



Bernards Township

EMPLOYEE HANDBOOK of PERSONNEL POLICIES AND PROCEDURES

Administration Office: One Collyer Lane, Basking Ridge, NJ 07920
October 1, 2003

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 or 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.



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Township of Bernards

One Collyer Lane, Basking Ridge, New Jersey 07920

908-766-2510



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, Manager of Human Resources 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 Scott Spitzer
January 26, 2010



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 and independent contractors. In the event there is a conflict between these rules 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 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 Manager of Human Resources to assist the Township Administrator in implementing these personnel practices.

The Township has a "no tolerance" policy towards workplace wrongdoing. Township officials, employees, volunteers and independent contractors are to report anything perceived to be improper to their Supervisor, the Manager of Human Resources 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 Manager of Human Resources 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.

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.



RECEIPT FOR EMPLOYEE HANDBOOK

I acknowledge that I have received a copy of Bernards Township's Employee Handbook. 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 an alcohol and drug testing policy, which I will be subject to. I acknowledge that I have read and understand the Township's drug and alcohol testing policy and agree to it.

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

Date: _____

Signature: _____

Print Name: _____

Department: _____

EMPLOYEE RIGHTS AND OBLIGATIONS



EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT

Bernards Township is committed to the principle of equal employment opportunity. Under no circumstances will the Township discriminate on the basis of 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 or any other category protected by

federal, state or local law or regulation. Decisions regarding hiring, promotion, transfer, demotion, termination or any other term or condition of employment are based solely on the qualifications and performance of the employee or prospective employee. If any employee or prospective employee feels they have been treated unfairly, they have the right to address their concern with their Supervisor, or if they prefer, their Department Head, Township Administrator, or the Manager of Human Resources.

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



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, Manager of Human Resources 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.



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, 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, 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 Manager of Human Resources 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.

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 PUBLIC MEETINGS ACT PROCEDURE CONCERNING PERSONNEL MATTERS

Discussions by the governing body or any body of the Township concerning appointment, termination, terms and conditions of employment, performance evaluation, promotion or discipline of any current or prospective officer or employee shall be in closed session unless the individual requests in writing that the discussion be held in open session. Such request must be granted.

Prior to the discussion by the governing body or any body of the Township concerning such matters, the Manager of Human Resources 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 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. 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, 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, 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, or that creates an intimidating, hostile, or offensive working environment.

Applicability

Township officials, appointees, managers, supervisors, employees, volunteers and outside contractors alike must comply with this policy and take appropriate measures to insure 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 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.

Employees and non-employees who believe that they have been subject to harassment should report the incident directly to the Manager of Human Resources. The Manager of Human Resources will 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 uncomfortable reporting an incident to the Township's Manager of Human Resources should feel free to go to any management representative that he or she feels most comfortable to relay the problem, i.e., Department Head, 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 Manager of Human Resources immediately. The failure to make such a report may subject the employee to discipline.

It is recommended, but not required, that an individual who believes that he/she has been subjected to harassment from either a co-worker or a Supervisor should confront his/her harasser and make clear that such behavior is not welcome. Thereafter, the individual should immediately bring the matter to the attention of his/her immediate Supervisor or Department Head. If this is not practical, or if the employee does not feel comfortable with this avenue of redress, the employee may bring the complaint directly to the Manager of Human Resources or other Township representative as set forth above.

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 Manager of Human Resources 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 Manager of Human Resources shall designate an objective investigator to determine the validity of any complaint. The objective investigator may include the Manager of Human Resources 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.

Privacy

To the extent possible, all persons involved in a harassment complaint will be given the utmost protection of privacy. Specifically, the Township will strive, both during and after the investigation, to maintain confidentiality to the fullest extent possible, including confidentiality of the identities of all persons involved or alleged to be involved in the incident, revealing only those particulars of the matter to the extent necessary for a thorough investigation. Any employee who unnecessarily compromises the confidentiality of an investigation will be subject to appropriate discipline.

Responsibility of Supervisory Personnel

Supervisors are to monitor the work environment to ensure that all employees comply with the *Anti-Harassment Policy*. When a Supervisor learns of a violation of this policy, the Supervisor shall assist the victim in reporting the alleged incident(s) of harassment. Alternatively, the Supervisor shall report the matter to the Manager of Human Resources. Any Supervisor who receives a harassment complaint from any employee must bring it to the attention of the Manager of Human Resources 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 Manager of Human Resources.

Any employee with questions regarding the Township's *Anti-Harassment Policy* may contact the Manager of Human Resources.



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 Supervisor or superior, meet with the Manager of Human Resources 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 Manager of Human Resources, the employee may, with prior notice to the Manager of Human Resources, request in writing a meeting with the Township Administrator, or if appropriate, Health Officer, Library Director or Sewerage Authority Administrator 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 by their contract provisions.



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 Manager of Human Resources 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 is 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 Manager of Human Resources. 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 applicable provisions of the *Americans With Disabilities Act* ("ADA") and the *New Jersey Law Against Discrimination*. It is the Township's policy not to discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of such individual's disability, perceived disability or handicap so long as the employee can perform the essential functions of the job with or without accommodation. Consistent with this policy of nondiscrimination, the Township will provide reasonable accommodations to a qualified individual with a disability to allow them to perform their job. Accommodations will be made to employees who have made the Township aware of his or her disability or handicap, provided that such accommodation is reasonable and does not constitute an undue hardship on the Township.

Accommodations include modifications to facilities, equipment and work procedures, auxiliary aides, services and permanent reassignment to vacant positions. Employees who are reassigned to a different position shall receive the salary of their new position. Accommodations shall not be unduly expensive, extensive and disruptive or fundamentally alter the nature of the operation. The Act does not require the Township to offer permanent "light duty", relocate essential functions or provide personal use items such as eyeglasses, hearing aids, wheelchairs, etc. To be eligible for accommodations, individuals must (1) be able to perform the essential function of the position, (2) not create a real safety hazard to themselves, co-employees or the public, and (3) be otherwise qualified for the position in that they possess the prerequisites including education, experience, training, skills, licenses or certificates and other job-related requirements. All decisions with respect to accommodations shall be made by the Township Administrator, Township Committee, Board of Health, Library Board or Sewerage Authority, as appropriate.

Employees who believe they need a reasonable accommodation to perform the essential functions of their job should contact the Manager of Human Resources.

Procedure for Requesting an Accommodation

On receipt of an accommodation request, the Manager of Human Resources 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 Manager of Human Resources will make recommendations to the Township Administrator, Health Officer, Library Director or Sewerage Authority Administrator 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 Manager of Human Resources 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 Administrator. 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 Manager of Human Resources. 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. 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. Police personnel may also be subject to additional testing pursuant to *Attorney General Guidelines*.

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 Manager of Human Resources 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 Manager of Human Resources after consultation with the Township Administrator, Health Officer, Library Director or Sewerage Authority Administrator 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. 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.

Notification

Each employee and applicant will receive a printed copy of this policy and will be required to sign acknowledging receipt of same.

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. 13:2-1 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 ACTIONS PROCEDURE & 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.

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 Manager of Human Resources. Depending upon the gravity of the situation and the employee's past record one of the following actions 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 place in the employee's official personnel file, maintained by the Manager of Human Resources, a record of the verbal reprimand including the date, time and what was discussed with the employee.
2. **Written Reprimand:** A written reprimand should clearly identify the problem and outline a course of corrective action within a specific time frame. The employee should clearly understand both the corrective action and the consequence (i.e., termination) if the problem is not corrected or reoccurs. The employee should acknowledge receipt of the warning and may include additional comments. A copy of the written reprimand with a signed acknowledgement of receipt should be placed in the employee's official personnel file maintained by the Manager of Human Resources along with a record of the discussion and the employee's comments.
3. **Township Administrator Review:** Should the Manager of Human Resources consider the offense sufficiently serious to warrant consideration by the Township Administrator, or if appropriate, the Health Officer, Library Director or Sewerage Authority Administrator, the employee will be so advised and a meeting arranged with

the Township Administrator at the earliest possible date. All facts should be detailed at this meeting and, if possible, a determination will be made at that time of disciplinary action, if any.

4. **Suspension:** Whenever an employee is recommended for suspension, the Township Administrator or if appropriate, the Health Officer, Library Director or Sewerage Authority Administrator will make the decision.
5. **Dismissal:** Whenever an employee is recommended for dismissal, the Township Administrator or if appropriate, the Health Officer, Library Director or Sewerage Authority Administrator, will make the decision. 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; and
- Other sufficient cause.

Whenever an employee is recommended for suspension or dismissal, he/she may, within ten (10) days after receiving notice of said suspension or dismissal recommendation by the Township Administrator, or if appropriate, the Health Officer, Library Director or Sewerage Authority Administrator, request a hearing before the governing body, Board of Health, Library Board or Sewerage Authority. The appropriate body shall review such suspension at a hearing in the same manner as dismissal hearings and make its determination, which will be final. If the appropriate body finds such suspension or dismissal unwarranted, the employee shall be reinstated without any loss of privilege or benefits and receive any pay withheld.

The Police Department shall be governed by its own rules and regulations, and public works employees by their contract provision.



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/CFO. Each Department Head is responsible for compliance. When questions arise concerning any aspect of this policy, contact the Human Resource 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.



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 Manager of Human Resources 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 Manager of Human Resources.



POLITICAL ACTIVITY

It shall be 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 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 Manager of Human Resources. Violation of any provision of this section shall be deemed sufficient cause for suspension or dismissal from the Township service.



E-MAIL AND INTERNET CODE OF CONDUCT 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 computer 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.

Employees should be aware and understand that the use of personal e-mail accounts to

engage in Township business may result in those personal accounts being subject to the provisions of the Open Public Records Act (OPRA) 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.

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. 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 Information Technology Director or acting Supervisor. 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.

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 through the Information Technology Director or someone authorized to do so by the Information Technology Director.

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.

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



PERSONAL BLOGGING & SOCIAL NETWORKS POLICY

Bernards Township respects the right of employees to use blogs and network sites as a medium of self-expression and public conversation and does not discriminate against employees who use these mediums for personal interests and affiliations or other lawful purposes.

Bloggers are personally responsible for their commentary. Bloggers can be held personally liable for commentary that is considered defamatory, obscene, proprietary or libelous by any offended party, not just Bernards Township.

Employees cannot use Township-owned equipment including computers, Township licenses software or other electronic equipment nor facilities or Township time to conduct personal blogging.

Employees cannot use blogs to harass, threaten, discriminate or disparage against employees or anyone associated with or doing business with the Township.

While blogging, if an individual wishes to identify themselves as a Township employee, please understand that some readers may view the individual as a spokesperson for the Township. Because of this possibility, we ask that employees should state their views in their blog as being their own and not necessarily those of the Township, or of any person or organization affiliated or doing business with the Township. Failure to do so may result in discipline as a violation of this policy or a violation of other policies in this handbook.

Employees cannot post on personal blogs or social network sites the name or logo of the Township. Although the Township is a public entity, there are areas that are considered confidential and the dissemination of confidential information is prohibited. Consult with the Township Administrator/CFO or Human Resources Manager for guidance about what constitutes confidential information.

Employees cannot post on personal blogs or network sites photographs of employees engaged in Township business or at Township events. Employees cannot link from a personal blog or network site to the Township's web site.

If contacted by the media or press about your post that relates to Township business, employees are required to speak with the Township Administrator/CFO before responding.

If you have any questions relating to this policy or your personal blog or participation on a social network site, ask the Human Resource Manager.



EMPLOYMENT



RECRUITMENT PROCEDURES

Township Administrator or Township Administrator/CFO

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

Positions in Grade Level -12 - 17

In the event of a vacancy in a position classified by the Salary Ordinance in pay grades –12 - 17, the Township Administrator shall conduct or direct preliminary interviews with and investigations into candidates. The Township Administrator shall then recommend finalists that may be interviewed by the Township Committee for appointment.

All Other Positions

In the event of vacancy in all other positions, the Department Head shall notify the Manager of Human Resources by submitting a *Job Requisition Form*. All positions require Township Committee approval or as appropriate, Board of Health, Library Board or Sewerage Authority approval prior to posting. 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 at their discretion, may choose to interview applicants.

Seasonal/Temporary hiring of seasonal employees within budget constraints are considered operational and shall be handled by the Director of the appropriate department in conjunction with the Manager of HR.

Advertising for Open Positions

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, however, all job openings are posted internally on the Township bulletin boards and via e-mail to “Everyone”.

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 accepts a 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 then be sent to the candidate to confirm our offer and their acceptance of the position.

Medical Examination & 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 that 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 their designee.

If the background check is favorable, Human Resources will notify the hiring Supervisor that the candidate is approved to begin employment.

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

Initial Employment Period

Except where state requirements direct otherwise, all new 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 Manager of Human Resources 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 Township Administrator, Health Officer, Library Director or Sewerage Authority Administrator may extend the *Initial Employment Period*. 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 may be eligible for payment of accrued paid time off as well as holidays during the Initial Employment Period.

Oath of Allegiance

All new hires are required to sign an Oath of Allegiance, which will be administered by the Township Clerk.

Police Officer's Oath of Office

All Police Officers will be sworn in by the Township Clerk and are required to take Oaths of

Office.

Date of Employment

The date on which an employee is appointed by the Township Committee or as appropriate, the Board of Health, Library Board or Sewerage Authority, shall govern in determining vacation and such sick leave 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.



WORKFORCE REDUCTION POLICY

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



EMPLOYEE CATEGORIES & BENEFIT ELIGIBILITY

Employees are grouped into four (4) classifications:

1. Regular full time employees who work thirty-five or forty (35 or 40) hours 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 8:30am – 4:30pm) they are not entitled to holiday pay.
4. Temporary and seasonal employees are hired for specified projects or time frames and may work irregular schedules. A temporary or seasonal employee in a non-exempt position is paid by the hour while a temporary or seasonal employee in an exempt position is paid according to the terms of hire for that individual. Temporary and seasonal employees do not receive any additional compensation or benefits provided by the Township.

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 40-hour workweek and any additional hours needed

to fulfill the responsibilities of the position. The weekly salary 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.

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 at all times. 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 careful 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, maintaining a neat, well-groomed appearance at all times. Uniforms are required for certain jobs and are to be worn in accordance with applicable departmental standards. 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 an employee is unsure if something is appropriate to wear to work, they should check with their Supervisor. If an employee reports to work in inappropriate attire, they will be sent home to change their clothes.

Employees are provided with a photo identification card, which they must have on them 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 office of the Manager of Human Resources in a locked file. 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 both Employee Personnel Files and Employee Medical Files.

Accessibility

Only the Mayor, Township Committee, Township Administrator, Manager of Human Resources or Township Clerk may have access to any or all of the personnel files, and such access shall be limited to legitimate personnel-related purposes. The Manager of Human Resources, or in his/her absence the Township Clerk, shall be responsible for controlling such access.

The entire Township Committee shall be informed prior to any member accessing any such file. The Department Head may have access to only personnel files of employees within his/her department.

Any employee may, at a reasonable time and in the office of the Manager of Human Resources, examine his/her personnel file.

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;
- 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 using an *Employee Advice Form*. Each Department Head will furnish and continuously update information to the Manager of Human Resources for each employee in his/her department.

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.

Treasurer Maintains Payroll Records

Payroll records shall be maintained by the office of the Township Treasurer.



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 smoke anywhere in Township buildings.

Employees are permitted to smoke only outside Township buildings and such locations as not to allow the re-entry of smoke into building entrances. 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.



BULLETIN BOARD POLICY

The 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.



REQUESTS FOR EMPLOYMENT VERIFICATION AND REFERENCE

All inquiries regarding a current or former Township employee must be referred to the

Manager of Human Resources.

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

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 Manager of Human Resources.

In response to an outside request for information regarding a current or former Township employee, the Manager of Human Resources 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 close operations earlier than the normal working hours. If conditions exist prior to scheduled openings, the Township Administrator shall place a recorded message on the Township's main phone number – 908-204-4600 – as early in the morning as possible, but usually prior to 7:00AM – advising, 1) a delayed opening will apply, or 2) Township operations will close for the day.

Regular Full-Time and Regular Part-Time Employees

If Township operations remain open and the employee chooses not to report to work, a full vacation day, personal day or compensatory time off will be charged. Sick time will only be charged for a legitimate illness. If work is called off for the day, no personal_time will be charged for the day.

All employees on scheduled paid time off (vacations, floating holiday, etc.) will be recorded as on scheduled paid time off, i.e. vacation, floating holiday, compensating time off, personal time.

Hourly part-time employees will only be compensated for hours actually worked.

This provision does not apply to the Department of Public Works, Police, Sewerage Authority, Emergency Services or any personnel who may be required to assist in an emergency.

COMPENSATION & EMPLOYEE BENEFITS



COMPENSATION PROGRAMS

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

Pay Day

Depending on an employee's status they will be paid as follows:

- Regular employees are paid on a bi-weekly pay cycle and receive their pay every other Thursday via paycheck or direct deposit. This payment includes pay though the Friday after the pay date, therefore, the paycheck includes payment for one week of time not entered into EDMUNDS.
- Part-time employees are paid on a bi-weekly pay cycle, with the exception of Crossing Guards who are paid monthly. The paycheck 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 or the Finance Department.

Management and Non-Supervisory Employees

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 employment 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.

Subsequent adjustments to the salaries or wages of each official, officer and employee of the Township shall be administered by the Manager of Human Resources, in consultation with the Township Administrator, Health Officer, Library Director or Sewerage Authority Administrator. Such 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; 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.

Please contact Human Resources to obtain a copy of the Township's *Pay for Performance Program*.



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 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 Manager of Human Resources, 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 are asked to 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 employees 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.

Schedule for Reviews

In addition to day-to-day feedback to the employee, a performance evaluation is conducted for all regular employees each December. Depending on the employee's length of service and previous evaluations, two evaluations per year may be provided, a mid-year review performed in July and a year-end review performed in December.

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 Manager of Human Resources 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 Administrator regarding the evaluation of his/her performance.

Evaluations During The Initial Employment Period

During the Initial Employment Period the Supervisor will prepare evaluations of the employee every four, six or eight weeks, depending on the length of the "initial work period". Except where state requirements direct otherwise, all new 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 Manager of Human Resources 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 Township Administrator may extend the initial employment period. 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 not eligible for payment of paid time off except holidays until the successful completion of their initial employment period.



TIME RECORDS

Each Department Head will maintain accurate and complete time and attendance records. The person in charge of the office, unit or activity will certify as to the accuracy of the time report or record, 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 or sign in or out for other employees. Each employee is responsible only for his/her own record keeping. Violations of this policy may result in appropriate disciplinary action, up to and including immediate dismissal.

The Township has many different departments that are working various schedules. Lunch breaks 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 not required to sign in or out; however, the employee must record all exceptions on their attendance record, i.e. business trips, vacation, sick, personal days, holidays.



OVERTIME PAY AND COMPENSATORY TIME OFF POLICY

Depending on Township work needs, employees may be required to work overtime. Prior approval of 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 8:30AM to 5:00PM, 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 weekly salary established for such employees by the salary resolution or ordinance shall be their total compensation for all the time worked. Hours worked over 40 hours per week hold no cash value. Time off 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 Administrator. Such accumulation of time off holds no cash value.

Non-Exempt Employees

Non-exempt employees are eligible for additional pay for work performed beyond 40 weekly hours. 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 may be accumulated up to a maximum of 60 hours. Thereafter, all overtime must be taken as pay.

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 and holiday time are considered time worked. Sick time, personal time and compensating time off taken are not considered time worked for overtime purposes.

For non-exempt employees working less than a regular 40-hour workweek, time worked up to 40 in a week will be at the straight time rate. Only time worked over 40 will be paid at the time and one-half rate.

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. This should be in written form for each pay period, either utilizing a pre-set departmental procedure or the standard form provided by Human Resources. Employees working overtime without approval will be subject to disciplinary action.

Working on Sundays and Holidays

Non-exempt employees shall be compensated at a rate of two (2) times their normal hourly rate for all work on Sundays and Township designated holidays.

Computing Overtime

In computing overtime compensation, the nearest one-half (1/2) hour shall be the smallest fraction of an hour to be reported per day.

Charging Compensatory Time -Off

Employees taking compensatory time off must take it in minimum of one half (1/2) hour increments.

Emergency Call -Outs

Non-exempt employees, unless on regular stand-by duty, shall receive a minimum of four (4) hours overtime 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. Exempt employees called-in in 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 compensating 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 compensating 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. At time of termination, an employee's accrued compensatory time will be paid out as a cash payment.

Exchange of Hours

Employees may continue the practice of exchanging or making 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 a workweek in excess of 40 results in overtime. Employees may only exchange/make-up

hours in the same workweek.

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 into the EDMUNDS timekeeping system by updating a batch.
3. The *EDMUNDS Time Code Cheat Sheet* indicates the necessary coding to be used when entering time into the system.
4. Certain departments have employees that 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.



VOLUNTEERING FOR EMT AND/OR FIRE COMPANY SERVICE

Bernards Township depends on volunteers for the all important EMT Rescue Squads and Fire Companies. If an 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 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.

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.

EMPLOYEE BENEFITS – Paid and Unpaid Time Off



HOLIDAYS

The Township provides regular full-time and 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.

Part-time employees working over 20 hours per week are eligible for holiday pay on a

prorated basis. Part-time employees working less than 20 hours per week are eligible for holiday pay when the holiday falls on the employee's regularly scheduled workday. Part-time employees working less than 20 hours a week who are on a flexible work schedule do not receive holiday pay.

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

- New Year's Day
- Martin Luther King
- 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 his regularly scheduled workday before the holiday and his regularly scheduled workday after the holiday, unless the employee is on an excused 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 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. 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. If part-time, vacation leave will be prorated according to time worked. Employees working less than 20 hours per week, temporary or seasonal are not entitled to the vacation time benefit.

Length of Continuous Service

Vacation Granted

- First Calendar Year of Employment 1 day for each full month of service to a maximum of 10 days
- In Subsequent Calendar Years
- Less than 3 years 10 days
- 3 years but less than 5 years 13 days
- 5 years but less than 10 years 15 days
- 10 years but less than 15 years 18 days
- 15 years but less than 20 years 20 days
- 20 years or more 1 day per year over the 20-year period (limit of 5 days)

§ 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.

§ Employees requesting vacation pay in advance of a vacation period must submit their vacation schedules to the Finance Office two (2) weeks before the vacation period.

§ 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. However, if an employee is unable to use all of his or her vacation days, then the unused vacation may be carried over to the following year. An employee may carry over an amount not to exceed the previous year's vacation entitlement to the next year. 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 previously 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

Regular full-time employees and regular part-time employees who work 20 or more hours per week are eligible for paid time off due to illness.

In the first year of employment an employee shall earn one (1) day of sick leave for each full month of employment.

Each employee will have twelve (12) days (96 hours or 84 hours based on an 8 or 7 hour

day or prorated hours for part-time employees working 20+ hours/week) available in each year. Any sick time not used will be added to the sick time available for the following year. The total amount that can be accumulated is unlimited. Upon retirement from the Township, as defined under the *Public Employee's Retirement System* or the *Police and Fire Retirement System*, employees are eligible for a cash payment for accumulated sick leave as set forth under the section entitled **Incentive Payment on Retirement**. 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 three (3) consecutive dates of sick leave, or a continuous pattern of sick leave, the Department Head 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, 21 hours, or prorated for part-time employees who work 20+ hours/week) of personal time each calendar 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 will be added to the *Incentive Payment on Retirement* accumulation at the end of each year. Refer to the section on **Retirement** for details of this program. If needed, unused personal leave added to the incentive bonus accumulation can be used as sick days if all the sick leave has been exhausted.

Other than as part of the *Incentive Payment on Retirement* program, 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, a leave of absence of up to three (3) days (24 or 21 hours based on 8 or 7 hour workday) with pay will be granted to regular full-time employees of the Township. These three days are to be taken consecutively within a reasonable time of the day of the death or day of the funeral, and may not be split or postponed.

The term "immediate family" shall include only the spouse, or civil union partner, child, parent, stepparent, brother, stepbrother, sister, stepsister, 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 employee, who loses time from his job because of jury duty, shall be paid his regular pay. Part-time employees are not eligible for salary continuation during jury duty leave. Part-time employees will be given time off without pay while serving jury duty.

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

Jury duty pay will be calculated based on the base pay rate times the number of hours the employee otherwise would have worked on the days absent (up to a maximum of eight hours per day). The employee shall turn over to the Township any compensation received from jury duty.

An employee, released from jury duty on any day more than two hours prior to the end of his normal work schedule, shall be required to report by telephone to his Department Head. Normally, he will be expected 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 his/her 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 first thirty (30) workdays of the leave shall be with full pay except that a member of the New Jersey National Guard shall receive full pay for the first ninety (90) days. Thereafter, the employee shall be paid the difference between military salary and the employee's regular salary by the Township upon proper evidence of military service and of compensation received. The paid leave will not be counted against any available time off including, but not limited to, vacation, sick or personal time. A full-time temporary employee who has served less than one year shall not be entitled to paid leave but shall be granted non-paid military leave without loss of time.

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

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



THE NATIONAL DEFENSE AUTHORIZATION ACT OF 2008

On January 28, 2008, President Bush signed into law the National Defense Authorization Act for 2008. This Act amends the Family and Medical Leave Act of 1993 (FMLA) to permit a "spouse, son, daughter, parent, or next of kin" to take up to 26 workweeks of leave during a 12 month period, to care for a "member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness." The National Defense Authorization Act of 2010 also makes changes to the military servicemember caregiver leave provisions of the Family Medical Leave Act. The new legislation entitles employees to take up to 26 weeks of FMLA leave to care for a family member who is a servicemember or veteran who is undergoing medical

treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

The NDAA also permits an employee to take up to 12 weeks of leave during a 12 month period, for "any qualifying exigency arising out of a spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation."

The National Defense Authorization Act for 2010 (HR 2647) expands an employee's right to family military leave for an "exigency" associated with a family member's call to service in a foreign country. Under the new law, employees with a family member who is either in a regular component of the Armed Forces or a reserve component of the Armed Forces will be entitled to "exigency leave." For further details, or to confirm the availability of this leave, see the Manager of Human Resources regarding Military Leave under the National Defense Authorization Act.



LEAVE UNDER THE FAMILY AND MEDICAL LEAVE ACT (FMLA)

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 illness of a spouse, parent, parent-in-law, or minor or disabled child; or the employee's own serious illness or injury which makes him or her unable to perform the 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. Employees should contact the Manager of Human Resources when a question regarding leave arises. In addition, employees may be granted additional leave in 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 Manager of Human Resources at the time of notice to the Township. The Manager of Human Resources the Township Administrator, Health Officer, Library Director or Sewerage Authority Administrator 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

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 Holiday's, personal days and vacation days. The remainder of the leave will be unpaid. (Updated on 7/25/2006 per resolution No. 060370)

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 Manager of Human Resources 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 Manager of Human Resources.

Continuation of Health Insurance

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. Employees, at the sole discretion of the Township or as required by law, may be granted additional leave without continuation of health care coverage.

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 Manager of Human Resources 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 that 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.

Employees should contact the Human Resources office for further information about entitlement to leave and the required procedures.



New Jersey Paid Family Leave Insurance

New Jersey has become the second state in the nation to mandate a broad paid family leave insurance program for employees. The law applies to nearly all private and public employers and may be used by an employee 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 provides for six (6) weeks of "family temporary disability leave" and is similar to Temporary Disability (short term disability) in that it is an insurance program that provides some income protection as opposed to 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 what the employee is eligible for. Please note that the State of NJ determines if the employee is eligible to collect the NJPFL, however, the Township provides approval for NJ Family Leave (NJFLA) and Family and Medical Leave (FMLA).

The NJ Paid Family Leave (NJPFL) is funded by employee contributions. Beginning January 1, 2009 employers are 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 and Temporary Disability Insurance.

Commencement of benefits begins on July 1, 2009. 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 new NJ Paid Family Leave insurance program provides for 2/3 of the employee's weekly wages capped at \$546.00 per week in 2009.

Employees are eligible for benefits under the new law if they:

- ✓ Worked at least 20 weeks in covered employment; or
- ✓ Earned at least 1,000 times the applicable minimum wage (presently \$7,150) 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) remains the same. Please submit your request in writing to your 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 24 weeks consecutively. Thus, unpaid maternity, paternity or adoption leave to care for the child may be granted for up to a total of 24 weeks consecutively.

As part of the twelve-week leave extension, an employee must first exhaust all accrued paid time off prior to taking leave without pay. Employees may use accrued Floating Holidays personal days and vacation days, or if applicable, comp time. Sick days cannot be used because the leave is not resulting from the employee's own serious health condition.

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.



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 *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 Township Administrator or as appropriate, Health Officer, Library Director or Sewerage Authority Administrator, 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.

Continuing Health Benefit Plan Coverage

While on a personal unpaid leave of absence 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 date of January 1.

Vacation and Personal Time

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 an 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 an 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.

EMPLOYEE Benefits – Insurance and Other

Benefits



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.

Please understand that 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. Employee's 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.

Please note that 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.

As in the past, 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 and interpret 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 were 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 shall provide 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 employee's 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 go in-network or out-of-network at any point in time. The HMO generally requires participants to utilize only in-network providers.

Employees are provided with information packets on the *State Health Benefit Program* during their new hire orientation. It is the employee's responsibility to complete their enrollment form and return it to the Benefits Administrator within the first week of their employment. If the Benefits Administrator 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. At the end of each plan year, during open enrollment, employees are free to change their medical elections for the following calendar year.

The base plan is the 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.

Effective July 1, 2010, eligible members will be required to contribute to the cost of medical benefits as per the following schedule:

<u>Plan</u>	<u>Annual Contribution</u>
Single	\$300.00
Parent/Child	\$420.00
Member/Spouse	\$660.00
Family	\$780.00

Beginning July 1, 2010, future premium increases for eligible employee contributions shall be determined by the annual benefit increase cost. These premium increases shall be effective on July 1st of each year. Payment shall be deducted from salary on a pro-rated basis for a period of 24 pays for the current year contributions and shall be on a pre-tax basis as run through the Township's section 125 Cafeteria Plan.

Employees of the Bernards Township Sewerage Authority also participate in the State Health Benefit Program however, the Sewerage Authority shall provide coverage in the NJDIRECT15, or HMO's at no cost to the employee.

Opt Out Provision - Medical and Dental

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 exchange for such nonparticipation, the employee shall be entitled to receive a cash disbursement as determined by the Township Administrator and Manager of Human

Resources that shall be distributed in 24 equal pay periods or a lump sum in December.

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 as determined by the Township Administrator and Manager of Human Resources that shall be distributed in 24 equal pay periods or a lump sum in December.

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 "events" that would allow the employee to re-enroll without waiting for the open enrollment period, per the contract with the medical benefits 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. The employee may cover their family with a payroll deduction authorization. These deductions will be on a pre-tax basis as run through the Township's 125 Cafeteria Plan.

The Township currently offers two plans – the Premier and the Preferred – both through Delta Dental of New Jersey. Employees are provided with information packets on both programs during their new hire orientation. It is the employee's responsibility to complete the enrollment form and return it to the Benefits Administrator within the first week of their employment. If the Benefits Administrator 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 in family coverage, the participation must continue through the plan year. At the end of each plan year, during open enrollment, employees may change their dental elections and family participation for the following plan year.

Vision Coverage

The Township shall pay the costs for full-time regular employees for vision coverage up to a maximum of \$200 every 24 months. This payment is provided in a voucher reimbursement basis for vision care expenses incurred for eye exam, prescription lenses and frames. Complete the voucher, attach the receipt(s) and submit it to the Benefits Administrator in Human Resources.



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. Eligible employees are automatically enrolled as of the first day of the calendar month following their date of hire. Eligible employees will receive a benefits

booklet describing the plan within a month of their new hire orientation.

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



AFLAC PROGRAMS

The Township has contracted with AFLAC to provide the following programs to assist employees in providing coverage options for them and their families.

Insurance Programs

AFLAC offers various insurance programs including coverage for short-term disability, accident policies, cancer care policies, etc.

Flexible Spending Account

Also provided to full-time employees is an employee-funded Flexible Spending Account.

Just before the beginning of the calendar year, plan participants may elect an annual amount of flexible dollars to a maximum of \$2,000 (which will be deducted pro rata on a pre-tax basis from each paycheck) 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, and out-of-pocket costs for vision care, etc. The plan also provides for childcare expenses up to a maximum of \$5,000.00 (which will be deducted pro rata on a pre-tax basis from each paycheck) to pay for eligible childcare expenses. Please review the plan for specific details for what is considered allowable expenses under this program.

If eligible expenses that are incurred during the calendar year are less than the elected annual amount of flex dollars for that year, the balance must be forfeited, per IRS regulations.

Please see the Benefits Administrator or the Plan Representative for detailed plan information on the above programs.



RETIREMENT PLAN & GROUP LIFE INSURANCE

All regular Township employees shall be enrolled in the *New Jersey Public Employees Retirement System*, *Defined Contribution Retirement Program* or the *New Jersey Police & Fire Retirement System* in accordance with the salary requirements for enrollment by membership tier. Contact the Township Supervisor of Treasury Services for information on exceptions to these requirements. Group life insurance is offered as part of PERS, DCRP, and PFRS.

Membership in PERS or DCRP is determined by position or professional license. 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:

Certified Health Officer	Tax Assessor
Tax Collector	Municipal Planner
Chief Financial Officer	Registered Municipal Clerk
Construction Code Official	Licensed Uniform Subcode Inspector
Qualified Purchasing Agent	Certified Public Works Manager

The following positions are deemed to be eligible for and shall participate in the Defined Contribution Retirement Program (DCRP):

Township Administrator	Manager of Human Resources
Director of IT	Director of Parks & Recreation
Supervisor of Treasury Services	Township Treasurer
Municipal Judge	Township Engineer
Sewerage Authority Plant Superintendent	Director of Library
	Manager of Community Service
Members of the Governing Body	

The above named positions that are otherwise required to join DCRP are excused from membership if:

- They are a PERS member prior to 7/1/2007 and continuously thereafter. Continuously means that a period of no more than two years has elapsed from the time the individual left employment in a PERS position to the time the person was reemployed;
- They are eligible for membership or enrolled in another pension program;
- They are retired and receiving a benefit from another state pension plan;
- They are otherwise ineligible to join PERS;
- The salary of the position is less than \$1500/year.

Membership in the DCRP shall be effective July 1, 2007 based on the criteria above.

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 for by the plan.

Full details on either of these retirement plans may be obtained from the Township Supervisor of Treasury Services.



457 DEFERRED COMPENSATION PLAN

The Township offers a voluntary pre-tax deferred compensation plan for all regular

employees, by authorized payroll deduction. The plan provides the employee with the ability to supplement retirement income and provides additional disability and life insurance coverage.

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

The Township will provide exempt employees with a match of up to 5% for those employees participating in the program. This 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 Township Supervisory of Treasury Services or the Plan Representative.



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 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 is a serious matter as it 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. 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.

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 call-in 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 employees based on job-related requirements. Financial assistance is contingent on the availability of funds in the approved Township budget.

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.

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 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. Payment to part-time employees will be determined by the Department Head and the Manager of Human Resources 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 Manager of Human Resources 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 Manager of Human Resources 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 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 a degree program that is related to an employee's current position.
- b. 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.

Approval or disapproval of an application for financial assistance for education will be given by both the Department Head and the Manager of Human Resources.

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 Manager of Human Resources. 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.

Since the Township reimburses 100% of an employee's educational expenses, degree completion stipends or bonuses are not available.

EMT Certification Training

Full-time employees shall be entitled to receive financial assistance for initial training courses for obtaining certification as an Emergency Medical Technician, as well as courses required as part of a continuing education or re-certification program. The following conditions must be met:

- a. There is sufficient evidence to show that the employee is capable of handling the desired training in the normal time allotted for such course.
- b. The course is offered by an approved institution of learning.

- c. The Township will pay a full-time employee's regular pay while attending classes during working hours to a maximum of 25 days. Any course requiring additional days must be approved by the Township Administrator.

Prior to enrollment, the Department Head and the Manager of Human Resources must approve each request for training. Upon completion of an approved course and receipt of EMT Certification, the employee shall:

- a. Be placed in rotation for call-outs during their regular workday.
- b. Submit a copy of the course certificate to their Department Head and 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**.



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. 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. Township owned vehicles shall not be used for personal business except that business incidental to Township business, nor 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.
3. 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 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 discretion, may direct key personnel to use a Township vehicle in order to ensure attendance during emergency situations.

4. 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.
5. Any driver who has multiple moving violations may be denied use of Township vehicles.
6. If a violation incurred while driving a Township owned vehicle is deemed to be the fault of the driver and the violation results in a ticket, fine, surcharge, etc. these expenditures shall be the responsibility of the driver.
7. Township accident reporting procedures as explained in the "*Accidents & Emergencies on the Job – Workers' Compensation Benefits*" shall be followed in case of accident. A Safety Committee will review all accidents and issue a written report with recommendations regarding avoidability and chargeability of responsibility for the 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 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.



DRIVER'S LICENSE POLICY

Any employee who's work requires that the operation of Bernards Township vehicles must hold a valid Driver's License.

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

Periodic checks of employee's drivers' licenses through visual and formal Department of Motor Vehicles review checks shall be made by Department Heads or 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 which 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 that fails to report such an instance is subject to disciplinary action, including demotion or termination. An employee who fails to immediately report such revocation or suspension to their Supervisor and continues to operate a Bernards Township vehicle shall be subject to possible 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 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. 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 will be reimbursed by the Township on a per diem basis, not to exceed \$40 per day. Meal functions that are part of the conference ticket (e.g. breakfast meeting, luncheon meeting, or banquet) 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 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, 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 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.

7. An advance of 75% of the estimated costs, including meal and miscellaneous expenses, may be provided upon written request submitted one week in advance of the Township Committee meeting previous to the departure date, so a resolution authorizing the advance can be adopted in accordance with law.

LEAVING BERNARDS TOWNSHIP



RESIGNATION

An employee who intends to resign must notify the Department Head in writing at least two weeks in advance. After giving notice of resignation, employees are expected to assist their Supervisor and co-employees by providing information concerning their current projects and help in the training of a replacement. During the last two weeks, the employee may not use paid time off except paid holidays.

The Department Head will prepare an *Employee Advice Form*, attach the employee's letter of resignation, and forward it to Human Resources. The Office of Human Resources will complete the *Employee Advice Form*, adding information on any pay or other money owed the employee. The *Employee Advice Form* will be reviewed and approved by the Township Administrator and forwarded to Finance for processing of any outstanding wages owed. Any additional monies owed, i.e., vacation, comp time, 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.

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

On the last day of work, and prior to receiving the final paycheck, the employee must return their *Employee Identification Card* and all Township property, i.e. keys, uniforms, equipment, etc. At this time, the employee will sign the termination memo designating all money owed and this memo will be retained in the official personnel file.



RETIREMENT PLAN

Under State law, employees must enroll in the *New Jersey Public Retirement System* or the *Police and Fire Fighters Retirement System* 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.

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.

The Department Head will prepare an *Employee Advice Form*, attach the employee's letter of retirement, and forward it to Human Resources. The Office of Human Resources will complete the *Employee Advice Form*, adding information on any pay or other money owed the employee. The *Employee Advice Form* must be reviewed and approved by the Township Administrator, or as appropriate, Health Officer, Library Director or Sewerage Authority Administrator and if in order, forwarded to Finance for processing of any outstanding wages owed. Any additional monies owed, i.e., vacation, comp time, retirement incentive, 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.

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

On the last day of work, and prior to receiving the final paycheck, the employee must return their *Employee Identification Card*, all keys and equipment. At this time, the employee will sign the termination memo designating all money owed and this memo will be retained in the official personnel file.

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



INCENTIVE PAYMENT ON RETIREMENT

Employees hired prior to December 31, 2006 will receive a cash payment based on the criteria below.

Employees hired after December 31, 2006 must meet the same criteria as stated below, however, the total cash payout shall not exceed \$15,000. Upon retirement as defined above, 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 leave that has been added to the incentive bonus accumulation.

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.

Incentive Bonus

Employees hired prior to January 1, 1987 and who qualify for the *Incentive Payment on Retirement* as outlined above, will be paid upon retirement, in addition to said incentive payment, for the following incentive bonus:

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 incentive bonus accumulation.

Examples of how this benefit is calculated follows:

Example 1: **Bob** was employed the same number of hours each day his entire career. He was hired by the Township in January 1968. For the purpose of calculating incentive payment on retirement, Bob worked a total of five years from January 1987 until his retirement in December 1991. He had the good fortune of having only one five-day illness during that time. He earned 60 days of sick leave.

Bob's Calculation:

Days earned	60
Eligible for payment	60 days divided by 50% = 30 days
Sick leave taken	5 days
Bob's days paid upon retirement	25 days

Example 2: **Denise** works three years at eight hours per day. Denise is then transferred to a position working seven hours per day for two years until retirement. Denise has two sick days in the second year and one sick day in the fifth year.

Denise's Calculation:

Time Earned (days/equivalent hours)	Time Used (days/equivalent hours)
Year 1 12 days/96 hours	0 days/0 hours
Year 2 12 days/96 hours	2 days/16 hours
Year 3 12 days/96 hours	0 days/0 hours
Switch from eight-hour days to seven-hour days	
Year 4 12 days/84 hours	0 days/0 hours
Year 5 12 days/84 hours	1 day/7 hours
60 days/456 hours	3 days/23 hours
Hours earned	456 hours
Eligible for payment	456 hours divided by 50% = 228 hours

Sick leave taken	23 hours
Denise's hours paid upon retirement	205 hours



DISCIPLINARY ACTIONS PROCEDURE & TERMINATION

Information regarding termination due to cause is discussed under this heading on Page 10 in the ***Employee Rights and Obligations*** section.



DEATH OF AN EMPLOYEE

Death Benefit

In the event of the death of a regular full-time 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 the employee's designated beneficiary.

Incentive Payment

In the event of the death of an employee, all incentive payments under the *Incentive Payment on Retirement* to which the employee was entitled will be paid to the beneficiary named under P.E.R.S.



POST RESIGNATION/TERMINATION

When an employee submits his/her resignation it is expected that the employee will assist their Supervisor and co-workers in anyway that they can to provide them with as much information about their current projects and workload as they can. The employee will meet with the Manager of Human Resources for an *Exit Interview* and to receive information regarding pay, benefits, and pension programs and to return any items that belong to the Township.

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 also 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 notice.

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

Sick Time and Personal Time

At termination, other than as part of the incentive bonus program at retirement, 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 the Floating Holiday 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.



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.

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, including removal of the cell phone during work hours.

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. To protect the employee from incurring a tax liability for the personal use of this equipment, such phones are to be used for business reasons only.

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, the employee will be responsible for reimbursing the Township for the overage charge. The employee may provide reimbursement through authorizing a payroll deduction or via personal check. 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 may be asked to 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

Use of a cell phone, either personal or provided by Bernards Township 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.

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.

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 of 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 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 phone is prohibited, unless for business reasons.

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.



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.



INDEX TO REVISIONS

<u>Date Adopted</u>	<u>Resolution No.</u>	<u>Topic</u>
November 11, 2003	030379;	Employee Handbook Adoption Ordinance 1682
June 29, 2004	040263	Cell Phone Policy
April 11, 2006 Meetings	060212	Driver's License Policy; Open Public Act Procedure concerning personnel matters; Military Leave, Workforce Reduction Policy
July 25, 2006	060370	Use of Paid Time Off
October 24, 2006	060485	Return from Leave
October 24, 2006	060490	Resignation and Post Resignation/ Termination
November 22, 2006	060504	Retirement Plan
December 12, 2006	060530	Incentive Payment on Retirement
July 2, 2008	080309	Retirement Plan and Group Life Insurance
July 15, 2008	081318	Overtime Pay Compensation Time Off Policy
September 23, 2008	080400	Health Insurance Opt Out Provision
January 1, 2010		Ethics Policy Instant Messaging Personal Blogging & Networks Dental Opt Out Provision Medical Contributions