour workweek, depending on their role, and any additional hours needed to fulfill the responsibilities of the position. The annual rate established for such employees by the salary resolution or ordinance shall be their total compensation for all the time worked. Overtime pay shall only be granted to these employees in unusual circumstances and with the approval of the Township Administrator.

If an exempt employee uses un-accrued time off, the Township may substitute eligible time off benefits for the time missed. If an employee has a negative balance of full days of time off at the end of the year, the negative balance may be deducted from the subsequent year’s accruals or, in the event of termination, from the final paycheck.

**Non-Exempt** employees receive overtime pay in accordance with our overtime policy. Their salaries are calculated on an hourly basis.

**ATTENDANCE, PUNCTUALITY AND DEPENDABILITY**

Employees are hired to perform an important function as part of a team. As with any group effort, it takes cooperation and commitment from everyone to operate effectively. Dependability, attendance, punctuality, and a commitment to do the job right are essential functions of all positions within the Township. As such, employees are expected at work on all scheduled
workdays and during all scheduled work hours and to report to work on time. Good attendance is something that is expected from all employees and is an important responsibility – both to the Township and to co-workers.

It is recognized that there may be times when an employee’s tardiness or absence cannot be avoided. When an employee knows they are going to be late or absent, they should speak directly to their Supervisor or Department Head at least one hour prior to their scheduled starting time or at the least as early in the morning as possible on each day that the employee knows they will be late or absent.

An employee who fails to contact his/her immediate Supervisor or his/her designated representative may be considered as having voluntarily resigned. A record of absenteeism and lateness is kept by the employee’s Supervisor and becomes part of their personnel record. To the extent permitted by law, absenteeism and lateness lessen an employee’s chances for advancement and may result in dismissal.

**APPEARANCE AND IDENTIFICATION**

It is expected that each employee will dress appropriately for his/her role and department, maintaining a neat, well-groomed appearance at all times. The standards for attire are established by the department head in consultation with the Human Resources Manager. Uniforms are the property of the Township and must be returned to the Township when an employee leaves its employ, or the employee will be financially responsible for replacing the uniform. Work assignments will determine which type of clothing is appropriate and Supervisors will advise their employees of what is acceptable attire. If employees are unsure if something is appropriate to wear to work, they should check with their Supervisor. If employees report to work in inappropriate attire, they will be sent home to change their clothes, utilizing paid time off. Rule of thumb is to be covered from top of the shoulders to right above the knee.

Employees are provided with a photo identification card, which they must have with them and displayed while representing the Township. The identification card is the property of the Township and must be returned to the Township when an employee leaves its employ.

**PERSONNEL RECORDS**

Separate personnel files will be established and maintained for each employee of Bernards Township.

**Confidentiality**

Personnel files are confidential records and will be maintained in the Human Resources office in locked files. The files will be in two groups: Employee Personnel Files and Employee Medical Files. Government regulations require that employee medical information be maintained in a separate file from the employee’s personnel file. Files will be maintained as "active files," representing employees on the payroll, and "terminated files," for employees no longer in the service of the Township for a period of time designated in the General Records Retention Schedule, for both Employee Personnel Files and Employee Medical Files.
Accessibility of Personnel Files
Only the Mayor, Township Committee, Township Administrator, Human Resources staff, Township Clerk and his/her Assistant may have access to any or all of the personnel files, and such access shall be limited to legitimate personnel-related purposes. The Human Resources Manager, or in his/her absence the Municipal Clerk, shall be responsible for controlling such access.

The entire Township Committee shall be informed prior to a Township Committee member accessing any Township Committee member’s personnel file.

The Department Head may have access to only personnel files of employees within his/her department.

Any employee may request an appointment to examine his/her personnel file in the Human Resources office.

Information in Personnel File
Such records shall include, but not necessarily limited to:
  a) Dates of appointment;
  b) Promotions;
  c) Job titles;
  d) Salary history;
  e) Commendations;
  f) Disciplinary actions;
  g) Non-medical leaves of absence;
  h) Educational transcripts and training records;
  i) Employment application;
  j) Annual performance appraisal forms;
  k) Emergency contacts;
  l) Dependent information;
  m) Letter of resignation; and
  n) Any other pertinent information or material.

Updating the Personnel File
It is the responsibility of each employee to advise their Department Head of changes in their personal information and to update the information within EDMUNDS using the Employee Self Service (ESS) system. Those employees who do not have computer access must submit their changes in writing to the Human Resource office.

Removal of Personnel Files from Municipal Building Prohibited
Under no circumstances may any personnel file be removed from the Municipal Building, with the exception of copies being removed for use in legal proceedings.

Chief Financial Officer Maintains Payroll Records
Payroll records shall be maintained by the office of the Chief Financial Officer.
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 has adopted a smoke-free policy for all buildings. Township facilities shall be smoke-free and no employee or visitor will be permitted to use electronic cigarettes, smoke or chew any tobacco products anywhere in Township buildings or Township vehicles.

Township parks and schools shall be smoke-free. No employee or visitor will be permitted to use electronic cigarettes, smoke or chew any tobacco products at Township parks or on the grounds of any Township school.

“Public park or beach” is defined as a State park or forest, a county or municipal park, or a State, county or municipal beach, but does not include any parking lot that is adjacent to, but outside of, the public park or beach.

Employees are permitted to smoke only outside Township buildings in locations which do not allow the re-entry of smoke into building entrances and windows. All tobacco products should be disposed of in an appropriate container. This policy shall be strictly enforced and any employee found in violation will be subject to disciplinary action. Excessive breaks are not acceptable and employees should plan their time accordingly.

Employees are protected from retaliatory action or from being subjected to any adverse personnel action for exercising or attempting to exercise his/her rights under the smoking policy.

Any violation of this policy may result in appropriate corrective disciplinary action, up to and including discharge.

CELL PHONE POLICY

This policy outlines the use of personal cell phones at work, the personal use of business cell phones and the safe use of cell phones by employees while driving. This policy also includes walkie/talkie systems such as the Nextel system.

Any personal use of a cell phone, either personal or provided by the Township, may not interfere with the conduct of the Township’s business or interfere with an employee’s performance of his/her job duties.

Personal Cellular Phones

While at work, employees are expected to exercise the same discretion in using personal cellular phones as is expected for the use of Township phones. Excessive personal calls during the workday, regardless of the phone used, can interfere with employee productivity and be distracting to others. A reasonable standard the Township encourages is to limit personal calls during work time to no more than one per day as needed. Employees are therefore asked to make any other personal calls on non-work time where possible and to ensure that friends and family members...
are aware of the Township’s policy. Flexibility will be provided in circumstances demanding immediate attention. Abuse of this policy may result in disciplinary action.

The Township will not be liable for the loss of personal cellular phones brought into the workplace.

**Personal Use of Township-Provided Cellular Phones**
Where job or business needs demand immediate access to an employee, the Township may issue a business cell phone to an employee for work-related communications.

Each employee will be provided with a plan that allows a specific number of minutes on a monthly basis. If an employee exceeds the allowable monthly minutes for non-work usage, the employee will be responsible for reimbursing the Township for the overage charge. The employee may provide reimbursement via payroll deduction. Failure to reimburse the Township for the cost of the plan overage will result in tax liability for the employee as well as possible disciplinary action. If the overage is due to business use, the employee should notify the Township so alternative plans may be reviewed.

Employees in possession of Township equipment such as cellular phones are expected to protect the equipment from loss, damage or theft. Upon resignation or termination of employment, or at any time upon request, the employee must produce the phone for return or inspection. Employees unable to present the phone in good working condition within the time period requested (for example, 24 hours) may be expected to bear the cost of a replacement.

Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges will be considered to have left employment on unsatisfactory terms and may be subject to legal action for recovery of the loss.

**Instant Messaging**
Misuse of Instant Messaging is grounds for disciplinary action up to and including termination of employment. Instant messaging may be used for business purposes.

**Safety Issues for Cellular Phone Use**
Employees whose job responsibilities include regular or occasional driving and who are issued a cell phone for business must use a hands-free device while driving.

Employees driving a Township vehicle must also use a hands-free device.

**Safety Must Come Before All Other Concerns**
Regardless of the circumstances, including slow or stopped traffic, employees are strongly encouraged to pull off to the side of the road and safely stop the vehicle before placing or accepting a call. If acceptance of a call is unavoidable and pulling over is not an option, employees are expected to keep the call short, use hands-free options, refrain from discussion of complicated or emotional discussions and keep their eyes on the road. Special care should be taken in situations where there is traffic, inclement weather or the employee is driving in an unfamiliar area.
In situations where job responsibilities include regular driving and accepting of business calls, hands-free equipment will be provided to facilitate the provisions of this policy. Employees are required to abide by the statutory requirements regarding device use when operating township vehicles.

Employees whose job responsibilities do not specifically include driving as an essential function, but who are issued a cell phone for business use, are also expected to abide by the provisions above.

**Under No Circumstances Are Employees Allowed To Place Themselves At Risk To Fulfill Business Needs**

Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions.

**Use of Camera/Video Function**

The use of the camera/video function on personal or Township-provided cell phones is prohibited, unless for business reasons and with authorization of the employee’s Supervisor.

Violations of this policy will be subject to the highest forms of discipline, including termination.

**Special Responsibilities for Managerial Staff**

As with any policy, management employees are expected to serve as role models for proper compliance with the provisions above and are encouraged to regularly remind employees of their responsibilities in complying with this policy.

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**BULLETIN BOARD AND INTRANET POSTING POLICY**

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

**EMPLOYEE DATING/PERSONAL RELATIONSHIP POLICY**

Bernards Township recognizes the right of employees to engage in social relationships with each other, including relationships of a romantic or intimate nature. However, the municipality also recognizes that such relationships can be a problem in the workplace. They may result in favoritism, discrimination, unfair treatment, friction among coworkers, or the perception that they generate such problems.

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

If such a relationship exists or develops, both parties involved shall report the fact to A) their immediate Supervisor or B) Human Resources.

For the purposes of this policy, a supervisor/subordinate status means a situation where one employee, irrespective of job title, makes or has the authority to make decisions or to take action.
concerning another employee’s compensation, promotion, demotion, discipline, daily tasks, or any other terms, conditions or privileges of employment with the municipality.
If the employees involved in the relationship are also in a supervisor/subordinate status, management may take any action which it deems appropriate, up to and including transferring one of the parties so that there is no longer a supervisor/subordinate relationship between them. In addition, management reserves the right to address any workplace issues that may result from that relationship in the manner it deems appropriate.
Any employee who violates this policy will be subject to disciplinary action, up to and including discharge. The municipality regards a violation of this policy as particularly serious because such workplace relationships can cause favoritism, discrimination, unfair treatment or other interference with municipal operations.
Nothing in this policy alters an employee's at will status.

**ELECTRONIC RECORDING POLICY**

An incidental, but necessary portion of all employees’ job duties with the Township, requires that employees attend Departmental meetings or inter-Departmental meetings. During those meetings, whether they are group meetings, one-on-one meetings, or meetings between Supervisors and/or employees, information is discussed regarding internal operations of the Township. The meetings may contain information regarding Township strategies, tactics and other internal operations or personnel matters of the Township.

In light of the above, the Township hereby directs as policy that no electronic recording, whether audio or video recording, of Township Departmental meetings shall occur without the permission of the Township Administrator and the Department Head or Supervisor conducting the meeting.

Any employee who violates this policy will be subject to discipline, up to and including dismissal from employment.

**PRIVACY AND CONFIDENTIALITY**

Because of their roles, specific Township employees have to access and use certain personal employee and resident information, such as Social Security numbers, only as necessary and appropriate for such persons to carry out their assigned tasks for the Township. The unauthorized access, viewing, use, disclosure, or the intentional public display of such information and the unauthorized removal of documents from the Township's premises that contain Social Security number information is prohibited and can result in discipline up to and including termination of employment.

Employees who come into contact with Social Security numbers or other sensitive personal information without authorization from the Township may not use or disclose the information further, but must contact the Human Resources Manager and turn over to them all copies of the information in whatever form.
When necessary, documents containing Social Security information will be properly destroyed through shredding or other means prior to disposal to ensure confidential Social Security and other information is not disclosed.

Employees who improperly use or disclose confidential information will be subject to disciplinary action, up to and including termination, even if they do not actually benefit from the disclosed information.

**REQUESTS FOR EMPLOYMENT VERIFICATION AND REFERENCE**

All inquiries regarding a current or former Township employee must be referred to the Human Resources department.

Should an employee receive a written request for a reference, he/she should refer the request to the Human Resources department. No Township employee may issue a reference letter to any current or former employee without the permission of the Human Resources Manager.

Under no circumstances should any Township employee release any information about any current or former Township employee over the telephone. All telephone inquiries regarding any current or former employee of the Township must be referred to the Human Resources Manager or his/her designee.

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

**EARLY CLOSING AND DELAYED OPENING POLICY**

In the event of unsafe conditions, the Township Administrator may authorize Department Heads to open or close operations differently than normal working hours. If conditions exist prior to scheduled openings, a message will be sent out as early in the morning as possible, but usually prior to 7:00 a.m., advising 1) a delayed opening will apply or 2) Township operations will close for the day. The closing and/or delayed opening will also be posted on the Township website, under Announcements, in addition to the Bernards Township Facebook Page and Twitter account.

In an emergency or other circumstance when buildings may experience a delayed opening or an early close, employees in Public Works, Police, BTSA and other key positions may be required to support Township operations. Police officers shall be required to report for duty as prescribed by the Chief of Police and/or his/her designee.

Due to the unique nature of the Library schedule, the Library Director and a designated member of the Library Board of Trustees may make decisions about the Library hours in the event of
inclement weather or other unsafe condition. The Library Director will coordinate with the Township Administrator and other departments as appropriate to the circumstances.

**Regular Full-Time and Regular Part-Time Employees Regularly Scheduled to Work 20+ Hours Per Week**

If Township operations remain open and an employee chooses not to report to work, a full vacation day, personal day, floating holiday or compensatory time off will be charged. Sick time will only be charged for a legitimate illness. If Township operations open late, close or close early, no paid time off will be charged for the time closed. However, to be paid for time closed, it is expected that employees work the remainder of their scheduled shift while operations are open.

All employees on scheduled paid time off will be recorded as the scheduled paid time off, i.e., vacation, floating holiday, compensatory time off or personal time.

All full-time and regular part-time employees not absent due to illness, not on vacation and not using a personal or floating holiday on a closed day (as designated by the Township Administrator) are compensated as per the normal work day.

If the building remains open, but an employee chooses to leave early, or does not come to work all day when there is either a delayed opening or early closing, that employee must record this absence as accrued personal, vacation, comp time or a floating holiday time. If there is no accrued time available, notify Human Resources and the time will be coded as unpaid time.

**Regular Part-Time Employees Regularly Scheduled to Work Less Than 20 Hours Per Week**

Regular part-time employees with established schedules less than 20 hours per week will not receive pay for time when the offices are closed, however, if an employee in this category is working when an operation is closed due to inclement weather or other unsafe condition, he/she will receive pay for the hours scheduled to be worked for the remainder of that day.

**Part-Time Employees with Flexible Schedules, Temporary/On-Call Employees and Seasonal Employees**

Hourly part-time employees with flexible schedules, temporary and seasonal employees will be compensated only for hours actually worked.
COMPENSATION PROGRAMS

The Township has several different compensation programs, depending on non-union classifications or union representation. Employees represented by unions shall follow their union contracts.

Bernards Township will follow all state and federally mandated laws regarding minimum wage and equal pay.

Pay Day

Depending on an employee’s status, he/she will be paid as follows:

- Regular employees are paid on a bi-weekly pay cycle and receive their pay every other Thursday via direct deposit. This payment includes pay through the Friday after the pay date, therefore, the direct deposit includes payment for one week of time not yet entered into an EDMUNDS attendance batch.
- Employees will receive a copy of their direct deposit advice via an email to their personal email account.
- Part-time, seasonal and temporary employees are paid on a bi-weekly pay cycle. The direct deposit advice reflects payment of actual time worked.
- All employees’ time must be entered into the EDMUNDS Timekeeping System for payment.

Any questions regarding pay schedules should be directed to Supervisors, union representatives as appropriate, or the Finance Department.

Voucher Pay for Seasonal and Temporary Employees

Any temporary and seasonal employees who do not have access to the EDMUNDS timekeeping system are paid by voucher. These employees are responsible for completing a weekly time sheet and submitting it to their supervisor, who will input their time into EDMUNDS. These employees will not be paid until their time sheet has been approved and submitted.

Regular Management and Non-Supervisory Employees Compensation

In order to attract and retain a highly qualified and competent work force, Bernards Township has instituted a Pay for Performance Program to compensate employees in a fair and equitable manner based upon demonstrated job performance and in accordance with its Equal Employment Opportunity policy.

The Township’s Salary Ordinance provides a classification of Township positions and a schedule of compensation for each grade level.

The initial compensation of each official, officer and employee, including any adjustments which are included within the terms of an offer of employment, is authorized through a Resolution of Appointment by the Township Committee, or appropriate Board of Health, Library Board or Sewerage Authority, at the time of appointment or hiring.

The Township does not provide longevity awards or bonuses for non-union employees.
Subsequent adjustments to the salaries or wages of each official, officer and employee of the Township shall be administered by the Human Resources Manager, in consultation with the Township Administrator, Health Officer, Library Director or Sewerage Authority Director. Any adjustments to the salary of the Township Administrator shall be determined by the Township Committee.

All salary adjustments:
1. Shall be considered on an annual basis except when otherwise provided by the Township Committee or authorized by the Township Administrator or Board of Health, Library Board or the Bernards Township Sewerage Authority; and
2. Shall be subject to the limitations set forth in the Bernards Township Salary Ordinance, as amended from time to time; and
3. Shall be pursuant to the policies and procedures for personnel evaluations and pay increases, which are established from time to time by the Township Committee.
4. The Human Resources Manager and Township Administrator may distribute the annually budgeted Human Resources incentive line to reward meritorious performance. These rewards may be distributed any time throughout the year to an employee who performs at an exceptional level or develops a cost-saving approach for the Township. Awards may be of nominal value.

PERFORMANCE MANAGEMENT PROGRAM
In accordance with the Township’s Pay for Performance Program, an evaluation will be made of all regular Township employees, full-time and part-time. This also applies to those employees represented by the various unions. The Township Administrator, Library Board, Sewerage Authority or Board of Health, as appropriate, will prepare reports on the performance of the Department Heads and the Township Committee will prepare reports on the performance of the Township Administrator.

The Human Resources Manager, in consultation with the Township Administrator, shall prepare the necessary forms required for this process.

Periodic evaluations are critical to create a formal record of an employee’s performance over time and establish a foundation for personnel actions such as promotion and termination. The completed appraisal becomes part of an employee's permanent record.

Each year employees should establish goals and objectives. The evaluation is a tool to measure the progress made by the individual during the past review period and to encourage his/her self-improvement. The evaluation will also record additional duties performed, educational courses completed, extraordinary skills or abilities as well as a plan to correct any weak points. Supervisors or Department Heads should review future training needs and career planning. The reviewer should also encourage the employee to make suggestions about how the department can improve. The reviewer should ask relevant colleagues for feedback regarding the employee’s skills as they relate to communication, team building, delegation, and sensitivity to needs of their
employees. Open communication is the key to improvement. Performance appraisals should not make reference to medical situations.

**Schedule for Reviews**

In addition to day-to-day feedback to the employee, a performance evaluation is conducted for all regular employees. Depending on the employee’s length of service, performance and/or previous evaluations, multiple evaluations may be provided.

After completing the evaluation, the Supervisor or Department Head will review the results with the employee. Each employee shall sign the evaluation report that is prepared by the Supervisor or Department Head indicating that it has been reviewed with the employee. Signature does not necessarily imply agreement.

The form(s) with the signed acknowledgement are returned to the Human Resources Manager for inclusion in the employee’s official personnel file.

An employee may request a conference with the Township Administrator or, as appropriate, Health Officer, Library Board or Sewerage Authority Director, regarding the evaluation of his/her performance.

**Evaluations During the Initial Employment Period**

During the Initial Employment Period (“IEP”), the Supervisor will prepare evaluations of the employee periodically, depending on the length of the IEP.

At the end of the initial employment period, the Supervisor will conduct an employee evaluation. Provided the employee’s job performance is satisfactory at the end of the initial employment period, the employee will continue in the Township’s employment as an at-will employee and may be eligible for a salary adjustment in accordance with the pay plan.

The Supervisor may extend the initial employment period in consultation with the Human Resources Manager. Within that extended period, a subsequent evaluation should be prepared to document if the employee’s performance is at an acceptable level, and therefore, if he/she shall continue employment or if the employee is to be discharged.

**TIME RECORDS**

All employees will maintain accurate and complete time and attendance records. All attendance must be entered in an EDMUNDS attendance batch. Department Heads and/or his/her designee will approve all time reports or records, and follow the established procedures set by the Township Administrator for submission of such time records.

The attendance records are Township records, and care must be exercised in recording the hours worked, overtime hours, and absences. Employees are not to clock in or out for other employees. Each employee is responsible for his/her own accurate record keeping.
The Township has many different departments that are working various schedules. Lunch breaks are unpaid and are either one half hour or one hour, depending on the employee’s work location.

Once an employee clocks or signs in, work is to commence immediately. Failure to do so is considered falsification of timekeeping records. If an employee forgets to clock or sign in or out, he or she must notify his or her Supervisor immediately so the time may be accurately recorded for payroll.

Non-exempt employees must calculate their overtime on a weekly basis (see Overtime section for further explanation). An employee's Supervisor must approve each overtime entry; employees with overtime entries that do not have prior approval will be subject to disciplinary action.

Exempt employees are also required to enter their time into EDMUNDS, however are not required to sign in or out; however, the employee must record all exceptions on their attendance record, i.e. business trips or off-site meetings.

For the purpose of entering time in EDMUNDS, non-exempt employees should begin/end their work on the hour, half hour or quarter hour. The hours worked are to be reflected in 15 minute increments.

Violations of this policy and relevant procedures will result in appropriate disciplinary action, up to and including dismissal.

**Maintaining Time Records**

1. Employees are required to enter into the EDMUNDS timekeeping system a time record for each day during a pay period indicating the hours worked and paid time taken (i.e., vacation, sick, etc.)
2. The employee’s Supervisor must approve the employee’s hours worked at the end of each pay-period in the EDMUNDS timekeeping system by updating a batch.
3. The employee’s Supervisor may not input or approve unpaid employee hours. Such approval and coding is the responsibility of Human Resources.
4. The EDMUNDS Time Code Instruction Sheet indicates the necessary coding to be used when entering time into the system.
5. Certain departments have employees who do not have access to computers and therefore are unable to enter their own time into the EDMUNDS timekeeping system. In this case, Department Heads or their designees are responsible for entering all time for these employees.
6. FMLA time will be entered and updated by Human Resources.

**OVERTIME PAY AND COMPENSATORY TIME OFF POLICY**

Depending on Township work needs, employees may be required to work overtime. Prior approval by a Supervisor is required before any non-exempt employee works overtime. Employees represented by a labor union will abide by the contract terms.

Hours at Bernards Township are generally 8:30 am to 5:00 pm, Monday through Friday, with a one half hour unpaid lunch period each day, although this may vary by department and location.
Exempt Employees
All employees in EXEMPT positions are ineligible to receive overtime payments or compensatory time off.

Employees in positions classified as Exempt shall be required to work the normal workweek and any additional hours needed to fulfill the responsibilities of the position. The annual rate established for such employees by the salary resolution or ordinance shall be their total compensation for all the time worked. Hours worked over the regularly scheduled workweek hold no cash value. Time off or special payment in consideration of vast amounts of additional hours may be provided to the employee with the pre-approval and at the sole discretion of the Township Administrator or as appropriate, Health Officer, Library Director or Sewerage Authority Director. Such accumulation of time off holds no cash value.

The Township also provides regular, full-time exempt employees with an opportunity to participate in a salary match program of up to 5% in an effort to recognize the numerous hours that exempt employees work without additional pay (see the 457 Deferred Compensation Plan section).

Non-Exempt Employees
Pre-Approval of Additional Hours Worked by Non-Exempt Employees
All hours worked over non-exempt employee’s regular schedule require PRIOR authorization by the employee’s Department Head and/or his/her designee. This should be in accordance with departmental procedures. Employees working overtime without approval will be subject to disciplinary action.

Overtime Compensation
Non-exempt employees are eligible for additional pay for work performed beyond 40 weekly hours (the work week runs Sunday through Saturday). Straight time is paid up to 40 worked hours and then the overtime rate becomes effective after 40 hours are worked. Non-exempt employees may receive either cash overtime or compensatory time off for all hours worked over 40, calculated at the time and one-half rate. Compensatory time is accrued at the rate of one and one-half regular pay and may be accumulated up to a maximum of 60 hours per year for regular full-time employees. For regular part-time employees, compensatory time may be accumulated up to a maximum of 1.5x of the regularly scheduled weekly hours. Once the maximum hours have been accumulated, employees will be paid in accordance with the overtime policy. The Township Administrator may approve compensatory time in excess of the maximum in extraordinary circumstances.

All overtime hours must be noted in the EDMUNDS system as either paid overtime or compensatory overtime.

For purposes of determining time worked, vacation time, personal time, and holiday time are considered time worked. Sick time, Worker’s Compensation-related absences and compensatory time off are not considered time worked for overtime purposes, except in the cases of emergency call-ins.
For **Sewer Authority** employees only: All Bernards Township Sewerage Authority employees may only be eligible to earn compensation time on their pre-scheduled working weekends. A Sewerage Authority employee using compensation time on any Friday is not exempt from being called into work for the following weekend (Saturday and Sunday). The above provisions for Sewerage Authority employees do not affect other Departments at Bernards Township.

**Working on Sundays and Holidays**
Non-exempt regular, full-time employees shall be compensated at a rate of two (2) times their normal hourly rate for all work on Sundays when Sunday is not a day of their regular workweek. Non-exempt regular, full-time employees shall be compensated at a rate of two (2) times their normal hourly rate for all work on Township-designated holidays. Non-exempt regular, part-time employees shall be compensated at 1.5 times their normal hourly rate for work on Sundays or Township designated holidays.

Due to the unique nature of the **Library** schedule, library staff shall be compensated for work on Sundays at their normal hourly rate, in accordance with applicable laws.

**Regular Part-time Employees Taking on a Temporary Assignment**
Regular part-time employees who work an increased schedule in excess of 20 hours per week for more than six months will be eligible for additional prorated paid time off based on the relevant time off policy. The paid time off calculation will be made retroactive to the start date of the temporary assignment, except for holiday pay, which is paid in accordance with the Holiday Pay policy.

**Computing Overtime**
In computing overtime compensation, the nearest one-quarter (1/4) hour shall be the smallest fraction of an hour to be reported per day.

**Charging Compensatory Time -Off**
Regular employees taking compensatory time off must take it in minimum of one quarter (1/4) hour increments.

**Emergency Call–Outs**
Non-exempt employees, unless on regular stand-by duty, shall receive a minimum of four (4) hours pay for any call which requires him/her to return to duty for emergency, exceptional or unusual reasons. This does not include time where the employee returns to the workplace for a planned meeting or event or extends the regular work day. Exempt employees called-in for an emergency are not eligible for additional compensation or time off for emergency call-in time.

**Taking Compensatory Time**
1. The employee will notify their Supervisor of the date(s)/times they want to take as compensatory time off. Unless the requested absence would cause undue hardship to the department, the request will be granted.
2. Employees should discuss when they wish to take compensatory time off with their supervisors as far in advance as possible, but not less than two days.
Payment of Compensatory Time
Employees may request payment of their accumulated compensatory time. Requests for payment must be coded appropriately into the EDMUNDS timekeeping system and must be included as a part of a standard payroll batch. At the time of termination, an employee’s accrued compensatory time will be paid out as a cash payment.

Exchange of Hours
Employees may exchange or make up hours during their workweek provided they request to do so and receive approval from their Supervisors. Hours worked and exchanged in this way do not count towards overtime. Only time worked in excess of 40 hours in a workweek results in overtime pay for non-exempt employees. Employees may only exchange/make-up hours in the same workweek.

Summer Flextime Work Schedule
Bernards Township offers regular, full-time, non-union employees a Flextime Work Schedule which provides latitude in scheduling summertime working hours as long as the employee completes their full-time hours each week while ensuring departments meet Township and resident needs for service without any reduction in service levels or hours. Participation in the Flex program shall be determined by Department Heads for their individual locations.

The Flextime schedule runs from the week following Memorial Day through the week preceding Labor Day. During this period, Flextime scheduling will not be available to employees during weeks that include a Holiday. The Human Resources Manager will also determine the Summer Flextime schedule options and procedures for requesting and approving employee requests for Flextime.

NATURAL DISASTER DEPLOYMENT
It is not acceptable for any municipality to self-deploy to the location of a natural disaster without a prior request for aid. Any time taken would be considered personal or vacation time and not supported by the Township.

VOLUNTEERING FOR EMT AND/OR FIRE COMPANY SERVICE
Bernards Township depends on volunteers for the essential EMT Rescue Squads and Fire Companies. If a regular employee wishes to volunteer for these organizations, they will be allowed to take these calls during their workday, subject to work conditions and supervisory approval.

To do this an employee must pass all required Squad or Company certifications and tests. The employee’s name will be added to the list of “active” members and they will be placed in rotation to accept calls.
If an employee receives a call they must notify their Supervisor first, who will determine if they may leave their work area to participate in the call. Permission shall only be granted if there will not be a disruption to departmental operations, and the organization is able to maintain efficiency.

If an employee is called out for such service, they will be paid their regular rate of pay while on the emergency call.

An employee must advise their Supervisor when they return from a call. All such call-outs must be documented and approved prior to accepting the call.
HOLIDAYS
The Township provides regular full-time and regular part-time employees with thirteen (13) paid holidays each year (8 hours per day maximum depending on the employee’s regular work schedule). The Township Committee sets the holiday schedule each year through Resolution. Employees represented by a union will follow their union contracts.

Regular part-time employees are eligible for holiday pay when the holiday falls on the employee’s regularly scheduled workday. Part-time employees working less than 20 hours per week who are on a flexible work schedule do not receive holiday pay. Temporary/on-call and seasonal employees are not eligible for holiday pay.

The following schedule is representative of the holidays the Township Committee may approve:

- New Year’s Day
- Martin Luther King Day
- President’s Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Thanksgiving Day
- Thanksgiving Friday
- Christmas Day

If the holiday falls on a Saturday, the preceding Friday shall be regarded and observed as a holiday. If the holiday falls on a Sunday, the following Monday shall be regarded and observed as a holiday.

To be eligible to receive holiday pay, an employee shall work the regularly scheduled workday before the holiday and the regularly scheduled workday after the holiday, unless the employee is on a scheduled and approved absence with pay.

Terminating employees are not eligible for holiday pay for the holidays that fall after their termination date.

Floating Holiday
At least one Floating Holiday is granted to eligible employees annually to a maximum of 8 hours, depending upon the employee’s regular work schedule. If the Township Committee does not designate 12 holidays, additional Floating Holiday time can be granted, for a maximum of 13 holidays. The Floating Holiday must be approved by the Department Head. Regular part-time employees who work more than 20 hours per week are entitled to Floating Holidays on a pro-rated basis in accordance with paragraph two of this section, entitled “Holidays.”
Newly hired employees with a start date prior to July 1 are eligible for Floating Holiday time.

The Floating Holiday has no cash value upon termination. All holidays must be used in the earned year and cannot be shifted or accumulated.

**VACATIONS**

Time away from work to relax and pursue special interests is important to everyone. The following is a schedule of vacation time to be granted to regular full-time and regular part-time employees working 20+ hours per week. For part-time employees, vacation leave will be prorated according to time worked. Employees working less than 20 hours per week, temporary/on-call or seasonal are not entitled to the vacation time benefit. Vacation time is accrued through the course of the year at the conclusion of a full month.

For employees coming from other entities with similar work or government experience, recognition may be given to prior service credit in the calculation of vacation benefits.

<table>
<thead>
<tr>
<th>LENGTH OF CONTINUOUS SERVICE</th>
<th>VACATION GRANTED</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Calendar Year of Employment</td>
<td>1 day for each full month of service to a maximun of 10 days (80 hours for 8-hour employee / 70 hours for 7-hour employee)</td>
</tr>
<tr>
<td>Subsequent Calendar Years (less than 3 years)</td>
<td>10 days (80 hours / 70 hours)</td>
</tr>
<tr>
<td>3 Years but less than 5 Years</td>
<td>13 days (104 hours / 91 hours)</td>
</tr>
<tr>
<td>5 Years but less than 10 Years</td>
<td>15 days (120 hours / 105 hours)</td>
</tr>
<tr>
<td>10 Years but less than 15 Years</td>
<td>18 days (144 hours / 126 hours)</td>
</tr>
<tr>
<td>15 Years but less than 20 Years</td>
<td>20 days (160 hours / 140 hours)</td>
</tr>
<tr>
<td>20 Years or more</td>
<td>1 day per year over the 20 year period – Limit of 5 days (168-200 hours / 147-175 hours)</td>
</tr>
</tbody>
</table>

- Preference as to vacation dates is to be determined by seniority of service and approved by Department Heads, where applicable.
- Vacations shall be taken in full day segments unless otherwise approved by the Department Head.
- The vacation granted to employees each January 1 shall be based upon length of service as of their anniversary date. Vacation shall be taken during the calendar year (January 1st through December 31st). The Township strongly encourages employees to use all of their earned vacation during the current calendar year. An employee may carry over an amount to the next year as permitted by law but not to exceed the previous year’s vacation entitlement. Additional vacation time beyond the one-year threshold shall be considered forfeited.
- At the time of separation from service for reasons other than termination for cause, the employee shall be entitled to pay on a prorated basis for any vacation time accumulated and
not used. Employees terminated for cause or resigning without two weeks’ notice shall forfeit accumulated unused vacation time at termination.

- Unless specifically authorized by the Township Committee in advance, extra compensation will not be allowed in lieu of unused vacation.
- When a Township holiday falls during a scheduled vacation, it is not counted as a vacation day.

Employees represented by a union will follow their union contracts.

**ABSENCE DUE TO ILLNESS**

Sick time is a benefit which is to be used in accordance with the New Jersey Earned Sick Leave Law. Additionally, the Township will comply with any collective bargaining agreements in existence regarding sick time.

The Township does not provide a short-term disability policy, nor does it participate in the State disability plan. Each regular full-time employee will accrue twelve (12) days (96 hours or 84 hours based on an 8 or 7 hour day). Regular part-time employees working 20+ hours/week will have prorated hours available in each year. Employees working less than 20 hours/week will accrue 1 hour of sick time for every 30 hours worked.

Any sick time not used will be added to the sick time available for the following year. The total amount of sick time that can be accumulated is unlimited for regular full-time employees and regular part-time employees working 20+ hour/week. Employees working less than 20 hours/week are eligible to carry over up to 40 hours into the following benefit year. Non-union employees who work 20+ hours/week may be eligible for an employer sponsored contribution into a Retirement Health Savings Program, subject to the terms of that Program. Employees covered by collective bargaining agreements who leave the Township are eligible for treatment of their accumulated unused sick time in accordance with those agreements. Employees leaving the Township for any reason prior to retirement will forfeit all accumulated unused sick time.

To be eligible for sick pay, employees unable to report to work due to illness must report his or her illness directly to their Supervisor as early as possible in the morning of the day that the absence occurs. If their Supervisor is not available, the Supervisor’s designated representative in their absence must be contacted.

After four (4) consecutive days of sick leave, or a continuous pattern of sick leave, the Department Head should contact Human Resources, who may require a physician’s certificate of illness. The Township reserves the right to send the employee to a physician at the Township’s expense when a pattern of sick leave or an extended sick leave occurs.

In extraordinary circumstances, if the amount of sick leave credit provided for under this policy has been or is about to be exhausted, an employee may make application to the Township Committee, or as appropriate the Board of Health, Library Board or Sewerage Authority for an additional allowance. The committee shall make a determination on the application after reviewing all
circumstances, including the employee's attendance record prior to the illness, which necessitated the request.

**PERSONAL TIME**

Regular full-time and regular part-time employees working 20+ hours per week are eligible for three (3) days (24 hours or 21 hours based on an 8 or 7 hour day or prorated hours for part-time employees working 20+ hours/week) available in each calendar year. Personal time is accrued throughout the course of the year.

Personal time is to be used at the employee's convenience for conducting essential personal business, such as, but not limited to, religious observance, funerals, closing on a home, moving, doctor’s visits, etc.

Personal leave will be counted in at least one-quarter day segments and requires the employee’s Supervisor’s advance approval.

Personal time will not accumulate from year to year. Any unused personal time can be used as sick days if all other sick leave has been exhausted. Using unused personal time as sick time must be coordinated through Human Resources. Refer to the section on Retirement for details on the treatment of unused personal time at retirement.

Other than as part of a retirement program described elsewhere in this Handbook, personal time has no cash value at termination.

**BEREAVEMENT LEAVE**

In the unfortunate event of a death in the immediate family or of a relative who resides with the employee, bereavement leave will be granted to regular full-time and regular part-time employees of the Township. For those who are eligible, leave of up to five (5) days is granted in the event of the death of an employee’s parent, spouse, civil union partner or the spouse’s or civil union partner’s parent or child/dependent. A regular full-time employee is eligible for a leave of up to three (3) days with pay in the event of the death of other immediate family members as defined below. Regular part-time employees are eligible for up to three (3) consecutive days of bereavement leave if the days fall on their regularly scheduled work days.

The term "other immediate family" shall include, brother, sister, grandparent or grandchild of the employee or employee's spouse. If circumstances demand that additional time be taken, an employee may use available personal days, vacation days, or compensatory time. If an employee is not eligible for paid time off, the Supervisor may grant an unpaid leave.

Employees should make their Supervisor aware of their situation. In turn, the Supervisor should notify Human Resources of the reason and length of the employee's absence.
Upon returning to work, the employee must code his/her absence as a bereavement leave in EDMUNDS, noting their relationship to the deceased in the “Entry Description” section. Proof of death and relationship to the deceased may be required.

**JURY DUTY**

A regular full-time or part-time employee with a standard workweek of 20 hours or more who loses time from his/her job because of jury duty, shall be paid for lost time at his/her regular rate of pay. Any Jury Duty wage compensation received by the employee should be turned over to the Township. Compensation received for mileage should **not** be turned over to the Township. A part-time employee whose regular workweek is less than 20 hours is not eligible for salary continuation during jury duty leave but will be given time off without pay while serving jury duty.

The employee must notify their Supervisor immediately upon receipt of a summons for jury duty. The time taken off for Jury Duty should be entered into EDMUNDS, using the Jury Duty code.

An employee, released from Jury Duty on any day more than two hours prior to the end of their normal work schedule, shall be required to report by telephone to their Department Head. Normally, the employee will be expected to return to work. If the employee fails to return to work, he/she will not be paid for the remaining time for which they were required to return to work.

Upon completion of Jury Duty, the employee must submit a signed *Certificate of Jury Service* indicating the number of days served to their Supervisor. A copy of the *Certificate of Jury Service/Summons* should be forwarded to Human Resources for placement in the employee’s personnel folder.

**MILITARY LEAVE OR NATIONAL GUARD LEAVE OF ABSENCE**

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 member of the reserve component of the Armed Forces of the United States will be granted a leave of absence without loss of pay or time on all work days on which he or she is engaged in any period of Federal active duty, up to 30 work days in a calendar year, or 90 work days for New Jersey National Guard members. Thereafter, the employee shall be paid the difference between military salary and the employee’s regular salary for up to one year from the start of the leave.

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 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 calendar days after the paid leave is exhausted. After this period has expired, employees may continue coverage for themselves or their dependents under the (local unit type) group plan by taking advantage of the COBRA

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provision. Members of the State administered retirement systems (PERS and PFRS) will continue accruing service and salary credit in the system during the period of paid leave.

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

**LEAVE UNDER THE FAMILY AND MEDICAL LEAVE ACTS (FMLA & NJ FAMILY LEAVE ACT)**

The Township recognizes that from time to time employees may require a leave of absence to attend to certain family or medical situations. Therefore, and in compliance with applicable federal and New Jersey state law, the Township will provide family/medical leave to eligible employees requiring time off from work for the birth, adoption or foster placement of a child (beginning within twelve months of the birth, adoption or placement); the serious health condition of a spouse, civil union partner, child (biological, adopted, foster, stepchild, legal ward, child of a person standing in loco parentis) under 18 years of age or 18 years of age or older and incapable of self-care because of a mental or physical disability, parent (parent-in-law, step-parent, foster or adoptive parent or others having a parent-child relationship with the employee); or the employee’s own serious health condition which makes him or her unable to perform the essential functions of his or her job. Leaves necessary for on-the-job illnesses or injuries are included under this policy.

Employees are eligible for up to twelve (12) weeks of family/medical leave in a twelve (12) month period (measured forward from the date an employee’s first family/medical leave begins) if they have been employed at the Township for at least twelve (12) months (need not be consecutive), and have worked at least 1,250 hours during the twelve (12) month period immediately preceding the commencement of the leave. Under certain circumstances, eligible employees may be entitled to additional family/medical or other leave beyond 12 weeks, due to the overlapping of state and federal law. Employees with over 1,000 regular hours worked but less than 1,250 hours may also be eligible for leave through the NJ Family Leave Act. Employees should contact the Human Resources Manager when a question regarding leave arises. In addition, employees may be granted additional leave at the discretion of the Township.

Leave may be taken:
- consecutively,
- intermittently (*in separate blocks of time*), or on a reduced leave schedule (*fewer hours in a day or days in a week*), when medically necessary, in the event of the employee’s own serious health condition,
- intermittently, when medically necessary, or on a reduced leave schedule in the event of the serious health condition of the employee’s family member,
Employees may be temporarily transferred to an equivalent or part-time position, with no loss in pay or benefits, which better accommodates their intermittent or reduced leave schedule.

**Notice Requirements**
When planning a family or medical leave, employees should make all reasonable efforts to minimize the disruption to Township operations. Employees seeking leave, to the extent that such leave is foreseeable, must provide at least fifteen (15) days prior notice for leave to care for a family member, and at least thirty (30) days prior notice for leave for any other reason. In emergent circumstances, employees must provide such notice as soon as practicable. Written request forms are available from, and must be submitted to, the Human Resources office at the time of notice to the Township. The Human Resources Manager the Township Administrator, Health Officer, Library Director or Sewerage Authority Director, will be responsible for granting or denying a request for family or medical leave. In addition, employees must complete a REQUEST FOR FAMILY AND MEDICAL LEAVE form prior to taking leave. This form will be provided to employees after a request for leave is received.

**Use of Paid Time Off**
Per Resolution 060370, employees taking leave for the care of a newborn child, or a seriously ill family member, or for the adoption or placement of a child, or for their own serious health condition, all as outlined under the provision of the FMLA, may use accrued sick days, floating holidays, personal days and vacation days. The remainder of the leave will be unpaid.

**Health Care Provider Certification Form**
Employees requesting medical leave to care for a seriously ill family member, or for the employee’s own serious health condition, must provide the Human Resources office with a written certification from the health care provider certifying the need for leave. Failure to provide the certification required by the Township may result in denial or postponement of leave. HEALTH CARE PROVIDER CERTIFICATION forms are available from the Human Resources office.

**Continuation of Health Insurance and Other Benefits**
The Township will continue to maintain coverage under its group health plan for eligible employees during a family or medical leave for up to twelve (12) weeks. The employee is responsible for his/her employee contribution for insurance during this time and must make financial arrangements with the Finance department to ensure their portion of the premium is paid if the leave is unpaid. Employees, at the sole discretion of the Township or as required by law, may be granted additional leave without continuation of health care coverage. The employee is responsible for all other benefit costs incurred during their leave.

**Return from Leave**
An employee returning from a medical leave taken for his or her own serious health condition must provide a certification from his or her health care provider that he or she is able to return to work and to perform the essential functions of his or her job with or without accommodation. Failure to provide the required certification may result in the denial or postponement of reinstatement.

Upon expiration of an employee’s leave, the Township will reinstate the employee, except those
who would have been affected by a reduction in force or layoff had they not taken leave, to the same position, or to an equivalent position, with no loss in salary, benefits, or other terms and conditions of employment which the employee enjoyed prior to his or her leave.

To the extent possible, employees should make every effort to notify the Human Resources office at least two (2) business days in advance if they intend to return to work before the expiration of the scheduled leave or to take more leave than originally requested.

Employees are required to use their accumulated paid time off when requesting FMLA leave. Although taking leave will not result in the loss of any employment benefit that accrued prior to the start of the leave, employees who have exhausted their allowed paid time off will not accrue additional benefits, such as vacation, during any unpaid FMLA leave period. Employees who use accumulated paid time off (sick, vacation, personal or floating holidays) for FMLA reasons will continue to accrue additional paid time off for this previously accumulated time.

The National Defense Authorization Act, provides that employees may be eligible for an unpaid military caregiver leave for up to twenty-six (26) weeks in a year to care for a family member who is a covered military member with a serious injury or illness or up to twelve (12) weeks in a year for a qualifying exigency arising out of the fact that the employee’s family member is on (or has been notified of an impending call to) covered active duty in the National Guard, Reserves, or Regular Armed Forces. Examples of a qualifying exigency includes, but is not limited to, attending official ceremonies or family support or assistance meetings, attending to childcare matters, attending to financial and/or legal matters, or counseling. Employees should contact the Human Resources office for further information about entitlement to leave and the required procedures.

**New Jersey Paid Family Leave Insurance**

Employees may apply for New Jersey Paid Family Leave Insurance for two specific reasons:

1. Care for a newborn or adopted child
2. Care for the serious health condition of a family member

The NJ Paid Family Leave Insurance provides for six (6) weeks of “family temporary disability leave” and is an insurance program that provides some income protection different from the NJ Family Leave Act (NJFLA) and the Federal Family and Medical Leave Act (FMLA), which are unpaid leaves that provide the employee with job protection for specific reasons and time periods.

The FMLA, NJFLA and NJPFL often overlap and run concurrently. Each situation must be looked at to determine the appropriate eligibility. The State of New Jersey determines if the employee is eligible to collect the NJPFLI. The Township provides approval for New Jersey Family Leave (NJFLA) and the federal Family and Medical Leave (FMLA).

The NJ Paid Family Leave (NJPFL) is funded by employee contributions. The Township is required to deduct the contributions and submit them to the State. The taxable wage base for Family Leave Insurance benefits is the same as the taxable wage base for Unemployment benefits.

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Bernards Township Employee Handbook
October 28, 2003; Updated January 2020
NJPFL benefits are payable to eligible employees after a seven (7) day waiting period. If the leave continues for three (3) or more weeks, benefits are payable for the first seven (7) days. The NJ Paid Family Leave insurance program is subject to the annual maximum as established by law.

Employees are eligible for benefits under this law if they:

- Worked at least 20 weeks in covered employment; or
- Earned at least 1,000 times the applicable minimum wage in covered employment during the preceding year.

The procedure for requesting a New Jersey Family Leave (NJFLA) and/or a federal Family and Medical Leave (FMLA) is for employees to submit their requests in writing to their supervisor or Department Head with as much advance notice as possible; in emergent situations, as soon as administratively possible.

**UNPAID MATERNITY, PATERNITY, ADOPTION LEAVE**

This policy extends the terms and conditions of the leave available under the Family and Medical Leave Act or New Jersey Family Leave Act from 12 weeks to up to 24 weeks consecutively. Thus, unpaid parental or adoption leave to care for the child may be granted for up to a total of 24 weeks consecutively.

Employees may use accrued floating holidays, personal days, vacation days, sick days and comp time for this leave. As part of the twelve-week leave extension, an employee must first exhaust all accrued paid time off, except for sick time, prior to taking leave without pay. Employees taking leave without pay will not accrue additional paid time off, including but not limited to vacation, sick or personal time.

An employee may take a reduced or intermittent leave only with the consent of the Department Head. The entire leave must be used within 12 months of the birth or placement of the child. This twelve-week unpaid leave extension for maternity, paternity or adoption is available once every two years.

Any extension of the unpaid twenty-four-week leave can only be granted by the Township Committee.

**NEW JERSEY SECURITY AND FINANCIAL EMPOWERMENT ACT**

P.L. 2013, c. 82 enacted the New Jersey SAFE Act, also known as “New Jersey Security and Financial Empowerment Act,” to assist victims of domestic violence and sexual assault. Under this Act, victims of domestic violence or sexual assault may take an unpaid leave of absence of up to 20 days per year to handle issues arising from the domestic violence incident or sexually violent offense, such as seeking medical attention or recovering from physical or psychological injuries caused by the incident; obtaining services from victim services organizations; obtaining psychological or other counseling; relocating temporarily or permanently, or taking other safety precautions against future incidents; seeking legal assistance related to or derived from the incident.
incident, or seeking other remedies to ensure health and safety; or attending, participating in or preparing for a criminal or civil court proceeding relating to an incident.

Each incident of domestic violence or sexually violent offense shall constitute a separate offense for which an employee is entitled to unpaid leave, provided that the employee has not exhausted the allotted 20 days for a 12-month period.

An employee is also entitled to this unpaid leave if their child, parent, spouse, domestic partner or civil union partner is a victim of an incident of domestic violence or sexually violent offense.

An employee may use any accrued paid vacation time, personal days, floating holiday, comp time or sick leave of the employee during any part of the 20-day period of unpaid leave. In such case, any paid leave shall run concurrently with the unpaid leave.

If an employee requests leave for a reason covered by both this law and the “Family Leave Act,” both State and Federal, the leave shall count simultaneously against the employee’s entitlement under each respective law.

If the leave is foreseeable, prior to taking leave under this law, an employee shall provide written notice of the need for the leave. The notice must be provided as far in advance as is reasonable and practical.

The Township may request documentation of the domestic violence or sexually violent offense. Documentation shall be considered sufficient if the employee provides one or more of the following:

• A domestic violence restraining order or other documentation of equitable relief issued by the court of competent jurisdiction;
• A letter or other written documentation from the county or municipal prosecutor documenting the domestic violence or sexually violent offense;
• Documentation of conviction of a person for the domestic violence or sexually violent offense;
• Medical documentation of the domestic violence or sexually violent offense;
• Certification from the Domestic Violence Specialist or the director of a designated domestic violence agency or Rape Crisis Center; or
• Other documentation or certification of the domestic violence or sexually violent offense provided by a social worker, member of the clergy, shelter worker or other professional who has provided assistance

Employees who request leave under this Act are protected from discrimination, harassment and retaliation with respect to the compensation, terms, conditions or privileges of employment on the basis that the employee took or requested this leave or on the basis that the employee refused to authorize the release of information deemed confidential pursuant to this law.
PERSONAL LEAVE OF ABSENCE WITHOUT PAY

Should a situation arise, other than that set forth above, that temporarily prevents an employee from working, he/she may be eligible for a personal leave of absence without pay.

Any request for a personal leave of absence without pay must be submitted in writing as far in advance as possible to the employee’s Department Head. The Department Head must also sign-off on the employee’s written request and forward it to the Human Resources Manager for consideration by the Township Administrator or, as appropriate, Health Officer, Library Director or Sewerage Authority Director, who will review each such request on a case-by-case basis. The decision to approve or disapprove is based on the circumstances, the length of time requested, the employee's job performance and attendance and punctuality record, the reasons for the leave, the effect the employee's absence will have on the work in the department and the expectation that the employee will return to work when the leave expires.

Leaves of absence will be considered only after all vacation and personal time have been exhausted. Vacation, personal and sick time is not accrued during the period of the unpaid leave.

Continuing Health Benefit Plan Coverage

While on a personal unpaid leave of absence, an employee's medical coverage will end on the 1st day of the month following the start of such leave. Employees will have the opportunity of continuing their benefits for a maximum period of 18 months by paying the monthly premiums as required by COBRA legislation.

Unemployment Insurance benefits cannot be collected while on an unpaid leave of absence.

Long Term Disability coverage ends on the last day of employment prior to the leave beginning.

Salary Action

Any planned salary increase for an employee returning from an unpaid leave of absence without pay will be deferred to the next annual salary adjustment.

Vacation and Personal Time

Accrued, unused vacation and personal days must be used before an unpaid leave of absence will be granted.

Performance Appraisal

The normal performance appraisal date of an employee on an unpaid leave of absence will be extended to the next applicable review period.

Returning/Not Returning From a Leave

The Township cannot guarantee either that an employee’s job will remain available or that a comparable position will exist when return from a personal unpaid leave is sought. When an employee is ready to return from a Leave of Absence Without Pay, the Township will attempt to reinstate the employee to his/her former position or to one with similar responsibilities.

If the position or a similar position is not available, the employee will be terminated.
An employee who returns to work following an unpaid leave will be considered as having continuous service. If an employee does not return from a personal unpaid leave of absence, the termination date is the last day of the authorized leave period or the date the employee notifies his/her Supervisor/Department Head that he/she is not returning, whichever is sooner.
DISCLAIMER

The Township has established a variety of employee benefit programs designed to assist employees and their eligible dependents in meeting the financial burdens that can result from illness and disability and to help plan for retirement. This portion of the Employee Handbook contains a very general description of the benefits to which employees may be entitled as an employee of the Township.

This general explanation is not intended to, and does not, provide all the details of these benefits. Therefore, this Handbook does not change or otherwise interpret the terms of the official plan documents. Employees’ rights can be determined only by referring to the full text of the official plan documents, which are available for their examination from the Human Resources Department. To the extent that any of the information contained in this Handbook is inconsistent with the official plan documents, the provisions of the official documents will govern in all cases.

Nothing contained in the benefit plans described herein shall be held or construed to create a promise of employment or future benefits, or a binding contract between the Township and its employees, retirees or their dependents, for benefits or for any other purpose. All employees shall remain subject to discharge or discipline to the same extent as if these plans had not been put into effect.

The Township reserves the right to amend, modify or terminate, in whole or in part, any or all of the provisions of the benefit plans described herein. Further, the Township reserves the exclusive right, power and authority, in its sole and absolute discretion, to administer, apply, interpret and modify the benefit plans described herein, and to decide all matters arising in connection with the operation or administration of such plans.

For more complete information regarding any of the Township’s benefit programs, please refer to the Summary Plan Descriptions, which are provided to employees separately, or contact the Human Resources Department.

HEALTH INSURANCE

The Township currently offers health insurance programs to its regular full-time employees as follows:

Medical Plan, including prescription coverage
Dental Plan
Vision Coverage

Medical Insurance Program

The Township provides each employee with health insurance, including dependent coverage, through medical insurance as offered by the State Health Benefit Program. The State Health Benefit Program is dictated by the State and the Township and its employees are required to follow the provisions of the plan.
The State Health Benefits Program provides comprehensive hospital and major medical insurance coverage. Under the plan, participants can choose to use in-network or out-of-network providers in accordance with the Plan design. The HMO generally requires participants to utilize only in-network providers.

Employees are provided with information about the State Health Benefit Program during their new hire orientation and during the annual Open Enrollment period. It is the employee’s responsibility to complete their ENROLLMENT FORM and return it to the Human Resources department within the first week of their employment. If the Human Resources department receives the employee’s enrollment form as required, coverage will begin sixty (60) days from the employee’s hire date.

Once made, the benefit election is generally fixed for the remainder of the plan year, except in the event of a Qualifying Event as defined by each benefit plan. At the end of each plan year, during Open Enrollment, employees may change their medical elections for the following calendar year.

Employees contribute to their medical insurance as defined in Chapter 78, P.L. 2011. The contribution rate is determined by the employee’s benefit election and salary. Details of the contribution formula are provided by the Human Resources department. The contribution rate is subject to the Minimum Annual Contribution Rates established by the Township Committee, as follows:

<table>
<thead>
<tr>
<th>Plan</th>
<th>2020 Minimum Annual Contribution Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single</td>
<td>$300.00</td>
</tr>
<tr>
<td>Parent/Child</td>
<td>$420.00</td>
</tr>
<tr>
<td>Member/Spouse</td>
<td>$660.00</td>
</tr>
<tr>
<td>Family</td>
<td>$780.00</td>
</tr>
</tbody>
</table>

The base plan for the Township is NJDirect15. If any employee elects to enroll in other coverage, then the employee shall pay all the costs above the cost of NJDirect15 associated with the coverage elected.

New hires who enroll in the health insurance plan shall be responsible for contributing to their health benefits upon the start of the health plan, approximately 60 days following their hire date in accordance with the Plan rules.

Payment shall be deducted from an employee’s salary on a pro-rated basis for a period of 24 pays for the current year contributions. The Township provides that contributions to the medical plan are made on a pre-tax basis through the Township’s section 125 Cafeteria Plan. Employees who opt out of the pre-tax treatment of their insurance contributions must complete the appropriate form and return it to Human Resources.
Opt Out Provision – Medical
If an employee does not wish to be covered by the medical insurance program and furnishes proof of substitute coverage through a spouse's employment or other equivalent plan, the employee shall be permitted to opt out of participation in the Township medical insurance program in accordance with law. For those that qualify, in exchange for such nonparticipation, shall receive an annual cash disbursement of $1000.00 for nonparticipation for single enrollment, $2400.00 for married/spouse enrollment and $3600.00 for family enrollment, distributed in 24 equal pay periods.

The State Health Benefits has a provision mandating multiple coverage restrictions, which prohibit an employee, dependent or retiree who is a member of the SHBP from receiving benefits from more than one employer. Additionally, this provision states that an employee and their spouse (where both employers offer SHBP) are not eligible for a reimbursement waiver via an Opt Out option.

The employee may opt out of the insurance plans at any time but may not rejoin until the next annual Open Enrollment period. There may be some “qualifying events” that would allow the employee to re-enroll without waiting for the open enrollment period in accordance with the contract with the insurance provider.

Dental Insurance Program
The Township shall pay the premium costs up to a maximum of $45.00 per month for full-time regular employees for dental insurance. Any premium above that amount shall be deducted from the employee’s salary. Dependent coverage is also available for dental insurance. The employee shall pay the premium costs over $45.00 via payroll deductions. These deductions will be on a pre-tax basis through the Township’s 125 Cafeteria Plan, unless the employee opts out of that tax treatment for their contributions.

The Township currently offers three plans – the Premier, the Preferred and the Flagship – all through Delta Dental of New Jersey. Employees are provided with information packets on these programs during their new hire orientation and during Open Enrollment. It is the employee’s responsibility to complete the ENROLLMENT FORM and return it to Human Resources within the first week of their employment. If Human Resources receives the enrollment form as required the employee’s coverage will begin on the first day of the month following their hire date. If the form is not returned after the first week of their employment, coverage will begin on the first day of the month following receipt of the enrollment form.

Once made, benefits election is generally fixed for the remainder of the plan year. Once enrolled, the participation must continue through the plan year, with the exception of certain qualifying events. At the end of each plan year, during Open Enrollment, employees may change their dental elections and dependent participation for the following plan year.

Opt Out Provision – Dental
An employee may choose to opt out of the Township’s Dental Insurance Program. In exchange for such nonparticipation, the employee shall be entitled to receive a cash disbursement of $20.00 per month.
Eye Care Allowance
The Township shall reimburse up to $100 per calendar year for a full-time, regular employees’ Eye Care related expenses including, but not limited to, non-prescription eyewear and sunglasses. Employees may accrue their unspent Eye Care allowance up to a maximum of $300. For reimbursement, a Vision Voucher must be submitted, along with itemized receipt(s), to Finance within three months of the date of service. Reimbursements shall be made for the employees’ Eye Care expenses or Vision premiums only (any level of coverage) and shall not include Eye Care expenses for a spouse or dependents.

Vision Coverage
The Township may also provide voluntary vision insurance to its employees and reserves the right to discontinue the voluntary vision insurance offered to its employees, at its discretion. Payment of Vision premiums will be made from the Employee’s Eye Care Allowance, up to $100 per year. The employee shall pay the balance of the premium cost via payroll deduction.

LONG-TERM DISABILITY
The Township provides regular full-time employees a non-contributory Long-Term Disability (LTD) base plan. This non-contributory base plan provides for monthly LTD benefits of 60% of basic monthly earnings to a maximum benefit of $3,500 per month, less any other offsets such as a pension disability. Active, full-time employees working a minimum of 35 hours are automatically enrolled as of the first day of the calendar month following their date of hire and are subject to an eligibility waiting period. Employees become eligible on the first of the month on or after 60 days of active service. Eligible employees will receive a benefits booklet describing the plan at their new hire orientation.

Long-term disability coverage terminates on the last day of employment.

OTHER INSURANCE PROGRAMS
Insurance Programs
Regular employees who participate in the PERS, DCRP or PFRS system have life insurance through their pension. Employees can also purchase supplemental life insurance for themselves and their family during the Open Enrollment period.

Flexible Spending Account
Also provided to full time regular employees is an employee-funded Flexible Spending Account. The monthly participation fee is paid by the Township.

Health Care Flexible Spending Accounts provide employees the opportunity to create an account using pre-tax money to pay for eligible medical expenses. Plan participants may elect an annual amount between $500 and $2,400, which will be deducted on a pre-tax basis in 24 equal pay periods to pay for eligible health care expenses, generally, expenses qualifying under IRC Sec. 213 (with some exceptions) incurred during the calendar year that are not reimbursable from any other source. Eligible health care expenses may include medical or dental insurance deductibles, co-payments, prescription co-payments and out-of-pocket costs for vision care, etc.
For Health Care Flexible Spending only: If eligible expenses incurred during the calendar year are less than the elected annual amount of flex dollars for that year, a maximum of $500.00 may be carried over into the next calendar year.

Dependent Flexible Spending Accounts allow employees to set aside $500 to $5,000.00, which will be deducted pro rata on a pre-tax basis in 24 equal pay periods to pay for eligible dependent care expenses. Please review the plan for specific details for the allowable expenses under this program.

Commuter Flexible Spending Accounts allow employees to set aside $270 per month for transit and van-pooling expenses and/or $270 per month for parking expenses, which will be deducted pro rata on a pre-tax basis in 24 equal pay periods to pay for qualified mass transit and parking expenses associated with their commute to work.

What is a qualified Mass Transit expense? Qualified expenses include transit passes, tokens, fare cards, vouchers, or similar items entitling you to ride a mass transit vehicle to or from work. The mass transit vehicle may be publicly or privately operated and includes bus, rail, or ferry.

What is a qualified parking expense? Get reimbursed for parking expenses incurred at or near your work location or a location from which you continue your commute to work by car pool, vanpool or mass transit. Out-of-pocket parking fees for parking meters, garages and lots qualify. Parking at or near your home is not an eligible expense.

RETIREMENT PLAN & GROUP LIFE INSURANCE

All regular Township employees shall be enrolled in the New Jersey Public Employees Retirement System (PERS), Defined Contribution Retirement Program (DCRP) or the New Jersey Police & Fire Retirement System (PFRS) in accordance with the salary or hourly requirements for enrollment by membership tier. Retirement Plan eligibility depends upon hire/enrollment dates and type of service. Group life insurance is offered as part of PERS, DCRP, and PFRS. Contact the CFO for information about retirement plan eligibility and requirements.

Membership in PERS or DCRP is determined by position or professional license at date of hire. If an individual holds a professional license or certificate to perform and is serving in any of the following capacities, the person is qualified to join or remain in PERS and does not join DCRP:

<table>
<thead>
<tr>
<th>Licensed Health Officer</th>
<th>Tax Assessor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tax Collector</td>
<td>Municipal Planner</td>
</tr>
<tr>
<td>Chief Financial Officer</td>
<td>Registered Municipal Clerk</td>
</tr>
<tr>
<td>Construction Code Official</td>
<td>Licensed Uniform Subcode Inspector</td>
</tr>
<tr>
<td>Qualified Purchasing Agent</td>
<td>Certified Public Works Manager</td>
</tr>
</tbody>
</table>

The following positions are deemed to be eligible for and shall participate in the Defined Contribution Retirement Program (DCRP), subject to the terms of the Program:
The employee’s contribution to the plan is deducted from the salary paid to such employee and remitted to the state as required by law. The Township contribution for each employee is determined by and subsequently remitted to the state in accordance with the provisions of the law.

Township employees having completed the required number of years of service and having attained the specified age may apply for retirement as provided by the plan.

These plans are regulated by the New Jersey Division of Pensions and Benefits. Regulations are subject to change. Full details on these plans may be obtained from the NJ Division of Pensions website or contact the Chief Financial Officer.

457 DEFERRED COMPENSATION PLAN

The Township offers a voluntary pre-tax 457 Deferred Compensation Plan for all regular employees by authorized payroll deduction. The plan provides the employee with the ability to supplement retirement income. Contributions are made to an account in the employee’s name for the exclusive benefit of the employee and his/her beneficiaries. The value of the account is based on the contributions made and the investment performance over time.

Regular employees of the Township may elect to participate in the 457 Plan beginning with the first payroll period administratively feasible after employment.

The Township also offers Retirement Health Savings Plans (RHSP) to eligible employees. RHSP contributions are used to pay for eligible health care expenses after retirement.

The Township will provide regular full-time exempt employees with a match of up to 5% for those employees participating in the 457 Plan or the Retirement Health Savings Plan (this match is made in accordance with Plan requirements). The match is provided in an effort to recognize the numerous hours that exempt employees work without additional pay. Non-exempt employees do not receive matching funds from the Township.

Further details about the Plan may be obtained from the Chief Financial Officer or the Plan Representative.
EMPLOYEE ASSISTANCE PROGRAM
The purpose of the Employee Assistance Program (EAP) is to help employees deal with personal problems such as family difficulties, stress, emotional and relationship problems and alcohol/drug abuse.

The EAP is confidential service available to eligible employees and their families. The services provided help employees and family on a confidential basis through short-term counseling and utilizing appropriate community resources.

Eligible employees may contact the EAP directly to set up an appointment. A manager or supervisor may also suggest or recommend an employee contact the EAP. There may also be formal referrals to the EAP by a manager in conjunction with the Human Resources Manager based on unsatisfactory job performance. Regardless of the source of referral to the EAP, whether initiated by the employee or the manager, the services of the EAP are completely confidential.

There is no charge to the employee or members of his/her family for the EAP services. This benefit is offered to eligible regular full-time employees.

ACCIDENTS AND EMERGENCIES ON THE JOB WORKERS’ COMPENSATION BENEFITS
Maintaining a safe work environment requires the continuous cooperation of all employees. The Township strongly encourages employees to communicate with fellow employees and their Supervisor regarding safety issues.

All employees will be provided care, first-aid and emergency service, as required, for injuries or illnesses which occur while working for the Township. Employees should contact their Supervisor, the nearest Supervisor, and/or dial 911 in the event of an accident or emergency.

Failure to report accidents may preclude an employee’s coverage under Worker’s Compensation Insurance.

Employees Who Sustain Job-Related Sickness, Injury, or Disability
Employees who sustain job-related sickness, injury, or disability shall be entitled to remain absent from duty and to receive full regular pay for the period of necessary recuperation or six (6) months, whichever is less. Any payment so made shall be reduced by Worker’s Compensation benefits received by the employee, with no negative impact to the employee’s net pay. If still disabled at the end of the six (6) month period, a decision of the employee’s status shall be made based upon a doctor’s determination of the employee’s condition and in consultation with the Human Resources Manager and the Department Head.

Definition
“Job-related” is defined for purposes of this section in accordance with the definition of this phrase as employed by the prevailing workmen’s compensation statutes.
Procedures
An employee, who is injured while engaged in the performance of Township duties, shall immediately report such accident to their Supervisor. The Supervisor will immediately report the accident to the Township’s Worker’s Compensation carrier and complete a form provided for such reports. The form may be obtained from the Township’s Intranet under “Employee Forms/Worker’s Compensation.” The completed accident report form shall then be submitted to Human Resources via e-mail for submission to the Township’s insurance company and Safety Committee.

All treatment will be directed by the Worker’s Compensation Case Manager.

Light Duty
The Township works closely with the Case Manager, the employee and the Department Head to bring the employee back to work as quickly and reasonably possible. The Township will make every effort to provide light duty when the employee is released by their physician to return to work with restrictions. When light duty is available, the employee must return to work. Light duty positions cannot be guaranteed.

EDUCATIONAL ASSISTANCE POLICY
Bernards Township encourages employee self-improvement and supports an educational assistance program for its regular employees based on job-related requirements. Financial assistance is contingent on the availability of funds in the approved Township budget and approval from the employee’s manager.

Training
Regular full-time employees and part-time employees who work 20+ hours per week shall be entitled to receive financial assistance for training courses or seminars if the following conditions are present:

a. The course is judged by the Department Head to be of value to the individual and to the Township in the position the employee occupies, or the course is recommended by the Department Head.
b. There is sufficient evidence to show that the employee is capable of handling the desired training in the normal time allotted for such course.
c. The course is offered by an approved institution of learning.
d. Funding is approved by the Department Head and included in the department budget.

Prior to enrollment, the Department Head must approve each request for training. Upon completion of an approved course, the employee shall submit a copy of the course certificate or agenda to the Human Resource Department for inclusion in his/her personnel file. Travel expenses are eligible for reimbursement as described in Use of Township Vehicles and Mileage Reimbursement.
Licensing and Certification
The initial cost of courses leading to or required for licensing or certification that is required for a full-time employee's position shall be paid for by the Township. This includes courses required as part of a continuing education or re-certification program. Employees must obtain approval prior to taking any licensing or certification courses. Payment to part-time employees will be determined by the Department Head and the Human Resources Manager on a case-by-case basis.

The Township shall pay for the initial and renewal fees of mandatory licenses held by full-time regular employees. Payment to part-time employees will be determined by the Department Head and the Human Resources Manager on a case-by-case basis.

Upon completion of an approved training, the employee shall submit a copy of the license or certification to the Human Resources Manager for inclusion in his/her personnel file. Travel expenses are eligible for reimbursement as described in *Use of Township Vehicles and Mileage Reimbursement*.

Tuition Reimbursement
Full-time employees may be eligible to receive financial assistance for tuition reimbursement based on approval from their manager and the availability of funds in the approved Township budget if the following conditions are present:

a. The employee is registered as a matriculated student in an accredited degree program that is judged by the Department Head to be of value to the individual and to the Township.

b. The course is offered by an approved institution of learning.

c. The employee may not take more than two courses per semester.

d. Funding is approved by the Department Head and included in the department budget.

e. It is expected that veterans will take advantage of the financial assistance for which they are eligible under the current laws covering education of veterans.

Prior to enrollment in a class, approval or disapproval of an application for financial assistance for education will be given by both the Department Head and Human Resources Department.

Upon completion of an approved course, the employee shall submit a copy of his/her transcript for the course to the Human Resource Department for inclusion in his/her personnel file.

Regular tuition, registration fees and required laboratory fees shall be eligible for reimbursement. The cost of books, supplies or other similar expenses shall also be eligible for reimbursement. Travel expense will not be eligible for reimbursement.

A satisfactory passing grade must be obtained. Only those grades classified as "C," "average," "satisfactory" or above will be considered satisfactory.

For college credits, payments will be made upon presentation of transcripts indicating the grade received and proof of payment of fees. Employees will be reimbursed for up to 100% of the allowed costs within 30 days after the voucher is filed with the Human Resources Department.
Advance payment for registration fees prior to class participation and grade submission are not permissible.

If an employee terminates employment with the Township prior to course completion, they will not be reimbursed for these expenses by the Township.

If a non-union employee voluntarily resigns employment with Bernards Township, the employee is responsible to repay all tuition assistance monies received within the 12 months prior to the termination date. Union employees follow the terms of their contracts.

USE OF TOWNSHIP VEHICLES AND MILEAGE REIMBURSEMENT

Municipal employees are not covered by municipal auto insurance when using personal vehicles for Township business purposes. Thus, municipal vehicles are to be used for Township purposes whenever possible.

1. Township owned vehicles are assigned to the following departments: Administration, Community Service, Construction, Health, Engineering, Finance, Parks/Recreation, Police, Public Works and the Sewerage Authority. Other departments (Court, Library) may request the use of Township-owned vehicles for transportation while on Township business from any department with assigned pool vehicles.

2. Unless an employee receives permission from the Township Administrator, Bernards Township owned vehicles shall be used only on official business and all passengers must be on Township business. Vehicles may be taken home only with the advance approval of the Township Administrator, except an Assistant Township Administrator or Human Resources Manager may also grant temporary approval to facilitate responses to after-hours emergency calls. When an employee takes home a Bernards Township vehicle, it is to be used only for official Township business; any other use is not permitted. Certain employees may have a separate memorandum of understanding with the township regarding the use of township vehicles which shall supersede this policy. 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.

3. At the close of business or at the end of shift each day, all vehicles are to be returned to the designated Township parking area or transferred to personnel from the oncoming shift, except as authorized by the Township Administrator. Township vehicles shall be locked and windows closed whenever the vehicle is parked. All trash will be removed from the vehicle prior to the end of the work day. Township owned vehicles shall not be used for personal business except for business incidental to Township business, nor for driving to and from work, nor outside the State of New Jersey, except as required due to the work assignment and only with advance approval from the Township Administrator. When an employee uses the Township vehicle for any personal use as approved by the Township Administrator, the employee will be taxed for such use in accordance with the relevant IRS regulations.
4. The following job titles (only) shall have a vehicle assigned for use at all times, since the nature of the work requires they be on 7 day, 24 hour call:
   a. Chief of Police
   b. The Chief of Police, at his/her discretion, may direct key personnel to use a Township vehicle in order to ensure attendance during emergency situations.
   c. Emergency Management Coordinator
   d. On-Call Detective
   e. Director of Public Works
   f. Engineer (during periods of anticipated call out only)
   g. The Director of Public Works, at his/her discretion, may direct key personnel to use a Township vehicle in order to ensure attendance during emergency situations.

5. All drivers of Township vehicles shall have a valid, current motor vehicle operator’s license. Only Township employees, clients of Township agencies or individuals being transported within the responsibility of the Township shall ride in Township vehicles as passengers.

6. Any driver who has multiple moving violations may be denied use of Township vehicles.

7. Township accident reporting procedures as explained in the “Accidents & Emergencies on the Job – Workers’ Compensation Benefits” section shall be followed in case of an accident.

8. When a Township vehicle is not available, or when one is not to be provided by hiring agreement, then use of personal vehicles on job-related duties shall be paid a stipulated amount per mile plus parking and toll fees. The amount to be paid per mile may be the allowable business travel allowance as stated in the Federal IRS 1040 tax filing document instructions for each year up to the discretion of the Township Administrator. The mileage shall be calculated from either one’s work location or one’s home (if applicable) to the business destination, whichever is shorter.

9. In that an employee is not covered by municipal insurance when using his/her personal vehicle for Township business purposes, the Township insurance committee may, when the employee applies with appropriate documentation of the loss incurred while on Township business, authorize payment, from the Township's self insurance fund, of the deductible amount, up to a five hundred ($500.00) dollar maximum. The insurance committee will consider all relevant facts of the claimed loss and will not unreasonably deny the deductible reimbursement, except where the employee is at fault in the incident.

10. Employees must abide by relevant laws and policies, including use of cell phones while driving in Township vehicles. It is Bernard Township’s policy that every operator of Township equipment and all occupants of any vehicle must wear safety belts while on township business. This applies to all personally-owned, township-owned, leased, and rented vehicles.

11. There will be no vaping, smoking or chewing of any tobacco products or use of electronic cigarettes in Township vehicles.
DRIVER’S LICENSE POLICY

Any employee whose work requires the operation of Bernards Township vehicles must hold a valid Driver’s License.

All employees who will be assigned work entailing the operation of a Bernards Township vehicle will be required to submit to an annual review of 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 Supervisors. Any employee who does not hold a valid driver’s license will not be allowed to operate a Bernards Township vehicle until such time as a valid license is obtained. Any employee performing work that requires the operation of a Bernards 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 who fails to immediately report such revocation or suspension to their Supervisor and continues to operate a Bernards Township vehicle shall be subject to discipline, up to and including termination.

Individuals working for the Township are required to report all vehicular accidents and any serious moving violations including, but not limited to those listed below (whether incurred on the job or not) to their supervisor and Human Resources within forty-eight (48) hours of the accident or receipt of the violation notice. Failure to report accidents and/or moving violations will result in disciplinary action.

- Driving while intoxicated
- Driving under the influence of drugs
- Negligent homicide arising out of the use of a motor vehicle
- Operating during a period of suspension or revocation
- Using a motor vehicle for the commission of a felony
- Aggravated assault with a motor vehicle
- Operating a motor vehicle without owner’s authority (grand theft)
- Permitting an unlicensed person to drive
- Reckless driving
- Speed contest
- Hit and run driving

A finding of guilty by a court of competent jurisdiction of any of these offenses will result in the immediate suspension of driving privileges for the Township for a period of six (6) months. Driving privileges apply to the authorized use of Township vehicles owned, leased, or controlled by Bernards Township or an individual’s use of a personal vehicle while conducting business on behalf of the Township.

Following a finding of guilty by a court of competent jurisdiction of any one of the offenses identified above, progressive discipline will be instituted beginning with a six-month suspension of Township
Individuals who are in driving positions on behalf of Bernards Township will be automatically terminated upon receipt of a third serious moving violation within a three-year period.

Prior to reinstatement of driving privileges, a confidential motor vehicle record check will be completed.

In addition, an employee who has been arrested and/or charged with an offense of either driving while under the influence of drugs or alcohol or refusal to take a breathalyzer must notify the immediate Supervisor immediately upon reporting to work. An employee who fails to report such an instance is subject to disciplinary action, including demotion or termination.

Any information obtained by Bernards Township in accordance with this section shall be used by Bernards 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. 2 2721 et seq.).

CONFERENCE ATTENDANCE POLICY

The Township will provide reimbursement for travel, lodging, meals and registration expense for regular employees and officials to attend approved conferences of professional associations and/or the New Jersey League of Municipalities. Other non-listed conferences and training seminars are encouraged where budget appropriation is adequate and prior authorization has been given by the Township Administrator, Health Officer, Library Director or Sewerage Authority Director. The following conditions will apply:

1. "Approved" means it has been presented to and authorized by the Administrator before registration or applications are submitted.
2. Registration fees for the conferences will be paid in full by an approved Township voucher.
3. Cost of hotel lodging will be paid in full by the Township at the designated "conference hotels" or equivalent lodging. This will include appropriate gratuities for service personnel of the hotel. Efforts will be made to utilize economy rated rooms where offered and available. Advantage will be taken of conference discounts and, where feasible, room sharing. Every effort shall be made to ensure that the Township receives its tax-exempt status when booking hotel lodging.
4. Meal expense, excluding alcohol, will be reimbursed by the Township on a per diem basis, not to exceed $40.00 per day. Meal functions that are part of the conference ticket (e.g., breakfast meetings, luncheon meetings, or banquets) will be paid in full and the unit amount deducted from that day's per diem meal expense. This does not imply that across-the-board $40.00 per day will automatically be reimbursed for meals without documentation of reasonably attainable receipts or, if receipts are unavailable, notation of the actual cost of the meal. Where the day's meal expense does not exceed $40.00, only the actual cost will be paid.
5. Transportation cost to and from the conference location will be paid by the Township. This will be common carrier transportation on economy class ticketing. Reasonable transportation from
terminal or station to hotel will also be paid. Permission may be granted by the Administrator, Health Officer, Library Director or Sewerage Authority Director to use a personal vehicle for transport with reimbursement at the current mileage reimbursement rate or the cost of common carrier transportation, whichever is less. Tolls and parking fees will be reimbursed by the Township where automobile travel is authorized.

6. Reimbursement for expenses will be provided upon submittal of a signed voucher properly documented with reasonably attainable receipts summarized on and attached to a travel expense form and filed WITHIN 30 DAYS AFTER COMPLETION OF THE TRAVEL. Receipts are required for travel expense (i.e., air, train, car rental), accommodations, and meals.
RESIGNATION
An employee who intends to resign must notify their 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, unless they first obtain the approval of their Department Head.

The Department Head will prepare an Employee Advice Form, attach the employee’s letter of resignation, and forward it to Human Resources. The Employee Advice Form will be reviewed and approved by the Human Resources Manager, Township Administrator or Library Board or Sewerage Authority Director as appropriate and forwarded to Finance for processing of any outstanding wages owed. Any additional monies owed, i.e., vacation, etc., must be approved by resolution of the Township Committee and may be paid out in a separate check following the Township Committee meeting at which such supplemental payment is approved.

Should an employee resign and have used paid time off that they had not yet accrued, (i.e., vacation, sick, personal) the employee will be responsible for repayment of that time through a deduction in wages in their final pay.

The Human Resources Manager will conduct a confidential exit interview to discuss benefits, including COBRA options, appropriate retirement benefits and final paychecks. The exit interview will also include an open discussion with the employee. A COBRA notification letter will be sent to the employee’s home address.

On the last day of work, and prior to receiving the final paycheck, the employee must return their Employee Identification Card and all Township property, i.e., keys, uniforms, equipment, etc. and all other items listed on the Employee Termination Checklist.

WORKFORCE REDUCTION POLICY
The Township may institute layoff actions for economy, efficiency or other related reasons, but will first consider voluntary alternatives to the greatest extent possible. Seniority, lateral or other re-employment rights for employees will be determined by the Human Resources Manager in consultation with the Township Administrator or as appropriate, Health Officer in conjunction with the Board of Health, Library Director or Sewerage Authority Director.

TERMINATION AND RETIREMENT PLAN
Under State law, employees must enroll in the New Jersey Public Retirement System, or the Police and Fire Fighters Retirement System, or Defined Contribution Retirement Plan as applicable. The employee’s contribution to the Plan will be deducted from the employee’s pay and remitted to the state as required by law. The Township contribution for each employee is determined by and subsequently remitted to the state in accordance with the provisions of the law.

Bernards Township Employee Handbook
October 28, 2003; Updated January 2020
An employee who has completed the required number of years and who has reached the required age under the Plan may retire by notifying the Department Head in writing. The State retirement plans request six months advance notice to process the application. After giving notice of retirement, employees are expected to assist their Supervisor and co-employees by providing information concerning their current projects and help in the training of a replacement.

In the event of an employee’s termination or retirement, the Department Head will prepare an Employee Advice Form, attach the employee’s letter of resignation or retirement, and forward it to Human Resources. The Employee Advice Form must be reviewed and approved by the Human Resources Manager and the Township Administrator, or as appropriate, Health Officer, Library Director or Sewerage Authority Director, and forwarded to Finance for processing of any outstanding wages owed. Any additional monies owed, i.e., vacation, etc., must be approved by resolution of the Township Committee and may be paid out in a separate check following the Township Committee meeting at which such supplemental payment is approved. As paid time off (i.e., vacation, sick, personal) is accrued, should an employee resign and have used time that they had not yet accrued, the employee will be responsible for repayment of that time through a deduction in wages in their final pay.

The Human Resources Manager will conduct a confidential exit interview to discuss benefits including COBRA options, appropriate retirement issues and final paychecks. The exit interview will also include an open discussion with the employee.

On the last day of work, and prior to receiving the final paycheck, the employee must return their Employee Identification Card, all keys and equipment and all other items listed on the Employee Termination Checklist.

All information regarding the retirement plan may be obtained from the office of the CFO or the State Division of Pension and Benefits.

EMPLOYER CONTRIBUTIONS ON RETIREMENT
Bernards Township does not pay for health benefits in retirement for its employees. A contribution may be made to eligible employees for unused sick time to allow those individuals to save for health-related expenses during retirement.

Sick time is a benefit which is to be used for a personal illness. While the accumulation of sick time is unlimited and deemed to be used as anyone would use a short-term disability policy, a financial contribution may be made at retirement, as defined by the NJ Division of Pensions and Benefits, to employees who qualify under the following criteria:

Program Eligibility and Calculation
Employees hired prior to January 1, 1987 and who qualify for a retirement contribution as outlined above, in addition to the contribution, the employee will be paid the following bonus upon retirement:
1. Any accumulated sick days over eight days in any year of accumulation for service between 1978 and 1986;
2. One-third of the unused base sick leave days earned at time of retirement;
3. Any unused personal leave that has been added to the payment accumulation.

Payment Upon Retirement Program
(Applicable to Teamsters, PBA Employees, when included in their negotiated agreement, and other Police personnel with arrest powers.)

Eligible employees will receive a cash payment based on the following criteria. All employer contributions on retirement have been capped at $15,000 or as defined in the applicable agreements.

- Upon retirement, the Township will make a cash payment of 50% of all sick leave earned from January 1, 1987 forward, less the amount taken, excluding any credit for prior public employment that the employee may have received at time of hire. The employee is also eligible for payment of any unused personal days if they have a positive sick leave calculation at the time of retirement. (See detailed calculation below.)

- Payment will be based on the hourly rate at the time of retirement. If the number of hours worked per day changes during the employee’s career, the calculation will be broken down to an hour unit rather than day unit.

Retirement Health Savings Program (RHSP)
(Applicable to Non-Union Employees and Union Employees when included in their negotiated agreement)

There are no cash payments made upon retirement for the majority of employees. Participation in the Retirement Health Savings Plan (RHSP) is mandatory for eligible employees in accordance with the Plan provisions.

RHSP’s may be funded in the following ways:

1. Funding At Retirement or Upon the Death of a Retirement Eligible Employee

   Eligibility for a contribution to the RHSP at retirement requires an employee to have a positive balance of hours based upon the following calculation (calculation is the Township’s long standing 1987 formula): 50% of sick time earned, less sick time used, plus unused personal time, times the hourly wage. Personal time is only paid out if the employee’s sick calculation results in a positive balance. The personal time calculation = 100% of unused personal time earned prior to 12/31/2010 + 50% of unused personal time earned after 12/31/2010.

   All contributions into the RHSP based on this formula in this section above will occur upon retirement or death. Retirement is defined as service, early, or disability as defined by the State of NJ Divisions of Pension and Benefits. The RHSP account will be 100% vested upon contribution.
Effective November 1, 2010, all non-union employees’ RHSP contributions were capped at a maximum of $15,000 unless the accumulated balance as of that date exceeded $15,000. For those employees whose balance exceeded $15,000 as of 11/1/2010, their maximum is the 11/1/2010 balance.

An employee must continue to meet eligibility requirements of sick time in accordance with the applicable Township policy to qualify for a RHSP account contribution at retirement.

In the event of a certified retiree’s death, the RHSP account will be transferred to the employee’s surviving spouse and/or surviving eligible dependents.

If a deceased certified retiree has no spouse or surviving dependents listed on the RHSP account, the balance in the account will be returned to the Township and a taxable distribution of the account balance will be made to the retiree’s named beneficiary or estate.

2. **Active Employment Status Funding**
   If an active employee meets the eligibility criteria for RHSP participation as defined in the Plan documents, the employee’s RHSP is funded according to the applicable formula. See the CFO or Human Resources for the provisions of the RHSP.

   In the event of an active employee’s death, the RHSP account funded in this manner will be transferred to the employee’s surviving spouse and/or surviving eligible dependents.

   If the employee has no spouse or surviving dependents listed on the RHSP account, the balance in the account will be returned to the Township and a taxable distribution of the account balance will be made to the employee’s named beneficiary or estate.

**Investment of the Retirement Health Savings Plan Funds**
The employee or retiree shall be responsible for the investment of their RHSP account funds.

**DEATH OF AN EMPLOYEE**

*Death Benefit*
In the event of the death of a regular employee, the Township shall pay for any unused vacation credited to him or her at the time of death. The Death Benefit of $5,000 will be made to a full-time employee’s designated beneficiary using the Township Payout Beneficiary form. If no form is on file, the beneficiary will be as designated in the pension system or, if no other designation has been made, to the estate of the deceased employee.

Members of the PBA shall receive a death benefit in accordance with the negotiated agreement.
POST RESIGNATION/TERMINATION

Final Pay Calculation
The employee will be provided with a Memo of Termination, which will outline any monies due the employee, i.e. overtime, vacation, etc., which must be approved by resolution of the Township Committee for any monies owed in addition to regular wages outstanding.

Health Benefits upon Termination
Medical Plan benefits end as dictated by the State Health Benefits Program. Dental Plan benefits end on the last day of the month in which the employee’s last day of employment falls. An employee, unless dismissed for gross misconduct, has the option to continue Medical/Dental benefits in accordance with The Consolidated Omnibus Budget Reconciliation Act (“COBRA”) regulations. Employees receive a copy of these regulations when hired. Terminating employees are provided with a “COBRA Packet” when they leave, which outlines their options and cost of said options should they choose to continue their participation in the plan(s).

All other benefits provided to the employee by the Township end at midnight on the employee’s last day of employment.

Paid Time Off Benefits upon Termination: Vacation Pay
Employees leaving the Township due to voluntary resignation, retirement or dismissal will be paid for their accrued, unused vacation days, except where termination is for cause or where the employee fails to give two weeks of notice.

If an employee has taken more time than for which they are eligible, the employee’s final paycheck will be adjusted as such, reimbursing the Township for the time that the employee used and had not yet accrued.

Sick Time and Personal Time
At termination, other than as part of applicable retirement program payments, sick time and personal time have no cash value.

Holidays and Floating Holiday
At time of termination, Holiday pay for Holidays following the termination date and unused Floating Holiday(s) have no cash value.

Overtime and Compensatory Time Off
At time of termination, all accrued overtime will be paid out in a lump sum payment.
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Assistance Policy, Employer Contributions on Retirement

January 3, 2012

New Jersey Residency Requirement, Conservation at Work Policy, Personal Blogging and Social Networks Policy, Privacy and Confidentiality, Benefits Changes due to P.L. 78

January 2, 2013

Expansion of Disability Accommodation Policy to comply with ADAAA, Email and Internet Code of Conduct Policy, Personal Blogging and Social Networks, Cell Phone Usage

January 2, 2014

Employee Harassment, First Responder Photography Prohibition, Public Records Policy, Email Policy, Systems, Computer and Internet Policies, Personal Blogging and Social Networks Policy, Personnel Records, Early Closing and Delayed Opening Policy, Compensation Programs, Time Records, Overtime Pay and Compensatory Time Off Policy, Jury Duty, New Jersey Security And Financial Empowerment Act, Employee Assistance Program, Employer Contributions on Retirement

January 2, 2015

Recruitment Procedures, Bulletin Board and Intranet Posting, Inclement Weather pay, Pay Day, Military Leave of Absence, Employer Contributions at Retirement, Death of an Employee

January 4, 2016

Vacations, Bereavement, Dental Insurance, Eye Care Allowance, Vision Coverage, Tuition Reimbursement, Use of Township Vehicles and Mileage Reimbursement, Driver's License Policy

September 13, 2016

Pregnancy is noted as an EO category, Personal Blogging and Social Networks Policy, Employee Dating/Personal Relationship Policy, Use of Township Vehicles and Mileage Reimbursement (seat belt update)

January 3, 2017

Comp Time Payouts must be made in standard EDMUNDS batch, Clarification point that the Township does not provide longevity awards or bonuses for non-union employees
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