

BERNARDS TOWNSHIP



CHARTERED 1760

**HANDBOOK FOR
ELECTED OFFICIALS
APPOINTED OFFICIALS
& VOLUNTEERS**

**ADMINISTRATION OFFICE
ONE COLLYER LANE • BASKING RIDGE • NEW JERSEY • 07920**

AMENDED & ADOPTED: JANUARY 4, 2022



Township of Bernards

IMPORTANT DISCLAIMER

Bernards Township has prepared this Handbook to summarize many of the Township's policies, procedures and 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. This Handbook replaces any prior written and oral communications about the subjects contained in it.

Neither this Handbook, nor any Township policy, procedure nor communication shall create any right or guarantee status for any period. No representative of the Township may enter into any agreement or make any representations to 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.



INTRODUCTION

The public expects that its business will be conducted to the highest professional and ethical standards.

As a Township volunteer, elected or appointed official, you have certain obligations. Federal and State law as well as Township policies cover such important areas as discrimination, safety, violence, harassment and conflicts of interest.

All Township volunteers and elected and appointed officials have a right to a safe workplace free of discrimination, violence, illegal 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 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 policy, contact the Human Resources office or the Township Administrator for further information.

Neither this Handbook nor any other Township document confers any contractual right, either expressed or implied. The provisions of this Handbook may be amended and supplemented from time to time without notice and at the sole discretion of the Township Committee.

All individuals receiving this Handbook are required to sign an acknowledgement of receipt. A copy of this receipt will be maintained by the Municipal Clerk.

The Bernards Township Committee



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GENERAL POLICY

It is the policy of the Township to treat volunteers and elected and appointed officials in a manner consistent with all applicable laws and regulations. The policies and procedures set forth herein shall apply to all volunteers and elected and appointed officials.

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

The Township has a “no tolerance” policy towards workplace wrongdoing. Township employees, volunteers, contractors, vendors and elected and appointed officials are to report anything perceived to be improper to the Human Resources office or the Township Administrator. The Township believes strongly in an Open Door Policy and encourages individuals to talk with the Human Resources office or the Township Administrator concerning any problem.

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



SELECTION PROCEDURES FOR APPOINTED OFFICIALS AND VOLUNTEERS

The selection procedures for appointed officials and volunteers are established based on the individual board and volunteer requirements.

Position Specific Criminal, Sex Offender, Credit, Motor Vehicle Background Checks and Physicals

The Township reserves the right to require a criminal, sex offender, credit, fingerprinting and/or motor vehicle background check or physical as a condition of service dependent upon the specific position or role for which an individual is considered. Such pre-service screenings will be conducted after a conditional agreement of service is made, but before the individual begins service. A signed authorization from the candidate is required before a background check may be requested from an outside reporting agency.

Sex Offender checks are required of all candidates that may work directly with children/youth/minors. Those individuals over the age of 18 will have a Sex Offender check conducted by the Human Resources department or their designee.

If the background check is favorable, the appointing body will be notified that the individual is approved to begin service. The Human Resources Manager and/or the Chief of Police, as appropriate to the role for which the background check is made, shall be informed of any information that would disqualify a candidate from a position and/or working with

children/youth/minors. The outcome of the subsequent review will be communicated to the appointing body.

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 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 supervision.



BENEFIT ELIGIBILITY

Volunteers and Elected and Appointed Officials are not eligible for paid time off benefits. Volunteers are not eligible for Township benefit programs. Per the New Jersey Pensions and Benefits Handbook, any newly appointed or elected officer will be required to work a minimum of 35 hours per week to be considered “full-time” and eligible for coverage under the SHBP/SEHBP. Any employee or officer of a local employer who was enrolled on or before May 21, 2010, is eligible for continued coverage based on the minimum work hour requirements in place prior to May 21, 2010, provided there is no break in the employee’s/officer’s service or reduction in work hours.



OPEN DOOR POLICY

The Township encourages all volunteers and elected and appointed officials who feel they have been treated unfairly or contrary to the Township’s policies to discuss their concerns with the Human Resources office or Township Administrator. This includes concerns regarding harassment or discrimination. Please refer to the following policies – *Equal Employment Opportunity & Policy Against Harassment*.

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January 2004; updated January 2022



EQUAL EMPLOYMENT OPPORTUNITY

Bernards Township is committed to the principle of equal employment opportunity and anti-discrimination pursuant to Title VII of the 1964 Civil Rights Act as amended by the Equal Opportunity Act of 1972 and the New Jersey Law Against Discrimination (LAD) and all other applicable state or federal laws. Under no circumstances will Bernards Township discriminate on the basis of sex, race, creed, color, religion, national origin, ancestry, age, marital status, affectional or sexual orientation, pregnancy, domestic partnership status, civil union status, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), liability for service in the United States Armed Forces, gender identity or expression, and/or any other characteristic protected by state or federal law.

Accordingly, decisions regarding recruitment, selection, hiring, promotion, transfer, demotion, layoff, recall, termination, rates of pay and other forms of compensation, selection for training and special assignments are based solely on the qualifications and performance of the official/volunteer or prospective official/volunteer. All levels of management, through day-to-day actions, shall ensure the full integration of all officials/volunteers into the workforce in all occupations and at all levels regardless of the employee's sex, race, creed, color, religion, national origin, ancestry, age, marital status, affectional or sexual orientation, pregnancy, domestic partnership status, civil union status, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), liability for service in the United States Armed Forces, gender identity or expression, and/or any other characteristic protected by state or federal law.

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 free of bias, prejudice and harassment. The Township will not tolerate discrimination or harassment of or by Township officials/volunteers towards anyone, including any supervisor, co-worker, vendor or citizen.

Officials/volunteers and prospective officials/volunteers are encouraged to report any instance of alleged discrimination or harassment by members of the public, vendors, employees or other officials/volunteers of Bernards Township. If any official/volunteer or prospective official/volunteer feels they have been treated unfairly, they have the right to address their concern with the Human Resources Manager, Township Administrator, or any other supervisor with whom they feel comfortable, using the complaint procedure set forth in the Policy Against Harassment in this Handbook. All inquiries and reports of discrimination should be directed to the Human resources office or the Township Administrator.

Any officials/volunteers with questions or concerns about any type of discrimination or harassment in the workplace are encouraged to bring these issues to the attention of management through the complaint procedure set forth in the Policy Against Harassment in the Handbook.



POLICY AGAINST HARASSMENT

Bernards Township is committed to providing a work environment that is free of discrimination. The Township will not tolerate harassment of or by officials/volunteers towards anyone, including any supervisor, co-worker, or non-employee, including vendors and citizens.

APPLICABILITY

This policy applies to all people employed or appointed by Bernards Township, as well as volunteers working on behalf of the Township, and prohibits such conduct by or towards all such officials/volunteers. Independent contractors, vendors and all other parties, engaged in a professional business relationship with Bernards Township are also expected to abide by the policy. In addition, no official/volunteer shall be required to withstand behavior from the public which violates this policy.

PURPOSE

This policy is designed to ensure all officials/volunteers a work environment free of any type of discrimination based upon a protected status, including freedom from sexual harassment. The purpose of this policy is to inform officials/volunteers that harassment based upon a protected status is prohibited, to educate officials/volunteers about harassment based upon a protected status and to provide officials/volunteers with a procedure to bring complaints to management's attention.

PROVISIONS

All officials/volunteers are expected to avoid any behavior or conduct of a harassing or discriminatory nature. Bernards Township prohibits any form of harassment or discrimination related to an official's/volunteer's protected group status, including race, creed, color, national origin, ancestry, religion, age, marital status, civil union status, domestic partnership status, affectional or sexual orientation, familial status, genetic information, sex, gender identity or expression, disability (including perceived disability, physical, mental, and/or intellectual disabilities), atypical hereditary cellular or blood trait, or because of the liability for service in the Armed Forces of the United States, veteran status, citizenship status, or any other group status protected by law. Harassment includes but is not limited to:

1. Treating an individual less favorably based on a person's protected group status;
2. Using derogatory or demeaning slurs to refer to a person's protected group status;
3. Calling another by an unwanted nickname which refers to one or more protected group statuses,, or telling ethnic jokes that harass an official/volunteer or create a hostile work environment;
4. Using derogatory references regarding a protected group status in any job-related communication;
5. Engaging in threatening, intimidating, or hostile acts, in the workplace, based on protected group status;
6. Displaying or distributing material in the workplace that contains language or derogatory or demeaning images, based on any protected group status; or
7. Any unwelcomed conduct, whether verbal, physical, or visual, that is based on a person's protected status.

Any form of harassment or discrimination related to an official's/volunteer's protected group status violates this policy. The Township will not tolerate harassing conduct that affects tangible job benefits, that interferes unreasonably with an individual's work performance, that creates an intimidating, hostile, or offensive working environment or that is severe or pervasive enough

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to otherwise alter the terms and conditions of one's employment.

This policy applies to all employment practices such as recruitment, selection, hiring, training, promotion, transfer, assignment, layoff, return from layoff, termination, compensation, fringe benefits, working conditions and career development.

Violations of this policy will result in appropriate disciplinary action up to and including termination of employment.

SEXUAL HARASSMENT

Bernards Township prohibits sexual harassment of its officials/volunteers in any form. Sexual harassment of non-employees by a Township official/volunteer is also prohibited. Such conduct shall result in appropriate disciplinary action up to and including dismissal from employment.

1. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct, gestures or communications, expressed or implied, of a sexual nature when:
 - 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.
2. Prohibited Conduct: No supervisory official/volunteer shall threaten or insinuate either directly or indirectly, that an official/volunteer/employee's refusal to submit to sexual advances will adversely affect the official/volunteer/employee's continued employment, evaluation, compensation assignment, advancement, or any other condition of employment. Similarly, no supervisory official/volunteer shall promise or suggest either directly or indirectly, that an official/volunteer/employee's submission to sexual advances will result in any improvement in any term or condition of employment for the employee.

Other sexually harassing conduct in the workplace, whether committed by supervisory or non-supervisory personnel is also prohibited. This includes, but shall not be limited to:

- a. Sexual flirtations, advances, propositions, subtle pressure for sexual activity, flirtatious whistling, discussing sexual activities;
- b. Verbal abuse of a sexual nature including sexually oriented "kidding" or "teasing," "practical jokes," jokes about gender-specific traits, and foul or obscene language or gestures;
- c. The display of sexually graphic pictures or pictures of an offensive nature, or objects in the workplace, including sexually suggestive written material such as letters, notes, facsimiles, text messages and emails;
- d. Any unwelcome sexually motivated touching, including, for example, patting, pinching, hugging, cornering, blocking or impeding movement and repeated brushing against another official/volunteer/employee's body.

3. 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:
 - a. Submission to such conduct is made either explicitly or implicitly in exchange for a benefit;
 - b. Submission to or rejection of such conduct by an individual is used as the basis for a decision affecting the individual; or
 - c. Such conduct has the purpose or effect of unreasonably interfering with an individual's activities or creating an intimidating, hostile or offensive environment.

Sexual harassment also occurs when one person harasses another solely because of the victim's gender. This type of sexual harassment may involve unwelcome sexual demands or overtures, but it may also take the form of other harassing conduct not necessarily sexual in nature. For example, this would include gender stereotyping such as comments about the lesser abilities, capacities, or the "proper role" of females. It also includes subjecting a woman or a man to non-sexual harassment solely because of her or his gender. Sexual harassment is prohibited whether the harasser is male or female, and whether the harassment is opposite sex or same-sex harassment.

COMPLAINT PROCEDURE

Any official/volunteer who feels he or she has been subject to harassment should report the incident directly to the Human Resources Manager. The Human Resources Manager will ask the official/volunteer to complete a Harassment Complaint Form. Officials/volunteers, however, are not required to complete the complaint form to initiate a harassment complaint under this policy.

Alternatively, any official/volunteer who feels he or she has been subject to harassment should report the incident directly to the Township Administrator. The Township Administrator will ask the employee to complete a Harassment Complaint Form. Officials/volunteers, however, are not required to complete the complaint form to initiate a harassment complaint under this policy. The official/volunteer should specify the name of the alleged harasser and any and all witnesses to such alleged harassment. Under no circumstances shall an official/volunteer be required to make a report of harassment to the person he/she is accusing of harassment. The names and telephone numbers of the Human Resource Manager and the Township Administrator can be found at the end of this policy.

Any individual uncomfortable reporting an incident to the Human Resources Manager and/or Township Administrator should feel free to go to any management representative which he or she feels most comfortable to relay the problem. When any management representative learns of a violation of this policy, the management representative shall assist the victim in reporting the alleged incident(s) of harassment in a timely manner.

It is recommended but not required that all Bernards Township officials/volunteers should notify the alleged harasser that the behavior in question is thought to be offensive and unwelcome. However, failure to inform the alleged harasser that the behavior is unwelcome does not prevent the victim from filing a complaint pursuant to this policy. The harassment or discrimination does not have to occur on the Township's property during regular work hours for an employee to file a complaint under this policy.

Any official/volunteer who receives a complaint of harassment or of conduct which would violate this policy from a non-employee or official/volunteer or has knowledge of or witnesses harassment or conduct which would violate this policy, must report the matter to the Human Resources Manager or Township Administrator immediately. The failure to make such a report may subject the official/volunteer to discipline. The Township encourages the prompt reporting of complaints so that rapid response and appropriate action may be taken. Any complaint should be reported within sixty (60) days to be considered current. Nevertheless, due to the sensitive nature of these problems, all complaints will be investigated, regardless of when they are filed.

INVESTIGATION PROCEDURE

The Township shall conduct an investigation into the harassment complaint to determine the merits of the allegations. The Human Resources office shall designate an objective investigator to determine the validity of any complaint. The objective investigator may include the Human Resources office, or any third party deemed appropriate. The investigation shall be completed in a reasonable time to resolve the issue and minimize the effects of such investigation on the parties involved. The investigation will, at a minimum, include an interview with the official/volunteer 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, regulations and applicable due process safeguards. Upon completion of the investigation, the entire file shall be maintained in a secure location in the Township.

All officials/volunteers 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.

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

PRIVACY

To the extent possible, the investigation will be kept confidential. In every investigation, the Township has a strong desire to protect witnesses from harassment, intimidation and retaliation, to keep evidence from being destroyed, to ensure that testimony is not fabricated, and to prevent a cover-up. Specifically, Bernards 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 official/volunteer who unnecessarily compromises the confidentiality of an investigation will be subject to appropriate disciplinary action up to and including immediate termination.

RESPONSIBILITY OF SUPERVISORY PERSONNEL

Supervisors are to monitor the work environment to ensure that all employees comply with this Policy Against Harassment. When a Supervisor learns of a violation of these policies, the Supervisor shall assist the victim in reporting the alleged incident(s) of harassment. Alternatively, the Supervisor shall report the matter immediately to the Human Resources

Manager.

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. The filing of a complaint, in good faith, shall not, under any circumstances provide cause for discipline.

Any Supervisor who received a harassment complaint from any official/volunteer must bring it to the attention of the Human Resources Manager and/or Township Administrator for resolution. Supervisors shall closely monitor the work environment for any forms of retaliation once an allegation has been made. This will include, but not be limited to, verbal remarks, irregular assignments or any other activity that may contribute to a hostile work environment.

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

LEGAL EFFECT

This Policy Against Harassment is to be construed as a unilateral expression of the policy of the Township concerning harassment in the workplace. It is not intended to create any contractual rights or duties and any such intention or effect is hereby disclaimed. This policy may be amended, supplemented, modified and/or revised at any time. Any official/volunteer with questions regarding the Township's Policy Against Harassment should contact the Human Resources Manager and/or the Township Administrator.

TRAINING

Bernards Township recognizes the need to reinforce its policies with effective training. Training will be provided to all officials/volunteers. Ultimately, the goal of effective training is to build a culture in which all officials, volunteers and employees feel safe. Training may be conducted in person or through electronic means. To the extent economically and operationally feasible, training will be conducted live whenever possible. Training should empower participants to intervene appropriately when they witness harassment or discrimination. This means not only training participants on the requirements of the policy prohibiting harassment and discrimination, but also training participants on tools for response and lodging complaints. Training should emphasize the negative impact of harassment and discrimination on officials, volunteers and employees, workplace productivity, workplace culture, and encouraging those officials/volunteers who either experience harassment/discrimination or witness it to report it.

MONITOR FOR COMPLIANCE

Bernards Township acknowledges the importance of ensuring that our policies and procedures are actually working as intended to prevent sexual harassment and other forms of discrimination from occurring in the workplace. It is the expectation of the Township that all supervisors shall enforce anti-harassment policies and that setting the proper example is part of their job description and part of the evaluation of their job performance. The Township will engage in proactive efforts to monitor and ensure compliance with its policies within their workplaces.

CONTACT INFORMATION:

Pat Monaco – Township Administrator – (908) 204.3098

Emily Kesselmeier – Human Resources Manager – (908) 204.3064



RLUIPA COMPLAINT POLICY

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

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

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

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



POLICY PROHIBITING WORKPLACE VIOLENCE

Bernards Township has adopted this Zero Tolerance Policy for workplace violence because it recognizes that workplace violence is a growing problem nationally that needs to be addressed by all employers. Consistent with this policy, acts or threats of physical violence, including intimidation, harassment, and/or coercion which involve or affect the Township, its officials/volunteers/employees or which occur on the Township’s property will not be tolerated. 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 officials/volunteers/employees.

THREATS OR ACTS OF VIOLENCE DEFINED

“Threats or acts of violence” include conduct against persons or property that is sufficiently severe, offensive, or intimidating to alter the employment conditions with the Township, or to create a hostile, abusive, or intimidating work environment for one or more officials/volunteers/employees.

EXAMPLES OF WORKPLACE VIOLENCE

General examples of prohibited workplace violence include, but are not limited to, the following:

1. All threats or acts of violence occurring on Bernards Township property, regardless of the relationship between the Township and the parties involved in the incident.
2. All threats or acts of violence not occurring on Township property but involving someone who is acting in the capacity of a representative of Bernards Township.
3. All threats and acts of violence not occurring on Township property involving an official/volunteer/employee of Bernards Township if the threats or acts of violence affect the legitimate interest of the Township.
4. Any threats or acts resulting in the conviction of an official/volunteer/employee or agent of the Township, or of an individual performing services on the Township’s behalf on a

contract or temporary basis, under any criminal code provision relating to threats or acts of violence that adversely affect the legitimate interests and goals of Bernards Township.

SPECIFIC EXAMPLES OF PROHIBITED CONDUCT

Specific examples of conduct which may be considered “threats or acts of violence” prohibited under this policy include, but are not limited to:

1. Hitting, fighting, pushing, or shoving an individual or throwing objects;
2. Threatening to harm an individual or his/her family, friends, associates, or their property;
3. The intentional destruction or threat of destruction of property owned, operated, or controlled by the Township;
4. Making harassing or threatening telephone calls, letters or other forms of written or electronic communications;
5. Intimidating or attempting to coerce an official/volunteer/employee to do wrongful acts that would affect the business interests of the Township;
6. Harassing surveillance, also known as “stalking,” the willful, malicious and repeated following of another person and making a credible threat with intent to place the other person in reasonable fear of his or her safety;
7. Making a suggestion or otherwise intimating that an act to injure persons or property is “appropriate,” without regard to the location where such suggestion or intimation occurs;
8. Unauthorized possession or inappropriate use of firearms, weapons, or any other dangerous devices on Township property.
9. While employees of Bernards Township may be required as a condition of their work assignment to possess firearms, weapons or other dangerous devices, or permitted to carry them as authorized by law, employees are to use them only in accordance with departmental operating procedures and all applicable State and Federal laws.

APPLICATION OF PROHIBITION

The Township’s prohibition against threats and acts of violence applies to all persons involved in the Township’s operation, including but not limited to Bernards Township personnel, volunteers, contract and temporary workers, and anyone else on Township property. Violation of this policy by any individual on Township property, by any individual acting as a representative of Bernards Township while not on Township property, or any individual acting off of the Township property when his or her actions affect the public interest or the Township’s business interests will be followed by legal action, as appropriate. Violation by an official/volunteer/employee of any provision of this policy may lead to disciplinary action up to and including termination.

WARNING SIGNS, SYMPTOMS AND RISK FACTORS

The following are examples of warning signs, symptoms, and risk factors which MAY indicate an official/volunteer/employee’s potential for workplace violence:

1. Dropping hints about a knowledge of firearms;
2. Making intimidating statements like: “You know what happened at the Post Office,” “I’ll get even,” or “You haven’t heard the last from me”;
3. Possessing reading material with themes of violence, revenge and harassment;
4. Physical signs of hard breathing, reddening of complexion, menacing stare, loudness, fast profane speech;
5. Acting out either verbally or physically;

6. Disgruntled official/volunteer/employee or former official/volunteer/employee who is excessively bitter;
7. Being a loner;
8. Having a romantic obsession with a co-worker who does not share that interest;
9. History of interpersonal conflict;
10. Intense anger, lack of empathy;
11. Domestic problems, unstable/dysfunctional family;
12. Brooding, depressed strange behavior, "time bomb ready to go off."
13. Supervisors should be alerted to and aware of these indicators. If an official/volunteer/employee exhibits such behavior, the official/volunteer/employee should be monitored and such behavior should be documented.

PROCEDURES FOR DEALING WITH ACTS OF WORKPLACE VIOLENCE

When a violent act occurs in the workplace: If a violent act or altercation constitutes an emergency, call 9-1-1 or the local police department. In instances that are not emergency situations, contact the Human Resources Manager or Township Administrator. If possible, separate the parties involved in the violent altercation. If the parties cannot be separated, or if it would be too dangerous for the official/volunteer/employee to separate the parties, call 9-1-1 or the local police department, and contact the Human Resources Manager or Township Administrator. The Human Resources Manager or Township Administrator will take responsibility for coordinating a response to the incident.

In instances that involve criminal situations, the Human Resources Manager will contact the appropriate local police department for assessment, and if necessary, a criminal investigation.

OFFICIAL/VOLUNTEER REPORTING OBLIGATIONS AND PROCEDURE

Each official/volunteer and every person on Township property is encouraged to report incidents or threats or acts of physical violence of which he or she is aware. An official/volunteer/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 official/volunteer/employee in the capacity described above, should immediately contact the Human Resources Manager and his or her immediate Supervisor.

In cases where the reporting individual is not an official/volunteer/employee, the report should be made to the local police department. In cases where the reporting individual is an official/volunteer/employee, the report should be made to the employee's Department Head or the Human Resources Manager. Each Department Head shall promptly refer any such incident to the Human Resources Manager.

The Township will promptly and thoroughly investigate all reports of threats of (or actual) violence and/or suspicious individuals or activities. Any individual determined to be responsible for conduct in violation of this policy will be subjected to disciplinary action up to and including termination of employment, arrest and prosecution. Nothing in the policy alters any other reporting obligation established in the Township's policies or in state, federal or other applicable law.

CONFIDENTIALITY AND RETALIATION

This policy prohibits retaliation against any official/volunteer/employee who, in good faith, reports a violation of this policy. Every effort to the extent practicable will be made to protect the safety and identity of anyone who comes forward with concerns about a threat or act of violence. Officials/volunteers/employees shall refer any questions regarding his or her rights and obligations under the policy to the designated Human Resources Manager.



AMERICANS WITH DISABILITIES ACT POLICY STATEMENT

The Township is committed to complying with all applicable provisions of the *Americans With Disabilities Act* ("ADA") as amended by the Americans with Disabilities Amendment Act "ADAAA") and the *New Jersey Law Against Discrimination*.



ALCOHOL & DRUG FREE WORKPLACE

Bernards Township is committed to maintaining a safe, healthy and efficient working environment. Officials/volunteers/employees have the right to come to work without fear of interacting with someone under the influence of drugs or alcohol. 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.

As a condition of employment, all officials/volunteers/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.

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. Bernards Township's Designated Employer Representative (DER) is Tom Nicoletti (Superintendent of DPW). The Alternate DER is Emily Kesselmeier (Human Resources Manager).

To the extent this Policy supplements, and does not conflict with current collective bargaining agreements, it is applicable. However, to the extent this policy may conflict with a current collective bargaining agreement (CBA), the CBA shall prevail.

WHO IS TESTED?

All officials/volunteers/employees performing safety-sensitive functions, and all final applicants for positions where safety-sensitive functions are performed, and all other officials/volunteers/employees where reasonable suspicion exists. All DOT regulated employees are also subject to testing under this policy. Using the criteria below, the following positions have been classified by the Township as safety sensitive. This policy applies to all departments, all officials/volunteers/employees (including all contracted employees) and all job applicants. Elected officials who are not otherwise classified as employees are not subject to testing under this policy.

SAFETY-SENSITIVE EMPLOYEES

Safety-sensitive officials/volunteers/employees are those who discharge duties fraught with risks of injury to others that even a momentary lapse of concentration can have disastrous consequences. Safety-sensitive officials/volunteers/employees include the following positions:

1. All Department of Public Works employees
2. All sworn members of the Police Department
3. All crossing guards
4. All members of the Township's volunteer fire departments and first aid squads

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 officials/volunteers/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, 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 official/volunteer/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 official/volunteer/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 officials/volunteers/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.

REASONS FOR TESTING

Pre-employment: Drug testing will be performed on ALL final applicants for safety-sensitive positions, or who transfer into a safety-sensitive position, as a condition of their employment. All other 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.

Routine Fitness-for-Duty: Safety-sensitive volunteers/employees may be required to submit to a drug test as part of a routine Fitness-for-Duty examination and may be based on a particular job classification.

Reasonable Suspicion: All officials/volunteers/employees will be required to submit to a drug and/or alcohol test if the Township has a reasonable suspicion that an official/volunteer/employee is under the influence of drugs or alcohol, which adversely affect or could adversely affect the official/volunteer/employee's job performance. Officials/volunteers/employees selected for testing shall be suspended until a negative drug/alcohol screen or laboratory test result is received. If a negative result, the official/volunteer/employee will not suffer a loss of pay.

Post-Accident/Incident Testing: Testing of a safety-sensitive volunteer/employee may be conducted under any of the following circumstances: 1) the volunteer/employee involved in the incident/accident was actively engaged in the activity which objectively could have caused or contributed to the injury or damage; or 2) the volunteer/employee was operating, controlling, or repairing any machinery, tool, device, equipment or vehicle that was involved in the incident/accident; or 3) the volunteer/employee's action or inaction was likely a contributing factor to the incident/accident or cannot be completely discounted as a contributing factor based on current info; or 4) testing is being conducted as part of the Township's Post Incident/Accident Investigation related to possible Workers' Compensation Disqualification; or 5) testing is being conducted for other non-injured volunteers/employees whose actions, or inaction, could have contributed to the incident/accident as part of a root cause investigation; or 6) post-accident drug testing is required by the Workers' Compensation Carrier or Fund.

Random: Volunteers/employees in safety-sensitive positions are subject to random drug testing. Those subject to testing are randomly selected, using scientifically valid methods, from a "pool" of covered volunteers/employees. Non-DOT safety-sensitive volunteers/employees may be included in a non-DOT testing "pool." DOT regulated employees should only be placed in a DOT testing "pool."

Rehabilitation/Follow-up: An official/volunteer/employee who has voluntarily requested rehabilitation prior to a positive drug test may be subject to unannounced drug and/or alcohol testing under a work continuation agreement, to determine whether he or she is under the influence of alcohol or drugs after successful completion of the rehabilitation program. The testing will be without notice in conjunction with a referral for treatment.

OFFICIALS/VOLUNTEERS/EMPLOYEES WHO TEST POSITIVE

The Medical Review Officer will contact the official/volunteer/employee confidentially to give them an opportunity to discuss their results before reporting them to the Township as a verified positive. The official/volunteer/employee may discuss the result with the MRO up to seventy-two (72) hours after a positive result and ask questions of the MRO about prescription and non-prescription medications, rebut or explain the test results to the MRO, and provide supporting documentation. During this 72-hour period, any applicant or official/volunteer/employee may request that their split specimen be tested at a second laboratory and if positive, they will be responsible for that expense. Under federal regulations, the MRO has the discretionary authority to notify the Township that a volunteer/employee is temporarily medically disqualified from the performance of safety-sensitive work during this evaluation period and also has the duty to notify the Township if the volunteer/employee is taking an impairing effect medication.

A positive drug or alcohol test is classified as willful misconduct and a violation of Bernards Township Policy. Any official/volunteer/employee who tests positive, or refuses to be tested, may be subject to appropriate disciplinary action for engaging in willful misconduct connected with work, up to and including immediate termination, for gross misconduct connected with work, and violation of a safety rule for those employees working in a safety-sensitive position and/or forfeit eligibility for Worker's Compensation benefits *N.J. Stat. Ann. § 34:15-7* if post-accident and may adversely affect an employee's eligibility to receive Unemployment Compensation benefits. Any applicant who was given a conditional offer that tests positive, or refuses to be tested, will be denied employment or have their offer withdrawn.

FAILURE TO FOLLOW SAFETY GUIDELINES

Often times, impairment from drugs or alcohol will cause an official/volunteer/employee to fail to adhere to safety guidelines and other common sense safe working practices. Failure to wear a seatbelt, failure to use Township provided or required safety equipment, failure to follow safety guidelines, or removal (or disabling) of a safety guard will be willful misconduct connected with work, and subject the official/volunteer/employee to discipline, up to and including discharge for violation of Township policy.

AUTHORIZED USE OF PRESCRIBED MEDICATION

Any official/volunteer/employee is required, as a safety rule, to disclose that they are taking or using ANY impairing effect prescription, including medical marijuana, over-the-counter medications, mind altering synthetic or designer drugs or other substance which may have an effect on performance of safety-sensitive duties. This disclosure must be made to the Human Resources Manager prior to the official/volunteer/employee performing their job duties. This includes medical and recreational Marijuana, the use of which the Township, for safety reasons, will not be able to accommodate volunteers/employees working in safety-sensitive positions. However, for volunteers/employees who are qualifying medical marijuana cardholders may request a reasonable accommodation by contacting the DER and such request will be considered. If the fact that the volunteer/employee is taking or using an impairing effect medication or substance is not disclosed pre-duty by a volunteer/employee and the volunteer/employee tests positive, is otherwise determined to be taking or using such, or is determined by the MRO to be a potential safety risk due to taking or using an impairing effect medication or substance, that volunteer/employee will be subject to discipline, up to and including termination, for violation of this safety rule. If disclosure is made, the Township reserves the right to send the volunteer/employee for a Fitness-for-Duty evaluation to evaluate the medication or substance and its effects on the performance of their duties. In advance of testing, volunteers/employees are encouraged to have their own doctor make an individualized assessment of any safety-related risks of the medications or substances which they are taking or using, providing the doctor a copy of their job description and having the doctor render an opinion on the safety-related risks. The volunteer/employee need not disclose to the Township the medication or medical condition involved to fulfill the disclosure obligation of this Policy. A volunteer/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 volunteer/employee's job performance is not negatively impacted and/or cannot be reasonably accommodated. If justified by medical information and the volunteer/employee's work performance, the Township may restrict a volunteer/employee's work activity, place the volunteer/employee on a leave of absence, or take other appropriate action in compliance with law.

All information provided will be kept separate from personnel files and in a confidential manner. The MRO, or another Medical Professional selected by the Township, will make the final determination on the safety-related risks of any particular medication or substance.

ADULTERANTS

The use of an adulterant (something added to a specimen to attempt to hide drug use) is considered a refusal to test and a violation of this Policy. The same would be true if you attempted to substitute a specimen. Any official/volunteer/employee who is found to have violated this Policy by attempting to defraud a drug or alcohol test may be subject to appropriate disciplinary action, up to and including termination for willful misconduct connected with work, or withdrawal of a job offer. No last chance opportunity is available under such a circumstance. It is a criminal offense to substitute or adulterate a test specimen. It also is a criminal offense in New Jersey to manufacture, sell, give away, or possess any device or substance designed or commonly used to substitute or adulterate a test specimen. *N.J. Stat. Ann. § 2C:36-10*. The MRO may declare a urine specimen to be adulterated or substituted based on the laboratory report.

DRUG EDUCATIONAL INFORMATION

Added to the end of this policy you will find drug educational information to assist you in recognizing the impairing effects of drug use. Bernards Township will conduct education on substance abuse and awareness and supervisor training on how to recognize signs of abuse, how to document and collaborate signs of employee substance abuse, and how to refer substance abusing employees to the Employee Assistance Program.

REFUSAL

A refusal to provide a specimen for testing, unless the MRO agrees a medically valid reason exists for your inability, will be considered willful misconduct connected with work. Such willful misconduct connected with work will cause an applicant's offer to be withdrawn and will subject an official/volunteer/employee to immediate termination for cause. Under New Jersey law, unemployment compensation benefits may not be available in such a circumstance. Failure to report for specimen collection within a reasonable time, two (2) hours of being directed to do so is also classified as a refusal under the Township Policy.

VOLUNTARY IDENTIFICATION

The Township will assist officials/volunteers/employees who need support and help with alcohol or drug dependency with referrals to services. Officials/volunteers/employees who proactively seek treatment will be treated sympathetically and in a confidential manner. In certain cases, this may require a transfer to other duties (e.g., where a person is working in a safety critical role) while the individual is receiving treatment. Bernards Township will not take adverse action against an official/volunteer/employee making a voluntary admission of alcohol misuse or controlled substance use. The volunteer/employee will have the opportunity to return to safety-sensitive duties upon successful completion of an education or treatment program and passing of appropriate testing and follow-up testing.

However, the fact that an official/volunteer/employee is seeking or undergoing treatment will not be a defense to a charge of wilful misconduct if the official/volunteer/employee reports for their duties under the influence of alcohol or drugs. Our Policy encourages any official/volunteer/employee with a drug or alcohol problem to voluntarily and confidentially seek help. Coming forward after you have been notified to report for testing is not considered a

voluntary report. For confidential help with a substance abuse problem, contact the DER or the EAP/SAP. The Township will assume no direct financial responsibility for counseling or rehabilitation costs of an official/volunteer/employee. A list of state and national **Substance Abuse Resources** is listed at the end of this policy.

LAST CHANCE OPPORTUNITY

No last chance opportunity is available in the case of refusal, attempted adulteration, substitution, switching, tampering with, or diluting of a specimen or attempt to defraud a drug test. Officials/volunteers/employees who receive an evaluation favorable for rehabilitation may be offered a last chance agreement which will subject the official/volunteer/employee to unannounced follow-up testing for up to 36 months, together with other educational and counseling requirements as recommended by the evaluation. A negative return to duty test is required to be placed back on active duty. A positive test, refusal or failure to comply with any term of the last chance agreement during this follow-up period will subject the official/volunteer/employee to immediate termination.

REASONABLE SUSPICION TESTING

Whenever the Township has reasonable individualized suspicion that an official/volunteer/employee is under the influence of alcohol or illegal drugs, the official/volunteer/employee 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 official/volunteer/employee removed from a job for suspected drug or alcohol use will suffer no loss in pay provided the test result is negative. The decision to test an employee shall be made by the Human Resources Manager after consultation with the Township Administrator, Health Officer, Library Director or Sewerage Authority Director and legal counsel.

If the Township determines to test an official/volunteer/employee, the official/volunteer/employee will be given a direct order to submit to the test. Refusal on the part of the official/volunteer/employee to submit to a test shall be considered misconduct and shall subject the individual to discharge.

The official/volunteer/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 official/volunteer/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. Testing will be conducted in accordance with this policy.

RECORD MAINTENANCE

All testing information is considered confidential information by the Township and will be maintained in a separate file along with the official/volunteer/employee's medical records, separate from other personnel files. An official/volunteer/employee has the right to inspect and obtain a copy of his or her drug test results. Drug testing information will only be released to those employees of the Township with a job related need to know, the DER and Alternate DER, to defend against any administrative action brought by the official/volunteer/employee against the Township, in grievance or arbitration proceeding under the terms of a collective bargaining agreement, in a court of law under subpoena, as released by the official/volunteer/employee in writing, the Medical Review Officer (MRO), Township insurers, rehabilitation programs and

as otherwise required by law. Our Drug-Free Workplace Policy does not tolerate the abuse of drugs or alcohol in the workplace. Understand that this Policy prohibits illegal drug use on or off the job. We encourage any official/volunteer/employee suffering from a substance abuse problem to seek help. If you need help, we can direct you to a Substance Abuse Professional (SAP) for a confidential evaluation and referral for substance abuse treatment if necessary. Notice of the Township's New Jersey Drug-Free Workplace testing will be provided on vacancy announcement and is posted in conspicuous locations on Township premises.

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 appointment/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.

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

POLICY PROHIBITIONS

Officials, employees, applicants, volunteers and contractors for Bernards Township are strictly prohibited from engaging in the following conduct:

1. With respect to illegal drugs, officials/volunteers/employees and applicants violate this Policy by engaging in the following conduct, whether or not during work time or on Township premises or property and are subject to discipline up to and including discharge, or rejection of the application for employment, or cancellation of contractual agreements:
 - a. Testing positive in a confirmed drug or alcohol test or refusing to be tested.
 - b. Bringing and/or storing (including in a desk, locker, automobile, or other repository) illegal drugs or drug paraphernalia on Township premises or property, including Township-owned or leased vehicles, or vehicles used for Township purposes.
 - c. Having possession of, being under the influence of, testing positive for, or being in close proximity to persons using illegal drugs, or otherwise having in one's system illegal drugs.

- d. Using, consuming, transporting, distributing or attempting to distribute, manufacturing, selling, or dispensing illegal drugs. In addition, the Township will refer such matters to the appropriate police authority.
 - e. A conviction or plea of guilty relative to any criminal drug offense occurring in the workplace. All officials/volunteers/employees must notify Bernards Township in writing of any criminal drug conviction no later than five (5) calendar days after such conviction. Drug use off-the-job which adversely affects an official/volunteer/employee's performance on the job, or which has the potential to jeopardise the health or safety of other officials/volunteers/employees, the public or the Township's equipment or function, shall be cause for disciplinary action up to and including dismissal. Action will be taken against officials/volunteers/employees who are convicted for an off-the job drug offence. In deciding what action will be taken, the incident will be evaluated in terms of the nature of the conviction, the official/volunteer/employee's job assignment, the official/volunteer/employee's record with the Township and other factors related to the impact of the official/volunteer/employee's conviction on the Township.
 - f. Abuse of prescription drugs which includes exceeding the recommended prescribed dosage or using others' prescribed medications. Such prescriptions brought to work should remain in the original labeled container and show both the prescribing doctor's name and the prescription's expiration date.
 - g. Switching, tampering with, diluting, or adulterating any specimen or sample collected under this Policy, or attempting to do so.
 - h. Refusing to cooperate with the terms of this Policy which includes submitting to questioning, drug testing, medical or physical tests or examinations, when requested or conducted by Bernards Township or its designee, is a violation of Township Policy and may result in disciplinary action up to and including termination. A refusal to test includes conduct obstructing testing such as failure to sign necessary paperwork or failing to report to the collection site at the appointed time.
 - i. Failure to advise pre-duty the Township of the use of a prescription or over-the-counter drug which may alter the official/volunteer/employee's ability to safely perform the essential functions of his or her job.
 - j. Failure of an official/volunteer/employee to notify his or her supervisor before reporting to work if he or she believes that he or she is under the influence of drugs.
 - k. We strictly prohibit officials/volunteers/employees from using hemp products, which some within the medical community have indicated may cause a positive marijuana test result. We will not generally consider use of hemp products a valid medical explanation for a positive marijuana test result.
2. With respect to alcohol, officials/volunteers/employees violate this Policy by engaging in the following conduct during work time or on Township premises or property:

- a. Bringing and/or storing (including in a desk, locker, automobile, or other repository) alcohol on Township premises or property, including Township owned or leased vehicles, or vehicles used for Township purposes.
- b. Having possession of, being under the influence of, testing positive for or having in one's system, alcohol. Using, consuming, transporting, distributing or attempting to distribute, manufacturing, selling, or dispensing alcohol. *Exceptions to the policy concerning alcohol consumption or possession may be made only upon the prior explicit approval of senior management for specifically identified circumstances.*
- c. A conviction or plea of guilty relative to any criminal alcohol offense occurring in the workplace. All officials/volunteers/employees must notify the Township in writing of any criminal alcohol conviction not later than five (5) calendar days after such conviction. Alcohol use off-the-job which adversely affects an official/volunteer/employee's performance on the job, or which has the potential to jeopardise the health or safety of other officials/volunteers/employees, the public or the Township's equipment or function, shall be cause for disciplinary action up to and including dismissal. Action will be taken against officials/volunteers/employees who are convicted for an off-the job alcohol offence. In deciding what action will be taken, the incident will be evaluated in terms of the nature of the conviction, the official/volunteer/employee's job assignment, the official/volunteer/employee's record with the Township and other factors related to the impact of the official/volunteer/employee's conviction on the Township.
- d. Switching, tampering with, or adulterating any specimen or sample collected under this Policy, or attempting to do so.
- e. Refusing to cooperate with the terms of this Policy which includes submitting to questioning, alcohol testing, medical or physical tests or examinations, when requested or conducted by Bernards Township or its designee, is a violation of Township Policy and may result in disciplinary action, up to and including termination. A refusal to test includes conduct obstructing testing such as failure to sign necessary paperwork or failing to report to the collection site at the appointed time.
- f. Failure of official/volunteer/employee to notify his or her supervisor before reporting to work if he or she believes that he or she is under the influence of alcohol.

EXCEPTIONS

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.

DRUG EDUCATIONAL INFORMATION

ALCOHOL (DEPRESSANT)

Common Forms: Beer, wine, hard liquor

How Used: Oral ingestion, patterns of use vary.

Desired Effect: People drink to relax, to socialize, as a part of a religious ceremony, for the control of physical and emotional pain, or for a variety of other reasons. Its depression of the central nervous system is progressive and continuous. It is a mood-modifying drug that usually provides a temporary feeling of mild euphoria and stimulation. This is a result of the initial depression of the higher centers of the brain which control inhibition. The more you drink, the more sedated you then become.

Time in body: Depends on many factors, such as body size, amount of alcohol consumed within an hour, and other individual factors. Performance is affected in relation to the amount consumed. Generally, a medium-sized person eliminates the equivalent of one drink per hour. However, "hangover" effects of alcohol have been documented for as long as 14 hours after consuming an intoxicating dose, well after the blood alcohol levels have returned to zero.

Observable effects: Staggering gait, Slurred speech, Odor of alcoholic beverage, shaky hands, Poor eye-hand coordination, slowed reaction time, Eyes react slowly to light - wears sunglasses

Work behavior: Arrive late, leave early, mis-outs, Neglect of physical appearance, Restlessness, Tremors (hands, face, fingers, lips tongue), Slurred speech, Uninhibited - makes inappropriate remarks

Material: Empty liquor bottles, cans, often in paper bags

Indicators: Flasks, sometimes disguised as other things

Slang Terms: Booze, juice, hooch, grape, eye-opener, hair-of-the-dog, brew, suds, etc.

AMPHETAMINES (AMPHETAMINE AND METHAMPHETAMINE) - STIMULANT

Common forms: Amphetamine - usually capsules or white, flat, double-scored pills. Methamphetamine - white or granular powder, often packaged in aluminum foil or plastic bags.

How used: Orally, sniffed up the nose, or injected.

Desired effects: Most commonly sought aftereffects include euphoria, postponement of fatigue, increased energy, alertness and feelings of personal power. Repeated or chronic use often causes a strong dependence reaction and a schizophrenic loss contact with reality. Users coming off the drug experience extreme fatigue-induced sleep ("crash"), often followed by continued fatigue and depression.

Time in body: Injection or sniffed up the nose; "rush" felt within 1 minute. Orally, effects felt within about ½ hour. Single doses detectable for about 48 hours.

Observable effects: Dilated pupils, Flushed face, rapid respiration, profuse sweating. Hyper-excitability, talkativeness, restlessness. "Stereotypic" behavior often seen person engages in repetitive tasks or mannerisms for extended periods of time. In large doses, inability to concentrate, confusion, panic.

Work behavior: Try to do job beyond competence level. Impaired ability to operate equipment. Takes chances, risks.

Material: Pills, capsules, white powder, granular crystals

Indicators: Foil wrapped tubes, baggies. Hypodermics and paraphernalia for injections

Slang terms: Defies, bennies, speed, crank, ice, crystal, white crosses, black beauties

COCAINE (STIMULANT)

Common forms: Cocaine - White crystalline powder. Free-base cocaine (crack) - white granular "rocks"

How used: Cocaine--usually snorted up the nose through a straw or from a "coke spoon" after being chopped to a fine powder with a razor blade. "Crack" -- freebase cocaine--is a processed version which is vaporized in a pipe and inhaled. Either form may also be injected.

Desired effect: Most commonly sought aftereffects are euphoria, stimulation, postponement of fatigue and feelings of personal power. The "high" lasts approximately one hour, with a "down" follow-on period. Psychological and physical dependence to "crack" after one to two uses; dependency to snorted coke takes longer to develop.

Time in Body: Single doses detectable for 12-24 hours

Observable effects: Dilated pupils. Talkativeness, restlessness. Sniffing, runny nose, irritated or bloody nose. Dramatic mood swings, from "down" to "up" in minutes. Sense of power sometimes manifested in aggressiveness

Work issues: Frequent trips "to the restroom"—secluded place. Frequent sick-outs and unexplained absences. Hyper-excitability and over-reaction to stimulus. Isolation/withdrawal from friends and activities. Financial problems--borrows, steals and/or sells to support habit. Insomnia, restlessness, lack of sleep

Material Indicators: Small folded paper envelopes (bindles), plastic bags, small vials used to store drug. Razor blades, mirrors, cut off straws, coke spoons. Small glass pipes, and heat sources used to volatilize crack.

Slang terms: Coke, snow, toot, crack, blow, happy dust, "C"

MARIJUANA

Common forms: Dried green-brown flowers and leaves of the hemp (cannabis) plant--also as compressed tar like lumps (hashish) and sometimes as an oil to be spread on cigarettes (hash oil).

How used: Generally smoked in hand-rolled cigarettes (joints) or a small pipe, sometimes eaten in baked goods or steeped to make a tea.

Desired effects: Effects are somewhat dependent on the user and potency of the plant. Low doses tend to produce a dreamy state of relaxation and euphoria with changes in sensory perceptions (usually intensified) and alteration in thought formation and expression. Higher doses intensify these reactions with fragmentation of thought, memory impairment, shortened attention span, and illusions of insight. Marijuana currently sold on the street is 10 times more potent today than in past years.

Time in body: Marijuana dissolves in body fat cells and is detectable for extended periods of time--up to seven (7) days for occasional users and four (4) weeks or longer for chronic users

Observable effects: Red bloodshot glassy eyes (users often wear dark glasses and use eye drops to combat). Poor muscular control. Rambling, disconnected speech patterns. Euphoria--as laughing out of context. Getting "hung up" - i.e., going into the bathroom to comb your hair and coming out two hours later. Distinctive odor in air and/or on clothing.

Work issues: Lack of attention, vision and auditory changes, and poor muscular control. Inability to respond to emergencies and sudden situational changes. Frequent sick-outs and mis-outs. Lackadaisical "I don't care" attitude about person and work. Chronic health problems for frequent users--persistent cough, fatigue, frequent sickness.

Material Indicators: Baggies of green-brown vegetable matter; rolling papers; small pipes (for marijuana) and very small pipes (for hashish); "roach clips" to hold the burned end of the marijuana cigarette; "roaches" discarded on the floor or in ash trays; distinctive odor of marijuana in the air.

Slang terms: Dope, grass, reefer, weed, ganja, pot, etc.

OPIOIDS (MORPHINE AND CODEINE) --NARCOTIC DEPRESSANTS

Common forms: Street forms are pills, liquids and powders. Morphine is derived from opium. Opium dissolved in alcohol, containing 10% morphine, is legally available in many states as "paregoric."

Morphine and codeine are widely used medicinally. Morphine is a naturally occurring alkaloid and is also found in products containing poppy seeds. Heroin is a semi-synthetic derivative of morphine.

How used: Opium is usually smoked. Codeine is most commonly taken orally. Heroin and morphine are injected; powders can be snorted; cigarettes can be dipped in paregoric and smoked.

Desired effects: Most commonly effects include euphoria, relief from pain, and a feeling of dissociated well-being. Low maintenance doses allow the addict to function on a daily basis. The heroin user experiences a "rush" described as a very pleasurable whole-body reaction lasting 5-10 minutes, followed by several hours of mental and physical relaxation.

Time in body: Single doses are usually detectable for 48-72 hours.

Observable effects: Pinpoint pupils. Sweating, nausea, vomiting in novice users. "Nodding off"-the head drooping toward the chest, then bobbing up. Overly calm, detached facial expression. Confusion, mental dullness and slurred speech. Needle marks over veins.

Work issues: Increased sick-outs, mis-outs. Lack of interest in work, no attention to detail. Sharing of needles brings a high risk of contracting hepatitis and/or AIDS. High cost of the addiction may lead to borrowing money, stealing and selling (on or off the premises).

Material indicators: Foil or paper "bindles" for holding the drug. Charred spoons or bottle caps, used to cook the drug. Multiple burned matches used to cook the drug. Needles, syringes, eye droppers used for injection. Balloons or prophylactics used to hold drug. Bloody tissue papers, blood on shirt sleeves.

Slang terms: Heroin, dope, smack, shit, hard stuff, "H", china, monkey dust, china white, etc.

PHENCYCLIDINE (PCP)

Common forms: Pills, liquid, powder, and PCP cigarettes

How used: Usually smoked with tobacco or marijuana, but may be injected, swallowed, eaten or snorted.

Desired effects: Users report desirable feelings of immobility, numbness, and detachment. Other sought-after effects include feelings of strength, power, and invulnerability, a dream-like detachment from reality (often coupled with lack of coordination).

Time in body: Usually detectable 1- 8 days, but chronic users may test positive for several weeks following the last dose.

Observable effects: Low doses: Sedated, euphoric, uncoordinated behavior. Wide mood swings. Sparse and purposeless speech. Muscle rigidity and jerky eye movements (nystagmus).

High doses: Coma-like states with muscle rigidity and staring, half-closed eyes. Sudden stimuli may send the user into a psychotic state, with extreme agitation, violent behavior, abnormal strength, and inability to speak or comprehend.

Work issues: Wide mood swings, unpredictable behavior, aggressive. Tremendous liability in the work force.

Material indicators: Cigarettes that look as if they have been wet. Crystals, liquids or powders in small vials. Folded aluminum foil or paper packets.

Slang terms: PCP, angel dust, hog, dust, DOA, shermans, sherms, peace pills, dummy, etc.

SUBSTANCE ABUSE PROFESSIONALS - NATIONAL RESOURCES

A2Z Alcohol & Drug Abuse-Addiction 1-800-274-2042

Al-Anon/Alateen Family Group Headquarters 1-800-356-9996

Alcoholics Anonymous World Service.....	1-212-870-3400
American Council on Alcoholism Helpline.....	1-800-527-5344
800 Cocaine--An Information and Referral Hotline	1-800-262-2463
Nar-Anon Family Group Headquarters	1-310-547-5800
Narcotics Anonymous	1-818-773-9999
National Association of Alcoholism (NAADAC).....	1-800-548-0497
www.naadac.org Fax:	1-800-377-1136
National Association of Addiction Treatment Professionals	1-717-581-1901
www.naatp.org	
National Council on Alcoholism and Drug Dependence, Inc.	1-212-269-7797
www.ncadd.org	
Hope Line (24-hour affiliate referral)	1-800-NCA-CALL
Center for Substance Abuse Prevention's Workplace Hotline ..	1-800-WORKPLACE
National Clearinghouse for Alcohol & Drug Information.....	1-800-729-6686
Center for Substance Abuse Prevention's Drug Information, Treatment & referral Hotline.....	1-800-662-HELP
(Spanish-Espanol)	1-800-66-AYUDA



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 officials/volunteers. The highest standards of ethical business conduct are required of Township officials/volunteers in performance of their responsibilities. Officials/volunteers 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. Officials/volunteers 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 official/volunteer has the responsibility to ask questions, seek guidance, report suspected violations and express concerns regarding compliance with this policy.

Officials/volunteers 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.

Official/volunteer's concerns should be directed to the Township Administrator or Human Resources Manager for review and investigation. Retaliation against officials/volunteers who use this reporting mechanism to raise genuine concerns is prohibited.



CONFLICT OF INTEREST STATEMENT

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

Officials/volunteers must conduct business according to the highest ethical standards of public service. Officials/volunteers are expected to devote their best efforts to the interests of the Bernards Township Handbook for Elected Officials, Appointed Officials and Volunteers

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

CONFLICT OF INTEREST

The Township recognizes the right of officials/volunteers 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 official/volunteer and the municipal's interests are unlawful under the New Jersey Local Government Ethics Act. Under the Act, certain officials are required to annually file with the Municipal Clerk a state mandated disclosure form. The municipal Clerk will notify municipal officials subject to the filing requirements of the Act.

A potential or actual conflict of interest occurs whenever an official/volunteer is in a position to influence a municipal decision that may result in a personal gain for the official/volunteer 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 official/volunteer's household. Officials/volunteers 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.



Protection & Safe Treatment of Minors

Bernards Township is committed to the safety of all individuals in its community; however, the Township has particular concern for those who are potentially vulnerable, including minor children. The Township regards the abuse of children as abhorrent in all its forms and pledges to hold its officials, employees and volunteers to the highest standards of conduct in interacting with children. Statistics show that 93% of victims under the age of 18 know the abuser. Further, a perpetrator does not have to be an adult to harm a child but are typically in a caregiver role. They can have any relationship to the child including a playmate, family member, a teacher, a coach, or instructor.

Bernards Township is fully committed to protecting the health, safety and welfare of minors who interact with officials, employees, and volunteers of the Township to the maximum extent possible. These Policy and Procedures establish the guidelines for officials, employees, and volunteers who set policy for the Township or may work with or interact with individuals under 18 years of age, and those who supervise employees, and volunteers who may work with or interact with individuals under 18 years of age, with the goal of promoting the safety and wellbeing of minors.

This Policy provides guidelines that apply broadly to interactions between minors and officials, employees, and volunteers in programs operated by Bernards Township or affiliated programs or activities. All officials, employees, and volunteers are responsible for understanding and complying with this policy.

PURPOSE AND SCOPE

Under New Jersey law (N.J.S.A. 6-8.21), an abused or neglected child is anyone "under the age of 18 who is caused harm by a parent, guardian or other person having custody or control of that minor." A child who is under the age of eighteen (18) is considered to be abused or

neglected when a parent, caregiver, another child or another adult does one of more of the following:

1. Inflicts or allows to be inflicted physical injury by other than accidental means that creates substantial harm or risk of substantial harm, and/or
2. Fails to provide proper supervision or adequate food, clothing, shelter, education or medical care although financially able or assisted to do so, and/or
3. Commits or allows to be committed an act of sexual abuse against a child.

Child abuse can have long-term effects on victims. A lack of trust and difficulty with healthy relationships is common, as is a core feeling of worthlessness and low self-esteem. There may even be long-term trouble with regulating emotions that can lead to destructive behaviors.

There are typically four common types of abuse:

1. The failure to meet a child's basic needs, physically or emotionally, which is called **neglect**.
2. The intentional use of physical force that results in injury, which is called **physical abuse**.
3. The practice of any behaviors that harm a child's feelings of self-worth or emotional well-being, which is **emotional abuse**.
4. Engaging in sexual acts with a child including pornography, which is **sexual abuse**.

In the State of New Jersey every level of government has a role in protecting minors.

1. At the State level:

- a. State law is enforced through the NJ Family Division of the State court system. The court has broad powers including the ability to remove children from dangerous situations
- b. The Department of Children and Families, specifically the Division of Child Protection and Permanency, combines all state operations intended to safeguard children into a single, coordinated program working closely with the Courts, legal advocates and law enforcement.
- c. The Department of Corrections operates adult prisons and youth correctional centers to deal with perpetrators, while individual counties operate youth detention centers and special purpose schools.

2. At the local level:

- a. Educational professionals have the most contact with children, meaning they are often the first to detect issues.
- b. Housing Authority employees may also frequently come into contact with children.
- c. Municipalities and counties operate or sponsor a variety of programs that involve children including but not limited to:
 - i. Recreation programs
 - ii. Before and After Care programs
 - iii. Youth sports leagues

- iv. Youth centers
- v. Youth in Government programs
- vi. Junior law enforcement training programs
- d. Police are often first identifiers of abuse in their role as first responders. They are granted powers under the Prevention of Domestic Violence Act to protect children and others from Domestic Violence.

DEFINITIONS

Authorized Adult - Individuals, age 18 and older, paid or unpaid, who interact with, supervise, chaperone, or otherwise oversee and/or interact with minors in program activities, recreational, and/or residential facilities. The Authorized Adults' roles may include positions as counselors, chaperones, coaches, instructors, etc.

Child or Minor - A person under the age of eighteen (18).

Department Heads - Appointed department heads of the Employer, including the chief administrative officer, and any assistants.

Direct Contact - Positions with the possibility of care, supervision, guidance or control of children or routine interaction with children.

Dual Reporting – Reporting possible abuse to both the NJ Department of Children and Families and law enforcement at the same time by the individual designated by the Employer to report all possible cases of abuse.

Employees, Staff, or Counselors – persons working for the Employer on a full-time or part-time basis and compensated by the Employer.

Facilities - Facilities owned by, under the control of, or rented or leased to the Employer.

Grooming - is when someone builds a relationship, trust and emotional connection with a child or young person so they can manipulate, exploit and abuse them. Refer to Appendix B for more detailed information on grooming.

NJMEL JIF - New Jersey Municipal Excess Liability Fund Joint Insurance fund.

Officials – Elected officials of the Employer, appointed Board members, and Authority Commissioners.

One-On-One Contact - Personal, unsupervised interaction between any Authorized Adult and a participant without at least one other Authorized Adult, parent or legal guardian being present.

Programs - Programs and activities offered or sponsored by the Employer.

Volunteers - Individuals volunteering their time to provide services to the Employer who are not on the payroll and receive no compensation.

POLICY

Bernards Township is charged with protecting the health, safety, and welfare of all its citizens, including children under the age of 18. To that end, the Township is firmly committed to protecting children under the care and supervision of the Township from all forms of physical, mental, sexual and emotional abuse. Bernards Township is committed to establishing and implementing safeguards to eliminate opportunities for abuse of children entrusted to the care of the Township. The procedures outlined below shall apply to all officials, employees, and volunteers of Bernards Township.

RECRUITMENT AND HIRING OF EMPLOYEES AND VETTING OF INDIVIDUALS VOLUNTEERING THEIR TIME

1. All prospective employees and volunteers shall undergo a thorough and complete background check. Written documentation of the background check shall be maintained by the Township in perpetuity.
 - A. For part-time summer employees who will be interacting with minors, including but not limited to lifeguards, camp counselors, coaches and instructors:
 - a. National Database Criminal History Search
 - b. National Sex Offender Search
 - c. Social Security Trace/Validation
 - B. For full-time employees in supervisory positions involving minors:
 - a. National Database Criminal History Search
 - b. National Sex Offender Search
 - c. Social Security Trace/Validation
 - d. Education Verification
 - e. Employment Verification
 - f. Credit Check
 - g. Motor Vehicle Record
 - h. Reference Check
 - C. For minors between the ages of 16 to 18 who will be working with children, as much background information will be acquired including a check of all work references, if any, and a copy of their driver's license.
2. Background checks that disclose any negative or questionable results must be reviewed and approved by the Township prior to the individual being hired and/or working with minors. Provisional hiring is not permitted.
3. All prospective employees and volunteers must complete the training adopted by the Township prior to starting employment or volunteer service. In addition to completing the training course adopted by the Township, all volunteer coaches shall complete the Rutgers SAFETY Clinic course (*Sports Awareness for Educating Today's Youth*™) which is a three-hour program that meets the "Minimum Standards for Volunteer Coaches Safety Orientation and Training Skills Programs" under (N.J.A.C. 5:52) and provides partial civil immunity protection to volunteer coaches under the "Little League Law" (2A:62A-6 et. seq.)
4. The Employer shall re-check and document the NJ Megan's Law directory every 3 years to make certain that current employees are not listed.
5. Once employed, authorized Adults who are employed are required to notify the Human Resources Manager of an arrest (charged with an offense or crime) or conviction for same within 72 hours of knowledge of the arrest or conviction.

PROCEDURES AND RESPONSIBILITIES OF OFFICIALS:

Bernards Township Handbook for Elected Officials, Appointed Officials and Volunteers
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Under New Jersey Law, an official may be held liable for the abuse or neglect of a child if he or she fails to implement appropriate safeguards to protect the child while the minor has been entrusted to the care of the Township. Most importantly, recent changes in the law in New Jersey extended the statute of limitations for child abuse and neglect cases substantially, thus placing local officials and employees at a far greater risk.

A valid cause of action can be filed by an alleged victim well after the official has left office. It is, therefore, critically important for officials to establish and monitor policies and procedures designed to safeguard minors entrusted to the care of the Township.

Officials of the Employer are required to:

1. Complete the initial training course adopted by the Township, and any updated/refresher course, in order to better understand their legal duties and responsibilities under Federal and NJ State Law.
2. Meet annually with all Department Heads to review the "Policy Addressing Sexual Abuse of Minors", and to verify that the administration is adhering to this policy which includes all of the following provisions. *If the policy is not being adhered to, it is the legal obligation of the officials of the Township to implement whatever changes are necessary as soon as possible to make certain the policy is followed.*
3. Conduct **random and unannounced** visits to program sites to observe the setup of the programs and conduct of the employees and volunteers of the Township.

PROGRAM PROCEDURES

All programs operated by, sponsored by, or affiliated with the Township shall comply with the following procedures. All officials, employees, and volunteers who interact with or could possibly interact with minors, and those employees who supervise employees who interact with or could possibly interact with minors, shall adhere to the following policy.

SPECIFIC PROGRAM PROCEDURES

The following policies shall apply to **all programs** offered by, sponsored by or affiliated with the Township. As an essential element of compliance with the overall objective of protecting and addressing the safe treatment of minors, the Township shall:

1. Establish a written procedure for the notification of the minor's parent/legal guardian in case of an emergency, including medical or behavioral problem, natural disasters, or other significant program disruptions. Authorized Adults with the program, as well as participants and their parents/legal guardians, must be advised of this procedure in writing prior to the participation of the minors in the program. In addition, Bernards Township shall provide information to parents or legal guardians detailing the manner in which the participant can be contacted during the program.
2. Make certain that all program participants provide a **Medical Treatment Authorization form** to the Township.
3. Implement and adopt a **"Code of Conduct"** for volunteer and paid staff members which, **at a minimum**, will include the following:

CODE OF CONDUCT

- Staff members will, at all times, respect the rights of program participants and use positive techniques of guidance including positive reinforcement and encouragement.
- Staff members will portray a positive role model for youth by maintaining an attitude of respect, loyalty, patience, courtesy, tact, and maturity.
- Staff members shall not transport children in their own vehicles, unless written authorization from the child's parent or guardian has been received.
- Members of the staff shall not be alone with children they meet in the programs outside of the camp. This includes babysitting, sleepovers, and inviting children to their home.
- Staff members shall, at all times, be visible to other staff members while supervising minors. Any exceptions require a written explanation before the fact and approval of the Program Director.
- Staff members will appear neat, clean, and appropriately attired.
- Staff members will refrain from intimate displays of affection towards others in the presence of children, parents and staff.
- Staff members are required to refrain from texting and posting or checking any of the social media outlets while they are working or volunteering. The only exception is for texting for the purposes of communicating with another staff member or parent regarding a programmatic issue pertaining to a child.
- Staff members are prohibited from buying gifts for program participants.

IN ADDITION TO THE CODE OF CONDUCT, THE FOLLOWING SHALL BE A PART OF THE SPECIFIC PROGRAM PROVISIONS:

- The possession or use of alcohol and other drugs, fireworks, guns and other weapons is prohibited.
- The Employer shall set forth rules and procedures governing when and under what circumstances participants may leave the Employer property during the program.
- No violence, including sexual abuse or harassment, will be tolerated.
- Hazing of any kind is prohibited. Bullying including verbal, physical, and cyber bullying are prohibited and will be addressed immediately.
- No theft of property will be tolerated.
- No use of tobacco products will be tolerated.

- Misuse or damage of Township property is prohibited. Charges will be assessed against those participants who are responsible for damage or misuse of property.
- The inappropriate use of cameras, imaging, and digital devices is prohibited including use of such devices in showers, restrooms, or other areas where privacy is expected by participants.
- Under no circumstances are any images of any child taken during any of the activities conducted or sponsored by the Township to be shared on any social media platform without the expressed written consent of a parent or legal guardian.
- The Township shall assign an adult staff member to be accessible to participants. Additional Authorized Adults will be assigned to ensure one-on-one contact with minors does not occur and that appropriate levels of supervision are implemented.
- Take appropriate steps to make certain that children are not released to anyone other than the authorized parent, guardian, or other adult authorized by the parent or guardian (written authorization on file in advance.)
- Develop and made available to participants and their parents or guardians, the rules and discipline measures applicable to the program. Program participants and staff must abide by all regulations and may be removed from the program for non-compliance with rules.
- Responsibilities of the counselors must include, at a minimum, informing program participants about safety and security procedures, rules established by the program, and behavioral expectations. Counselors are responsible for following and enforcing all rules and must be able to provide information included herein to program participants and be able to respond to emergencies.

SPECIFIC POLICY AND PROCEDURES FOR USE OF RESTROOMS BY CHILDREN/MINORS:

- All restrooms shall be checked in advance by staff persons before minor children enter to make certain that no other individuals are present.
- Staff members (of the same sex) are to stand guard at the doorway to make certain that no one else enters the restroom while a child is there. Children should not be permitted enter restrooms in pairs or in groups, unless it is absolutely necessary.
- For field trips, staff members must monitor bathroom use by minor children and shall not permit a child to enter a restroom alone.

PROCEDURES FOR LAW ENFORCEMENT OFFICERS

Law enforcement officers of the Township frequently interact with minors in a variety of ways. It is important to establish guidelines to assist law enforcement officers in being aware of how to act and react in these circumstances. To that end, the Chief of Police or his or her designee shall formulate a written policy addressing the safe treatment of minors for consideration and approval by the governing body for law enforcement officers who interact with minors.

The policy shall, at a minimum, incorporate and address the following:

1. **Transporting minors in a police vehicle.** Whenever possible, victims or alleged victims of sexual assault or other crimes, or minors removed from a situation for protective purposes, shall be transported by two officers (at least one of whom shall be of the same sex as the victim) in unmarked vehicles that does not have a prisoner compartment/partition. Officers transporting a minor for whatever reason shall document starting and stopping mileage through radio contact.
2. Directives issued by the NJ State Attorney General pertaining to interaction with minors shall be incorporated into the policy.
3. The following provisions from the **“Code of Conduct”** for counselors shall be included in the policy for officers assigned to work in school settings (i.e., Class 3 officers):
 - a. Officers will, at all times, respect the rights of students and use positive techniques of guidance including positive reinforcement and encouragement.
 - b. Officers will portray a positive role model for youth by maintaining an attitude of respect, loyalty, patience, courtesy, tact, and maturity.
 - c. Officers shall not transport children in their own vehicles. Officers shall not arrange to see students outside of school and this includes babysitting, sleepovers, and inviting children to their home. Any exceptions require a written explanation before the fact and approval of the Chief.
 - d. Officers shall make certain that they are neat, clean, and appropriately attired.
 - e. Officers will refrain from intimate displays of affection towards others in the presence of children, parents and staff. Officers shall not buy gifts for students at any time.
 - f. All officers are required to complete the initial training course offered by the NJMEL JIF, and any refresher courses as well.

TRAINING REQUIREMENTS

Individual training courses have been designed for each of the following categories and **all** officials, employees, and volunteers of Bernards Township are required to complete training (and refresher course training) adopted by the Township. ALL employees of the Township shall complete the training course whether they interact with children/minors or not. The Township will keep records of the training and employees should keep copies of their own training as well.

1. Officials

Complete the initial training course, Protecting Children from Abuse (by the NJMEL), adopted by Bernards Township, and any updated/refresher course, in order to better understand their legal duties and responsibilities under Federal and NJ State Law.

2. Volunteers and Employees of Bernards Township

All employees and volunteers (regardless of whether they will be working with children or not) shall complete training provided by the NJMEL in the form of the Protecting Children video.

3. Law Enforcement Officers

Content of course shall include:

- a. Current Status of NJ Law and Directives from the Attorney General for Law Enforcement personnel
- b. Your responsibilities
- c. Officers in Schools
- d. Reporting Abuse

REPORTING SUSPECTED CHILD ABUSE/NEGLECT

In light of the importance and priority placed on safeguarding the health and safety of minors, it is critically important that suspected cases of child abuse and neglect are reported as soon as possible. **As a government official, employee or volunteer, you are legally required to report suspected child abuse. This requirement includes all governmental officials, employees and volunteers.**

The following procedures shall be utilized in reporting suspected cases of abuse. The Township shall also train officials, department heads, employees and volunteers in the concept of “**dual reporting**” as listed and defined below and shall encourage all staff and volunteers to utilize this process as much as possible in reporting suspected cases of abuse.

Child Abuse is hard thing to talk about, especially with victims. The most important thing to remember is to **show calm reassurance and unconditional support**. Avoid interrogation and leading questions. Understand that denial and embarrassment are common reactions. Don’t display disbelief, shock, or disgust. Instead, be reassuring. Make sure the child knows that they did nothing wrong. Reassure them that this is not their fault and make sure they know that you take it seriously.

Interviewing children to investigate sexual abuse requires highly technical expertise. **Do not “investigate” an abuse situation. Do not interrogate the child.** Rather report it immediately as shown below. And finally, keep safety as the priority. If there is the possibility of violence against yourself or the child, get the appropriate professionals or agencies involved as soon as possible.

It is recommended that, whenever possible, officials, employees and volunteers report the suspected abuse to both the NJ Department of Children and Families and the Bernards Township Police Department at the same time, which is known as “dual reporting.”

FOR EMPLOYEES OR VOLUNTEERS OF PROGRAMS CONDUCTED BY BERNARDS TOWNSHIP

1. Report the suspected abuse to the NJ Department of Children and Families and the Bernards Township Police Department. Please be prepared to include the following information to the extent the information has been told to you.
 - a. **Who:** The child and parent/caregiver’s name, age and address and the name of the alleged perpetrator and that person’s relationship to the child.
 - b. **What:** Type and frequency of alleged abuse/neglect, current or previous injuries to the child and what caused you to become concerned.
 - c. **When:** When the alleged abuse/neglect occurred and when you learned of it.
 - d. **Where:** Where the incident occurred, where the child is now and whether the alleged perpetrator has access to the child.

- e. **How:** How urgent the need is for intervention and whether there is a likelihood of imminent danger for the child.
3. Call the Hotline established by the NJ Department of Children and Families @ 1-877-652-2873. It is not the supervisor's role to make a decision on whether a case should be reported. All cases shall be reported.

FOR LAW ENFORCEMENT OFFICERS

Immediately report any suspected or alleged cases of abuse or neglect to the NJ Department of Children & Families and the County Prosecutor.

IMPORTANT INFORMATION REGARDING REPORTING SUSPECTED ABUSE UNDER NJ LAW:

The following guidelines have been established under New Jersey law, for those reporting suspected or alleged cases of abuse or neglect. Bernards Township encourages all officials, employees, and volunteers in programs operated by the Township or affiliated programs or activities to report suspected cases of abuse with the following in mind.

1. Any person who, in good faith, makes a report of child abuse or neglect or testifies in a child abuse hearing resulting from such a report is immune from any criminal or civil liability as a result of such action. Calls can be placed to the hotline anonymously.
2. However, any person who knowingly fails to report suspected abuse or neglect according to the law or to comply with the provisions of the law is a disorderly person.
3. When a report indicates that a child may be at risk, an investigator from the Division of Child Protection and Permanency (formerly Youth and Family Services) will promptly investigate the allegations of child abuse and neglect within 24 hours of receipt of the report.

ACKNOWLEDGEMENT OF RECEIPT AND REVIEW OF POLICY

This policy is a part of the Bernards Township Employee Handbook. By acknowledging receipt of the Handbook, all officials, employees/counselors, and volunteers acknowledge receipt of this policy. The same process shall be used for any revised policy issued in the future.



SAFETY POLICY

The Township will provide a safe and healthy work environment and shall comply with the requirements of the *Public Employees Occupational Safety and Health Act (PEOSHA)*. The Township is equally concerned about the safety of the public.

Consistent with this policy, officials/volunteers will receive periodic safety training and will be provided with appropriate safety equipment. Officials/volunteers 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. Officials/volunteers are encouraged to discuss

safety concerns with their Safety Committee Representative.



POLITICAL ACTIVITY

It shall be declared policy of the Township to appoint all appointed officials and volunteers without regard to political considerations.

Township volunteers and elected/appointed officials shall not directly or indirectly use or seek to use his/her authority for contributions for political campaign purposes.



PUBLIC RECORDS

Bernards Township public officials, volunteers and employees at all levels must ensure that public records are protected from unauthorized alteration, defacement, transfer or destruction. NJSA 47:3-16 defines a public record as: "... any paper, written or printed book, document or drawing, map or plan, photograph, microfilm, data processed or image processed document, sound-recording or similar device, or any copy thereof which has been made or is required by law to be received for filing, indexing, or reproducing by any officer, commission, agency or authority of the State or of any political subdivision thereof, including subordinate boards thereof, or that has been received by any such officer, commission, agency or authority of the State or of any political subdivision thereof, including subordinate boards thereof, in connection with the transaction of public business and has been retained by such recipient or its successor as evidence of its activities or because of the information contained therein."

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

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

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

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

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



COMPUTER USE, ELECTRONIC MAIL & INTERNET POLICY

The Township's e-mail, voicemail, computer systems and Internet service are provided to officials/volunteers for official Township business to benefit Bernards Township and its residents. Use of these for all other non-business purposes during working time is prohibited. This includes, but is in no way limited to, the use of computers or Township-issued mobile devices, use of social networking, gaming or TV/video. "Working time" shall be defined as any time in which the official/volunteer/employee is engaged in or required to be performing work tasks for Bernards Township. Working time excludes times when officials/volunteers are properly not engaged in performing work tasks, including break periods and mealtimes.

Personal use of any computer during working time (as defined above) is prohibited, unless expressly authorized by the official/volunteer's supervisor.

Any official/volunteer who violates this policy shall be subject to disciplinary action, up to and including termination. This policy shall not be construed to restrict an official/volunteer's rights to share information about their employment terms and conditions, communicate with each other; or engage in other concerted activities for their mutual aid and protection.

Note: All e-mail, voicemail, text, and internet messages are official documents subject to the provisions of the Open Public Records Act ("OPRA"), N.J.S.A. 47:1A-1 et seq.

The use of computers, e-mail and the Internet are essential tools for certain officials/volunteers. All officials/volunteers are encouraged to use computers, e-mail and the Internet; however, it is the responsibility of the official/volunteer to guarantee that these systems are solely used for business-related purposes during working time, (as defined above) and are used in a proper, effective, ethical and lawful manner at ALL times. To ensure that all officials/volunteers are responsible with using these devices and services and are protecting the Township's public image, the following guidelines have been established:

CONFIDENTIALITY, PRIVACY & MONITORING

1. All township owned computers are to be used for business purposes only during working time (as defined above), and officials/volunteers have no expectation that any information stored on a township owned computer is private. Because e-mail messages are considered as business documents, the township expects officials/volunteers to compose e-mails with the same care as a business letter or internal memo.
2. All Township electronic systems, including e-mail, telephone, Internet systems and instant messaging as well as all the messages thereon, 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 a third party other than in the ordinary course of business on behalf of the Township.

3. The Township reserves its right to monitor, inspect, copy, review, and store any files, messages, information, internet usage, software, and other content created, sent, received, downloaded, uploaded, accessed or stored through its computer and communications systems with or without notice, at any time, at the Township's discretion. By using Township e-mail, computer systems, voicemail and the internet, each user agrees that Bernards Township has unrestricted access and the right to disclose all information communicated or stored on the e-mail, computer systems, voicemail and the internet. Therefore, officials/volunteers shall have no expectation of privacy in any transmissions made or received using Township computers, cell phones or email accounts. The Township's right to access, monitor and disclose the contents of computer files, documents and emails of Police Department personnel shall be exercised under the discretion of the Township Administrator and/or his designee in consultation with the Chief of Police and the Human Resources Manager.

INTERNET USE

1. Officials/volunteers accessing the internet are representing the Township. All communications should be for professional reasons.
2. Use of the Internet and or 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. Incidental and occasional personal use of e-mail and Internet access is subject to the same policies, procedures and legal considerations that apply to business-related e-mail and Internet use. Incidental and occasional personal use must be done on off time such as during lunch or breaks. Such personal use is permissible so long as the incremental cost is negligible, does not interfere with the conduct of the Township's business or interfere with an official/volunteer's performance of his/her job duties and no Township policies or laws are violated. Excessive personal use and personal use in violation of this policy can be grounds for discipline up to and including termination. Personal use of the Township's Internet access and e-mail constitutes the user's consent to the Township to monitor, read, and use in any way any message, record, or other information created by the personal use.
3. Since the contents of e-mail and voicemail may be accessed by the Township without prior notice to officials/volunteers, and since Bernards Township can monitor any use of its computer network systems, officials/volunteers should not use any of the systems to transmit any messages they would not want to disclose to a third party.
4. Databases and information systems may be accessed for data as needed for Township business.
 - a. The Township reserves the right to block or cancel an official/volunteer's access to Internet sites or the Internet as a whole while using business computers or on Township time.
 - b. Officials/volunteers must be aware that the mere deletion of a file or message may not fully eliminate that file or message from the system.
 - c. The existence of personal access codes, passwords and/or "message delete functions," whether provided by the Township or generated by the official/volunteer, do not restrict or eliminate the Township's access to any of its electronic systems as the officials/volunteers shall be on notice that they should not have any expectation of privacy when using these systems.

- d. Officials/volunteers shall not share personal access codes or passwords, provide access to an unauthorized user, or access another's e-mail or Internet account without authorization.
- e. The Township's network, including its connection to the Internet, is to be solely used for business-related purposes during working time (as defined above). If permission is granted, an official/volunteer's personal use of the Township's computer, e-mail and connection to the Internet shall not interfere with their duties and shall comply with the Township's policies and all applicable laws.
- f. Any messages or transmissions sent outside of the organization via e-mail, or the Internet will pass through a number of different computer systems, all with different levels of security. Accordingly, officials/volunteers must not send privileged and/or confidential communications (i.e., Social Security numbers, medical and/or HIPAA protected information, dependent information or other information protected from unlawful disclosure), via e-mail or the Internet unless the message is properly encrypted and should consider a more secure method of communication for such data.
- g. Because postings placed on the Internet may display the Township's address or other Township-related information, and thus reflect on the Township, make certain before posting such information that it exhibits the high standards and policies of the Township. Under no circumstances shall data of a confidential nature (i.e., Social Security numbers, medical and/or HIPAA protected information, dependent information or other information protected from unlawful disclosure) be posted on the Internet.
- h. If you identify yourself as an official/volunteer in any manner on any internet posting or blog, comment on any aspect of the Township's business or post a link to the Township, you must include the following disclaimer in an openly visible location: "the views expressed on this post are mine and do not necessarily reflect the views of Bernards Township or anyone associated/affiliated with Bernards Township."
- i. Subscriptions to news groups or mailing lists are permitted only when the subscription is for a work-related purpose and authorized by the Township. Any other subscriptions are prohibited.
- j. All files downloaded from the Internet, e-mail attachments or the like should be checked for possible viruses. If uncertain whether your virus-checking software is current, you must check with the Township's Network Administrator before downloading.
- k. Any "unauthorized use" of e-mail or the Internet is strictly prohibited while at work or while using a Township computer. "Unauthorized use" includes, but is not limited to: connecting, posting, or downloading obscene, pornographic, violent, sexually suggestive, or discrimination-based material; attempting to disable or compromise the security of information contained on the Township's computer systems; or sending or receiving obscene, violent, harassing, sexual or discrimination-based messages. If an official/volunteer receives a message that is representative of an "unauthorized use" of the Township's electronic media from someone outside of the Township, it is the official/volunteer's duty to immediately inform the sender of such materials that he or she must refrain from sending such materials.
- l. Officials/volunteers who maintain personal web pages and web sites, including but not limited to Facebook, YouTube, MySpace, Twitter, etc., shall not post

information on such sites that would constitute a violation of the personnel policies of the Township if expressed or published using any other medium or in any other manner. The posting of words, phrases, photographs, images or any kind of information on a personal web site may be grounds for disciplinary action if the words, phrases, photographs, images or information adversely reflects on the official/volunteer's fitness for duty or constitutes a violation of the policies of the Township. Moreover, officials/volunteers should not use these systems during the workday or their work hours for soliciting or advocating with others for commercial ventures, religious or personal causes, outside organizations or other similar, non-job-related solicitations.

- m. Officials/volunteers may not use the e-mail, voicemail, Internet computer network systems, or any other Township-issued electronic devices in any way that may be insulting, defamatory, obscene, harassing, disruptive, or offensive by other persons. Examples of forbidden transmissions or downloads include sexually-explicit messages; unwelcome propositions; ethnic or racial slurs; or any other message that can be construed to be harassment or disparaging to others based on their actual or perceived sex, sexual orientation, gender, gender identity, transgender, race color, national origin, citizenship status, ancestry, age, marital status, medical condition, mental or physical disability, veteran status, religious or political beliefs, or any other characteristic protected by federal, state, or local law, ordinance or regulation.
- n. Your Internet postings SHOULD NOT VIOLATE ANY OTHER APPLICABLE TOWNSHIP POLICY, including, but not limited to, the Township's Anti-Harassment and Discrimination Policies.
- o. Officials/volunteers are prohibited, unless for an official police purpose as authorized by the Chief of Police, from using their personal communication device to copy and/or upload any work product, confidential communications, interoffice memorandum, timecards, or photographs of the interior of the office. Personal communication devices are defined as, but not limited to, tablets, laptops, text-messaging devices and pagers.
- p. The Internet and email system should not be used for personal gain or advancement of individual views. Solicitation of non-Township business or any use of the Internet or Township e-mail for personal gain, family businesses, charity, donations, children's activities, etc. is strictly prohibited.
- q. Use of the Internet or e-mail system must not disrupt the operation of the Township network or the networks of other users.
- r. All communication on behalf of the Township or relating to Township business must be done through the bernards.org email account assigned to Township officials/volunteers as needed. Use of personal email accounts, texts and other transmissions including those made on personal, password-protected, web-based accounts to engage in Township business may result in those personal accounts being subject to the provisions of the Open Public Records Act (OPRA, NJSA 47:1A-1 et. seq.).
- s. Township business which is conducted by an official/volunteer on his or her personal computer or device is subject to this policy and may be subject to the provisions of OPRA.

SOFTWARE

1. To prevent computer viruses from being transmitted through the system, there will be no unauthorized downloading of any software. All software downloads will be done directly through the Information Technology Department, whether from the IT Director or an active employee within the IT Department, as authorized by the Director. All requests are to be submitted via email to the IT Department.
2. Downloading or misusing software available through the Internet is prohibited as it could violate copyright laws or licensing requirements.

COPYRIGHT ISSUES

1. Copyrighted materials belonging to entities may not be transmitted by Township officials/volunteers on the Internet. One copy of the copyrighted material may be downloaded for an official/volunteer'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.
2. Failure to observe copyright or license agreements may result in disciplinary action or legal action by the copyright owner.

WORK PRODUCT OWNERSHIP

1. The Township retains legal ownership of the work product of all officials/volunteers. 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 official/volunteer is employed, appointed or contracted by Bernards Township can be claimed, construed or presented as their property, even after their employment/appointment with the Township is terminated or the relevant project completed.
2. If an official/volunteer requests use of a document created by them, the release of said document shall be with the written authorization of the Information Technology Director and Township Administrator.

E-MAIL, VOICEMAIL AND INTERNET COMMUNICATIONS

1. Officials/volunteers must exercise a great degree of caution in transmitting the Township's confidential information on the e-mail, voicemail, Internet and computer network systems because of the ease with which such information can be redistributed and the public access to such information through the Open Public Records Act. Officials/volunteers must take care to ensure all addresses are appropriate recipients of the information to be distributed via e-mail, voicemail, internet or other electronic forms of communication, especially when distributing information to a list of recipients.
2. All officials/volunteers are responsible for the content of all text, audio or images that they place or send over the Internet. Fraudulent, harassing or obscene messages are prohibited. All messages communicated on the Internet should have the sender's name attached. No messages will be transmitted under an assumed name except for an official police purpose. Users may not attempt to obscure the origin of any message. A signature of name, title, and contact number should be included in e-mail communications. Information published on the Internet should not violate or infringe upon the rights of others. No abusive, profane or offensive language may be transmitted through the system. Officials/volunteers are prohibited from expressing personal opinions through use of the Township's Internet names and connections.

3. Except in emergency situations or as part of their officially assigned or regular or permitted duties, officials/volunteers are prohibited from taking any photographs, pictures, digital images or audio recordings of any crime scenes, traffic crashes, arrestees, detainees, people, job related incident or occurrence, or Township data and information with any personal, analog or digital device, camera, imaging device, audio recorder or cellular telephone.
4. Notwithstanding the Township's right to read and retrieve any electronic mail messages, such messages should be treated as confidential by other officials/volunteers/employees and accessed only by the intended recipient. Officials/volunteers are not authorized to retrieve or read any e-mail messages that are not sent to them. Any exception to this policy must receive prior approval from the Township Administrator or Human Resources Manager. Officials/volunteers should not attempt to gain access to another official/volunteer'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.
5. In order to maintain the integrity of systems and databases utilized by the police department, police personnel shall have unique log-on and passwords known only to them. In the event the Chief of Police, the Human Resources Manager and/or Township Administrator request any of the unique log-on and passwords known only to police personnel, said personnel shall provide same to the Chief of Police, the Human Resources Manager and/or Township Administrator. This shall include, but not be limited to police records management files, computer aided dispatch reports, state and national criminal justice and judiciary databases as well as any other police record exempt from OPRA or public view.
6. This section also applies in off duty scenarios regarding any law enforcement and emergency response related activities. Any photographs, images or recordings taken with any personal device pursuant to or in violation of this section are considered evidence and are subject to applicable laws, code guidelines or directives concerning storage release and disposal. Officials/volunteers who have recorded any photographs, images or recordings with any personal device shall notify their supervisors as soon as practical. For the purposes of this section, an "emergency situation" involves a sudden and unforeseen combination of circumstances or the resulting state that calls for immediate action, assistance or relief, and may include accidents, crimes and flights from accidents or crimes.
7. Officials/volunteers are prohibited from releasing or disclosing any photographs, pictures, digital images of any crime scenes, traffic crashes, arrestees, detainees, people or job-related incident or occurrence taken with a personal or agency analog or digital device, camera or cellular phone to any person, entity, business or media or Internet outlet whether on or off duty without the express written permission of the Township Administrator or appropriate functional head.

INSTANT MESSAGING

1. 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.

2. Your instant messages SHOULD NOT VIOLATE ANY OTHER APPLICABLE TOWNSHIP POLICY, including, but not limited to, the Township's Anti-Harassment and Discrimination Policies.
3. Any personal use of instant messaging on Township owned equipment may not interfere with the conduct of the Township's business or interfere with an official/volunteer's performance of his/her job duties.
4. Instant messaging on Township owned equipment should not be used for personal gain or advancement of individual views. Solicitation of non-Township business or any use of instant messaging on Township owned equipment for personal gain, family businesses, charity, donations, children's activities, etc. is strictly prohibited.
5. 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.

SOCIAL NETWORK POSTINGS

1. For purposes of this policy, a social network is defined as a site that uses internet services to allow individuals to construct a profile within that system, define a list of other users with whom they share some connection, and view and access their list of connections and those made by others within that system. The type of network and its design vary from site to site. Examples of the types of internet based social networking activities include blogging, networking, photo sharing, video sharing, microblogging, podcasting, as well as posting comments on the sites. The absence of, or lack of explicit reference to a specific site or activity does not limit the extent of the application of this provision.
2. The use of the internet and social networking sites, including but not limited to Snapchat, Facebook, and Twitter, is a popular activity; however, officials/volunteers must be mindful of the negative impact of inappropriate or unauthorized postings upon the Township and its relationship with the community. This provision identifies prohibited activities by officials/volunteers on the internet where posted information is accessible to members of the general public, including, but not limited to, public postings on social networking sites.
3. Specifically, the Township reserves the right to investigate postings, private or public, that violate work-place rules, such as the prohibition of sexual harassment and other discriminatory conduct, where such postings lawfully are made available to the Township by other officials/volunteers or third parties. Officials/volunteers should use common sense in all communications, particularly on a website or social networking site accessible to anyone. If you would not be comfortable with your supervisor, coworkers, or the management team reading your words, you should not write them.
4. Be advised that officials/volunteers can be disciplined for commentary, content, or images that are defamatory, pornographic, proprietary, harassing, libelous, or that can create a hostile work environment. You can also be sued by agency officials/volunteers or any individual who views your commentary, content, or images as defamatory, pornographic, proprietary, harassing, libelous or creating a hostile work environment. What you say or post on your site or what is said or posted on your site by others could potentially be grounds for disciplinary action, up to and including termination. However, nothing in this social networking policy is designed to interfere with, restrain, or prevent social media communications during non-working hours by officials/volunteers engaging in protected concerted activities regarding wages, hours, or other terms and conditions

of employment pursuant to the New Jersey Employer-Employee Relations Act or to prevent communications which are protected by the First Amendment freedom of speech clause, unless such communications are made as part of the official/volunteer's official job duties.

SECURITY

1. All messages created, sent or retrieved over the Internet are the property of Bernards Township.
2. 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.
3. Even when a message is erased, it is possible to retrieve and read that message.
4. 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

The Townships' antiharassment, antidiscrimination and antiretaliation policies apply to all electronic information including but not limited to any information referenced in this section.

VIOLATIONS

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



PERSONAL BLOGGING AND SOCIAL NETWORKS POLICY

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

GENERAL RULE

When communicating in social media, officials/volunteers act at their own peril. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any conduct that adversely affects job performance, the performance of fellow officials/volunteers/employees or otherwise adversely affects clients, people who work on behalf of the Township or the Township's legitimate business interests may result in disciplinary action up to and including termination. Officials/volunteers must never engage in communication which injures the reputation of the Township or its clients or which discloses

confidential information. Also, remember that the official/volunteer's own reputation is at risk – what is said or done, even if not otherwise connected to the Township, may be seen by others who will make judgments about the official/volunteer based upon what they place online. The official/volunteer's position in the Township could thus be impacted by their personal internet activities.

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

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

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

KNOW AND FOLLOW THE RULES

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

If an employee is unsure about information disclosed in any posting, contact the Township Administrator or Human Resources Manager.

BE RESPECTFUL

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

BE HONEST AND ACCURATE

Make sure to always be honest and accurate when posting information or news, and if a mistake is made, correct it quickly. Be open about any previous posts that have been altered.

Bernards Township Handbook for Elected Officials, Appointed Officials and Volunteers
January 2004; updated January 2022

Remember that the internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors known to be false about fellow officials, volunteers, employees, clients, and the Township, including members of management and the governing body.

POST ONLY APPROPRIATE AND RESPECTFUL CONTENT

1. Maintain the confidentiality of the Township's private or confidential information and attorney-client privileged information. Do not post internal reports, policies, procedures or other internal business-related confidential communications.
2. Do not create a link from a personal blog, website or other social networking site to a Township website without identifying yourself as a Township official/volunteer.
3. Express only personal opinions. Officials/volunteers should never represent themselves as a spokesperson for the Township unless they have been specifically authorized to do so. If the Township is a subject of the content being creating, be clear and open about the fact that you are an official/volunteer and make it clear that these views do not represent those of the Township, the governing body or fellow officials/volunteers/employees of the Township. If publishing a blog or post online related to the work being done or subjects associated with the Township, the official/volunteer should make it clear that they are not speaking on behalf of the Township or the governing body. It is best to include a disclaimer such as "The postings on this site are my own and do not necessarily reflect the views of Bernards Township." Please be aware that the term "internet postings" is not limited to blog postings, it also includes comments, videos and images. When posting a point of view, an official/volunteer should neither claim nor imply they are speaking on behalf of the Township, unless they are authorized in writing by the Township Administrator to do so.
4. Do not represent any opinion or statement as the policy or view of the Township or of any individual in their capacity as an official/volunteer or otherwise on behalf of the Township.
5. Do not post any disparaging or defamatory statements about the Township, including members of management and the governing body, its product or services that are unrelated to specific terms and conditions of your employment.
6. Respect all copyright, privacy, fair use and other intellectual property laws. For the Township's protection as well as that of the official/volunteer, it is critical to show respect for the laws governing copyright, fair use of copyrighted material owned by others, trademarks and other intellectual property, including the Township's own copyrights and trademarks. Do not use the Township's logos or trademarks in postings without express permission from the Township.
7. Avoid harming the image and integrity of the Township by posting content that would be considered harassment, bullying, discrimination or retaliation and would not be deemed permissible if said and/or done in the workplace. Internet postings should not violate any other applicable Township policy, including, but not limited to, the following: Policy Against Harassment, Equal Employment Opportunity Policy, and Computer Use, Electronic Mail and Internet Policy.
 - a. Ensure that any posts comply with the FTC "endorsement" guidelines.
 - b. If a member of the news media or blogger contacts an official/volunteer about an Internet posting that concerns Township business, immediately bring this to the attention of the Township Administrator. Also, please be respectful when responding to negative posts.

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

USING SOCIAL MEDIA AT WORK

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

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

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

The Township may request, in its sole and absolute discretion, that an official/volunteer temporarily or permanently confine their website, web log or other commentary to topics unrelated to the Township if it believes this is necessary or advisable to ensure compliance with laws or regulations. Failure to comply may lead to discipline up to and including termination, and if appropriate, the Township will pursue all available legal remedies.

RETALIATION IS PROHIBITED

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



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 official/volunteer/employee or visitor will be permitted to use electronic cigarettes, smoke or chew any tobacco products anywhere in Township buildings or Township vehicles.

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

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

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

Township personnel 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.



EMPLOYEE DATING/PERSONAL RELATIONSHIP POLICY

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

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

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

For the purposes of this policy, a supervisor/subordinate status means a situation where one volunteers and officials, irrespective of job title, makes or has the authority to make decisions or to take action concerning an employee’s compensation, promotion, demotion, discipline, daily tasks, or any other terms, conditions or privileges of employment with the municipality.

If the volunteers and officials involved in the relationship are also in a supervisor/subordinate status, management may take any action which it deems appropriate, up to and including transferring one of the parties so that there is no longer a supervisor/subordinate relationship between them.

In addition, management reserves the right to address any workplace issues that may result from that relationship in the manner it deems appropriate.

Any volunteers and officials who violates this policy will be subject to disciplinary action, up to and including discharge. The municipality regards a violation of this policy as particularly serious because such workplace relationships can cause favoritism, discrimination, unfair treatment or other interference with municipal operations.



DOMESTIC VIOLENCE POLICY

PURPOSE

The purpose of the State of New Jersey Domestic Violence Policy for Public Employers is to set forth a uniform domestic violence policy for all public employers to adopt in accordance with N.J.S.A. 11A:2-6a. The purpose of this policy is also to encourage employees who are victims of domestic violence, and those impacted by domestic violence, to seek assistance from their human resources officers and provide a standard for human resources officers to follow when responding to employees. All employees of Bernards Township are covered under this policy, including full and part time employees, township officials, seasonal employees, interns, volunteers and temporary employees at any workplace location.

DEFINITIONS

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

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

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

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

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

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

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

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

HUMAN RESOURCES OFFICER

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

Primary HRO: Emily Kesselmeier
Human Resources Manager
(908) 204.3064
ekesselmeier@bernards.org

Secondary HRO: Carol Ackerman
HR Generalist
(908) 204.3011
cackerman@bernards.org

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

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

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

DOMESTIC VIOLENCE REPORTING PROCEDURES

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

Each designated HRO shall:

1. Immediately respond to an official/volunteer upon request and provide a safe and confidential location to allow the official/volunteer to discuss the circumstances surrounding the domestic violence incident and the request for assistance.
2. Determine whether there is an imminent and emergent need to contact 911 and/or local law enforcement.
3. Provide the official/volunteer with resource information and a confidential telephone line to make necessary calls for services for emergent intervention and supportive services, when appropriate. The HRO or the employee can contact the appropriate Employee Assistance Program (CONCERN (800) 242-7371) to assist with securing resources and confidential services.
4. Refer the official/volunteer to the provisions and protections of The New Jersey Security and Financial Empowerment Act, N.J.S.A. 34:11C-1 et seq. (NJ SAFE Act), referenced in this policy.
5. In cases where domestic violence involved a sexual touching or sexual assault between officials/volunteers/employees, the HRO is also required to report the incident to their agency's EEO Officer, **Emily Kesselmeier (908)204.3064**.
6. If there is a report of sexual assault or abuse, the victim should be offered the services of the Sexual Assault Response Team, **(908) 526.7444**.
7. Maintain the confidentiality of the official/volunteer and all parties involved, to the extent practical and appropriate under the circumstances, pursuant to this policy.
8. Upon the official/volunteer's consent, the official/volunteer may provide the HRO with copies of any TROs, FROs, and/or civil restraint agreements that pertain to restraints in the workplace and ensure that security personnel are aware of the names of individuals who are prohibited from appearing at the work location while the official/volunteer who sought the restraining order is present. All copies of TROs and FROs shall be maintained in a separate confidential personnel file.

CONFIDENTIALITY POLICY

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

This confidentiality policy shall not prevent disclosure where to do so would result in physical harm to any person or jeopardize safety within the workplace. When information must be disclosed to protect the safety of individuals in the workplace, the HRO shall limit the breadth and content of such disclosure to information reasonably necessary to protect the safety of the disclosing official/volunteer/employee and others and comply with the law. The HRO shall provide advance notice to the official/volunteer/employee who disclosed information, to the extent possible, if the disclosure must be shared with other parties in order to maintain safety in the workplace or elsewhere. The HRO shall also provide the official/volunteer with the name and title of the person to whom they intend to provide the statement to and shall explain the necessity and purpose regarding the disclosure. For example, if the substance of the disclosure presents a threat to officials/volunteers/employees, then law enforcement will be alerted immediately.

This policy does not supersede applicable laws, guidelines, standard operating procedures, internal affairs policies, or New Jersey Attorney General Directives and guidelines where mandatory reporting is required by the appointing authority or a specific class of employees.

CONFIDENTIALITY OF EMPLOYEE RECORDS

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

NEW JERSEY SECURITY AND FINANCIAL EMPOWERMENT ACT

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

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

Leave under the NJ SAFE Act may be taken for the purpose of engaging in any of the following activities, for themselves, or a child, parent, spouse, domestic partner, or civil union partner, as they relate to an incident of domestic or sexual violence:

1. Seeking medical attention;
2. Obtaining services from a victim services organization;
3. Obtaining psychological or other counseling;
4. Participating in safety planning, temporarily or permanently relocating, or taking other actions to increase safety;

5. Seeking legal assistance or remedies to ensure health and safety of the victim; or
6. Attending, participating in, or preparing for a criminal or civil court proceeding relating to an incident of domestic or sexual violence.

The full text of the New Jersey SAFE Act is provided on the Bernards Township Intranet.

PUBLIC EMPLOYER DOMESTIC VIOLENCE ACTION PLAN

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

1. Designate an HRO with responsibilities pursuant to this policy.
2. Recognize that an official/volunteer may need an accommodation as the official/volunteer may experience temporary difficulty fulfilling job responsibilities.
3. Provide reasonable accommodations to ensure the official/volunteer's safety. Reasonable accommodations may include, but are not limited to, the following: implementation of safety measures; transfer or reassignment; modified work schedule; change in work telephone number or work-station location; assistance in documenting the violence occurring in the workplace; an implemented safety procedure, or other accommodation approved by the employer.
4. Advise the official/volunteer of information concerning the NJ SAFE Act; Family and Medical Leave Act (FMLA); or Family Leave Act (FLA); Temporary Disability Insurance (TOI); or Americans with Disabilities Act (ADA); or other reasonable flexible leave options when an official/volunteer, or his or her child, parent, spouse, domestic partner, civil union partner, or other relationships as defined in applicable statutes is a victim of domestic violence.
5. Commit to adherence to the provisions of the NJ SAFE Act, including that the Township will not retaliate against, terminate, or discipline any official/volunteer for reporting information about incidents of domestic violence, as defined in this policy, if the victim provides notice to their Human Resources Office of the status or if the Human Resources Office has reason to believe an official/volunteer is a victim of domestic violence.
6. Advise any official/volunteer, who believes he or she has been subjected to adverse action as a result of making a report pursuant to this policy, of the civil right of action under the NJ SAFE ACT. And advise any official/volunteer to contact their designated Labor Relations Officer, Conscientious Employees Protection Act (CEPA) Officer and/or Equal Employment Opportunity Officer in the event they believe the adverse action is a violation of their collective bargaining agreement, the Conscientious Employees Protection Act or the New Jersey Law Against Discrimination and corresponding policies.
7. Employers, their designated HRO, and officials/volunteers/employees should familiarize themselves with this policy. This policy shall be provided to all officials/volunteers/employees upon execution and to all new officials/volunteers/employees upon appointment/hiring. Information and resources about domestic violence are encouraged to be placed in visible areas, such as restrooms, cafeterias, breakrooms, and where other resource information is located.

RESOURCES

This policy provides an Appendix listing resources and program information readily available to assist victims of domestic violence. These resources should be provided by the designated HRO to any victim of domestic violence at the time of reporting.

DISTRIBUTION OF POLICY

The Bernards Township HRO will be responsible for distributing this policy to officials, employees, volunteers, and other personnel.

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

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

OTHER APPLICABLE REQUIREMENTS

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

GUIDE TO SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE

24-HOUR STATEWIDE HOTLINES

New Jersey Hopeline

(855)-NJ-HOPELINE (654-6735)

New Jersey Domestic Violence Hotline

(800) 572-SAFE (7233)

Women's Referral Central Hotline

(800) 322-8092

Family Helpline

(800) THE-KIDS (843-5437)

NJ Coalition Against Sexual Assault (NJCASA) Hotline

(800) 601-7200

Addictions Hotline of NJ

1-800-238-2333

See Hotlines and Helplines (from the New Jersey Department of Children and Families) for a listing of additional Helpline numbers.



ELECTRONIC RECORDING POLICY

An incidental, but necessary portion of all official/volunteer's job duties with the Township, requires that officials/volunteers 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 official/volunteer who violates this policy will be subject to discipline, up to and including dismissal from employment.



FIRST RESPONDER PHOTOGRAPHY PROHIBITION

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



USE OF TOWNSHIP VEHICLES, LICENSING & REIMBURSEMENT

Bernards Township owns and maintains a fleet of vehicles for use in the furtherance of Township business. Township officials/volunteers/employees are not covered by the Township's auto insurance when using personal vehicles for Township business purposes. Thus, township vehicles are to be used for Township purposes whenever possible.

The following policy governs the use of all Bernards Township vehicles (with the exception of vehicles utilized for law enforcement purposes) and supersedes all other vehicle policies previously in effect.

Any official/volunteer/employee violating the provisions contained herein will be subject to disciplinary action, up to and including termination, in accordance with applicable laws and regulations. Violations of this policy may also result in the denial of the indemnification and/or defense by the Township to the official/volunteer/employee in any civil or criminal matter brought in any court arising from improper use of a Township vehicle. The Township also expressly reserves its right to seek indemnification and/or contribution from officials/volunteers/employees (including their personal automobile insurance policies) found to have acted in violation of this policy to the maximum extent permitted by law.

Assigned Vehicles. 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. Any other department may request the use of a township owned vehicle while on township business from any department with assigned pool vehicles.

1. The following job titles (only) shall have a vehicle assigned for use at all times, since the nature of the work requires they be on 7-day, 24-hour call:
 - a. Chief of Police

- b. The Chief of Police, at his/her discretion, may direct key personnel to use a Township vehicle in order to ensure attendance during emergency situations.
- c. Emergency Management Coordinator
- d. On-Call Detective
- e. Director of Public Works
- f. Engineer (during periods of anticipated call out only)
- g. The Director of Public Works, at his/her discretion, may direct key personnel to use a Township vehicle in order to ensure attendance during emergency situations.

Driving Privileges and Licensure. The use of an Employer Vehicle by an official/volunteer/employee is subject to the approval and discretion of the Township Administrator. Any official/volunteer/employee operating a township vehicle must have, in his or her possession, a valid driver's license issued by a state regulatory body within the United States. Licenses issued by any territory or possession of the United States, the District of Columbia, or any international agency (including any province of the Dominion of Canada) must be expressly approved by the township's insurance carrier before an employee will be permitted to operate a township vehicle.

1. Officials/volunteers are required to file a copy of a valid driver's license with the Township prior to the use of any Township owned vehicle. Any official/volunteer 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 driver's license is obtained.
 - a. Upon request, an official/volunteer must provide a copy of their driver's license or other required documents within twenty-four (24) hours of said request.
 - b. Any official/volunteer performing work that requires the operation of a Bernards Township vehicle must notify his/her immediate supervisor within 24 hours if their license is expired, suspended or revoked. An official/volunteer who fails to immediately report such revocation or suspension to their supervisor and continues to operate a Bernards Township vehicle shall be subject to discipline, up to and including termination.
 - c. Failure to comply with the requirements of this section will result in an immediate suspension of an official/volunteer's privilege to operate a Township vehicle and may also result in the denial of indemnification and/or defense by the Township to the official/volunteer in any civil or criminal matter brought in any Court arising from the use of a Township vehicle while said official/volunteer's driving privileges were suspended or revoked.

2. All officials/volunteers performing work that could require the operation of a Bernards Township vehicle will have their driving record checked through the New Jersey Motor Vehicle Service Commission or other regulatory and law enforcement agencies.
 - a. A report indicating a suspended or revoked license status may be cause to deny or terminate employment.
 - b. The Township reserves the right to suspend an employee's Township driving privileges if the Township deems necessary based on the official/volunteer's driving record.

- c. The Township shall utilize information obtained pursuant to this section only for the purposes of furthering the objectives of this Policy and for no other reason and will not reveal personal or other information contained in an official/volunteer's driving abstract record to any party except where required by applicable law.
3. The Township occasionally offers safe driving courses and reserves the right to compel official/volunteer/employee attendance at such courses.
4. If requested by the Township Administrator or Human Resources Manager, the official/volunteer must agree to consent to a simulated road test to determine his/her fitness to safely operate a vehicle.
5. In the event that the official/volunteer is under the influence of any medication (prescribed or over the counter) that might impair his/her ability to safely operate a vehicle, he/she must refrain from driving until he/she notifies the Township and awaits clearance to resume driving.

Official Use Only. The use of Township vehicles is restricted to official Township business only. Officials/volunteers shall not be permitted to use Township vehicles for travel or activity unrelated to Township business. Likewise, no supervisor may authorize such use or any use of a Township Vehicle for other than Township business or use which is otherwise inconsistent with this policy.

Township vehicles assigned to officials/volunteers/employees under this policy are to be operated only by the employee while acting within the scope of their employment. No official/volunteer shall authorize or permit any other non-Township employee, including but not limited to family members of the employee, to operate or ride as a passenger in an assigned Township vehicle, unless said passengers are assisting in the official business of the Township.

Township owned vehicles shall not be used for personal business except for business incidental to Township business, nor for driving to and from work, nor outside the State of New Jersey, except as required due to the work assignment and only with advance approval from the Township Administrator. When an official/volunteer uses the Township vehicle for any personal use as approved by the Township Administrator, the official/volunteer will be taxed for such use in accordance with the relevant IRS regulations.

Use of Personal Vehicles. 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.

In that an official/volunteer/employee is not covered by municipal insurance when using his/her personal vehicle for Township business purposes, the Township insurance committee may, when the official/volunteer/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 official/volunteer/employee is at fault in the incident.

Location of Vehicles. Officials/volunteers/employees who are assigned the regular use of a Township vehicle for official business may take the Township vehicle home only with the advanced approval of the Township Administrator. The Human Resources Manager may also grant temporary approval to facilitate responses to after-hours emergency calls. When an official/volunteer/employee takes home a Bernards Township vehicle, it is to be used only for official Township business; any other use is not permitted. Certain employees may have a separate memorandum of understanding with the township regarding the use of township vehicles which shall supersede this policy. At no time shall children be in the Township vehicle when responding to an emergency.

If the official/volunteer will be absent from duty for more than two (2) working days, or more than five (5) consecutive days, including weekends and holidays, he/she must surrender the Township vehicle to his/her direct supervisor unless directed otherwise. An official/volunteer storing the vehicle at his residence must provide safe parking for the vehicle at all times.

Accidents and Incidents. Prior to operation of any Township vehicle, officials/volunteers must consult the Department Head as to the appropriate steps to take if they become involved in an accident (filling out accident reports, obtaining witness names, etc.)

1. In the event of an incident or accident involving the use of a Township Vehicle, officials/volunteers must immediately contact their supervisor and/or Department Head. All required reports (Automobile Loss Notice Claim Form & First Report of Injury Form) and documentation must be submitted to the Township Administrator within two (2) business days of receipt.
2. An official/volunteer may be required to submit to an alcohol or drug screening test following an accident or incident if there is a reasonable suspicion to believe that the employee's use of drugs or alcohol may have contributed to the cause of the accident or as otherwise required by law or other policy of the Township.

Citations and Violations

Operators of Township vehicles are expected to follow all laws, regulations and rules proscribed by the Motor Vehicle Commission. Drivers are responsible for paying any moving violation tickets received while operating a Township owned vehicle and MUST notify the Township of said violations within forty-eight (48) hours of receipt of said ticket (regardless of the employee's decision to contest such ticket in municipal court). Drivers are responsible for paying all parking tickets incurred while operating a township owned vehicle. The Township should be notified of the receipt of a parking ticket within 48 hours of receipt of said ticket.

Officials/volunteers are responsible for all "Notice of Delinquent Toll Payment Violations" (including but not limited to EZ-Pass) that occur while operating a Township vehicle. Upon having been notified of said violation, either by direct mail or notice from the Township, an official/volunteer shall, within ten (10) business days of such notice, provide acceptable proof to the Township that the outstanding toll and any related fees have been paid.

Officials/volunteers are required to report all serious moving violations, including but not limited to those listed below (whether incurred with a township vehicle during working hours or in a

personal vehicle not during working hours). Officials/volunteers who have been arrested and/or charged with one or more serious moving violations, including but not limited to those listed below must report it to their supervisor and Human Resources Manager within forty-eight (48) hours of the receipt of the violation notice. Failure to report the moving violation will result in disciplinary action, including demotion or termination.

1. Driving while intoxicated
2. Driving under the influence of drugs
3. Refusal to take breathalyzer
4. Negligent homicide arising out of the use of a motor vehicle
5. Operating a motor vehicle during a period of suspension or revocation
6. Using a motor vehicle for the commission of a felony
7. Aggravated assault with a motor vehicle
8. Operating a motor vehicle without owner's authority (grand theft)
9. Permitting an unlicensed driver to drive
10. Reckless driving
11. Speed contest
12. Leaving the scene of an accident

A finding of guilty by a court of competent jurisdiction of any of these offenses will result in the immediate suspension of Township driving privileges for a minimum of six (6) months. Additional offenses in violation of this policy will result in additional and more significant penalties at the discretion of the Township up to and including termination of employment. Driving privileges are defined as the authorized operation of vehicles owned, leased or controlled by Bernards Township or the official/volunteer's use of a personal vehicle while conducting business on behalf of the Township.

Individuals who are in positions that require the operation of Township owned vehicles will be automatically terminated upon receipt of a third serious moving violation within a three-year period.

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

General Policies and Procedures. Officials/volunteers authorized to use a Township vehicle for official business must adhere to the policies and procedures set forth in this Policy. Failure to comply with the provisions below will result in a loss of privileges:

1. Drivers must ensure that all required documents (driver's license, registration, insurance card) are in their possession while operating the Township vehicle. Vehicle registration and insurance cards should be kept in a locked compartment of the vehicle when not in use.
2. Any driver who has multiple moving violations may be denied use of Township vehicles.
3. At the close of business or at the end of shift each day, all vehicles are to be returned to the designated Township parking area or transferred to personnel from the oncoming shift, except as authorized by the Township Administrator.
4. Officials/volunteers assigned exclusive use of a Township Vehicle are responsible for scheduling all repairs and manufacturer recommended maintenance with the Township, in order to maintain all manufacturers' warranties (including routine oil changes).
5. Township vehicles shall be locked, and windows closed whenever the vehicle is parked.

6. Vehicles are to be kept clean at all times and should be washed and vacuumed regularly (unless prohibited by the New Jersey Department of Environmental Protection or other similar regulatory body). All trash will be removed from the vehicle at the end of every workday.
7. There will be no vaping, smoking or chewing of any tobacco products or use of electronic cigarettes in Township vehicles.
8. In accordance with N.J.S.A. 39:4-97.3 and any other applicable statutes and regulations, the use of hand-held phones or electronic devices (BlackBerry, navigation systems, etc...) while driving Township vehicles is prohibited. This prohibition includes the sending or reading of e-mails, text messages and other similar communications.
9. All occupants must wear seat belts at all times when the vehicle is in use and observe all road safe rules and regulations, such as "Wipers On, Lights On." This applies to all personally owned, township-owned, leased, and rented vehicles.
10. Officials/volunteers are expected to operate vehicles in a safe and courteous manner at all times and are expressly reminded to avoid tailgating or other unsafe practices.
11. Officials/volunteers are reminded of the risks inherent from driving while drowsy. In the event that a driver becomes tired while operating a vehicle, they should pull off the road and seek appropriate assistance.

Violation of this policy may result in disciplinary action up to and including the suspension of the official/volunteer's privilege to operate a township vehicle and/or termination.

Any information obtained by Bernards Township in accordance with this policy shall be used by the Township only for carrying out its lawful functions and for other lawful purposes in accordance with the Driver's Privacy Protection Act (18 U.S.C.2 2721 et seq.).



Township of Bernards

RECEIPT FOR HANDBOOK

I acknowledge that the Bernards Township Handbook for Elected Officials, Appointed Officials and Volunteers is posted on <https://www.bernards.org/government/documents/department-documents/human-resources/1335-bernards-township-volunteer-handbook/file> or that I may request a copy of it. I agree to read it thoroughly, including the statements in the foreword describing the purpose and effect of the Handbook. I agree that if there is any policy or provision in the Handbook that I do not understand, I will seek clarification from the Human Resources Manager.

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 a contract. I further understand that this Handbook is meant as a guideline only and does not create 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 as an Elected Official, Appointed Official and/or Volunteer, I am representing the Township. I understand that I am bound by the policies and practices herein established and that my appointment or volunteer service may be terminated for failure to follow the policies and practices set forth herein.

Please sign and date this receipt and return it to Human Resources or appropriate representative of your appointing body.

Date: _____

Signature: _____

Print Name: _____

Position: _____

Board/Committee/Volunteer Organization: _____