

TOWNSHIP OF
SCOTCH PLAINS

PERSONNEL POLICIES
AND PROCEDURES
MANUAL

Effective as of March 1, 2021

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DISCLAIMER

This Personnel Manual (the "Manual") is not an express or implied contract of employment and does not create any enforceable rights on the part of employees. This Manual does not guarantee employment and/or the provision of benefits of any kind for any specified period of time. Regardless of what this Manual says or provides, the Township of Scotch Plains (the "Township") has the right to revise, supplement, change, deviate from or rescind the policies, benefits and/or working conditions described in this Manual at any time, with or without notice, in the Township's sole discretion, without having to consult anyone and without anyone's agreement.

This Manual supersedes all previous handbooks, manuals, guidelines and/or policies prepared and/or distributed by the Township at any time in the past. No employee should rely on any provision contained in any such superseded document. **In addition, employment with the Township is expressly declared to be "at will". This means that any employee has the right to terminate his or her employment at any time, with or without cause, and that the Township has the right to terminate any employee's employment at any time, with or without cause, subject to procedures set forth in applicable Collective Negotiations Agreements, applicable statutory provisions and regulations and the employee's due process rights. Any written or oral promises or representations to the contrary are expressly disavowed and should not be relied upon by any employee. Any changes to this "at will" status must be in writing and properly approved by the Mayor and/or Council. No other representative of the Township is authorized to enter into any agreement or make any statement which alters this "at will" relationship.**

To the extent any policy, procedure, working condition or benefit described in this Manual conflicts with any term or condition of employment expressly set forth in (i) provisions contained in any valid Collective Negotiation Agreements, or (ii) an established past practice that may have developed over the years between the Township and a particular Collective Negotiations unit of unionized employees, the terms of the Collective Negotiation Agreements and/or the established past practice shall govern and supersede the relevant provision(s) of the Manual with respect to that particular employee or group of employees.

If any part of this Manual conflicts with local, State or federal statutes, rules, regulations, executive orders, a collective negotiations agreement or established past practice, the part of the Manual which conflicts with a local, State or federal statute, rule, regulation, executive orders, collective negotiations agreement or established past practice will be null and void as it applies to the affected group of employees. Likewise, if at any time, any local, State or federal statutes, rules, regulations or collective negotiations agreement should be amended, this Manual will be deemed to have been likewise amended, even though actual changes to the Manual have not been made.

In the event of a declared State of Emergency or otherwise, if any local, State or Federal statute, rule, regulation or Executive Order temporarily amends, alters, suspends or discharges any of the terms set forth in this Employee Manual, the terms and provisions herein shall be similarly temporarily amended, altered, suspended and or discharged, without the need for formal written amendment of this Employee Manual.

Unclassified Employees - N.J.S.A. 11A:3-5 provides that incumbents in an unclassified title serve for a fixed term or at the pleasure of the appointing authority. The laws and regulations which apply to Career Service employees, also known as Civil Service employees, do not apply to unclassified employees. The portions of this Manual which refer to the rules promulgated by the New Jersey State Civil Service Commission, N.J.A.C. 4A:1-1 et seq., do not apply to unclassified employees. However, all other local, State or federal statutes, rules and regulations referred to in this Manual do apply to unclassified employees.

Employees in Collective Negotiations Units - Many employees have job titles where the terms and conditions of employment are governed by a collective negotiations agreement between the Employer and the recognized collective negotiations unit(s). If an employee's job title is part of a recognized bargaining unit, the employee should always consult his/her collective negotiations agreement and the Civil Service laws and regulations, if applicable.

Non-Contractual Employees - An employee whose job title is not the subject of a collective negotiation agreement should consult any applicable local, State or Federal statutes, rules and regulations.

Volunteers - Many of the policies in this Manual shall also apply in equal force to volunteers of the Employer.

This Manual shall apply to all employees of the Employer, including part-time, seasonal and/or temporary employees.

When changes are made to this Manual, the Employer will make any corresponding changes to the Personnel Manual that are necessary so that the Manual and Manual do not conflict.

All employees will be notified when any material changes are made to the policies contained in this Manual.

GENERAL PERSONNEL POLICY

This Personnel Policies and Procedure Manual ("Manual") is intended to present the Township of Scotch Plains work-related policies and procedures to its employees. All employees are required to read this document in its entirety. If you have any questions about it, ask the Municipal Manager for an explanation. This Manual is not a contract, express or implied, guaranteeing employment for any specific duration.

This Manual replaces and supersedes all prior manuals, guidelines, manuals or memos and all other oral and written descriptions and explanations of the Scotch Plains policies.

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

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

The Municipal Manager and all managerial/supervisory personnel are authorized and responsible for personnel policies and procedures. The Township Council has appointed the Municipal Manager to implement personnel practices. The Municipal Manager shall also have access to the Township Attorney and Township Labor Counsel appointed by the Township Council for guidance in personnel matters. As a general principle, the Township has a "no tolerance" policy towards workplace wrongdoing. Township officials, employees and independent contractors are to report anything perceived to be improper. The Township believes strongly in an Open-Door Policy and encourages employees to talk with their supervisor, Department Head, or the Municipal Manager concerning any problem.

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

To the maximum extent permitted by law, the employment practices of the Township shall operate under the legal doctrine known, as "employment at will". Within Federal and State law, including the New Jersey Civil Service Act and any applicable bargaining unit agreement, the Township of Scotch Plains shall have the right to terminate an employee at any time and for any reason, with or without notice, except the Township shall comply with all Federal and State legal requirements requiring notice and an opportunity to be heard in the event of discipline or dismissal. This Manual is not intended to and does not constitute a contract of employment.

SECTION ONE - EMPLOYMENT POLICIES

1.1 Equal Employment Opportunity

The Township of Scotch Plains is committed to the principle of equal employment opportunity 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). Under no circumstances will the Township discriminate on the basis of pay, sex, race, creed, color, religion, national origin, civil union or domestic partnership status, ancestry, age, pregnancy, marital or political status, affectional or sexual orientation, gender identity or expression, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection) pregnancy (including pregnancy related medical condition), childbirth, breastfeeding or handicap which can be accommodated without undue hardship, veteran, and/or any other characteristic protected by Federal or State law. Decisions regarding the hiring, promotion, transfer, demotion or termination are based solely on the qualifications and performance of the employee or prospective employee. If any employee or prospective employee feels they have been treated unfairly, they have the right to address their concern with their supervisor, or if they prefer their Department Head, or the Municipal Manager. The Employer will not discriminate with regard to any term, condition or privilege of employment, including compensation. Employer-sponsored training, education, tuition assistance, and social and recreation programs will be administered without discrimination. The Employer has an Affirmative Action Officer ("AAO"), who is assigned overall responsibility of the Affirmative Action Program. Any employee or applicant with a question or grievance should contact the Affirmative Action Officer at:

Municipal Manager 908-322-6700 x:313

1.2 Americans with Disabilities Act/ New Jersey Pregnant Worker's Fairness Act

A. Policy. In compliance with the Americans with Disabilities Act (the "ADA"), the New Jersey Law Against Discrimination ("LAD"), as amended by the New Jersey Pregnant Worker's Fairness Act and all other applicable laws, the Township shall not discriminate against employees or applicants for employment on the basis of a known disability/handicap, pregnancy, childbirth, breastfeeding or a pregnancy related medical condition. This policy applies to all terms and conditions of employment, including but not limited to recruitment and hiring, placement, promotion, termination, reductions in force or layoffs, transfers, leaves of absence, compensation, benefits and training. To qualify as disabled/handicapped under the ADA and/or LAD, the individual must be able to perform the essential functions of the position with or without reasonable accommodation, and without creating a safety hazard to themselves, co-employees or the public.

B. Reasonable Accommodation. Any employee or applicant for employment, who because of a known disability or handicap, pregnancy, childbirth, breastfeeding or a pregnancy related medical condition, needs a reasonable accommodation to apply for employment or to perform the essential functions of his or her job, should contact the Municipal Manager. The Township will make reasonable attempts to accommodate such qualified employees, unless doing so would create an undue hardship on the Township. The Municipal Manager and/or the Personnel Office shall engage in an interactive dialogue with disabled/handicapped employees to identify reasonable accommodations that do not create an undue

hardship. In the case of an employee breastfeeding her infant child, the accommodation shall include reasonable break time each day to the employee and a suitable room or other location with privacy, other than a toilet stall, in close proximity to work area for the employee to express breast milk for the child.

Some examples of other reasonable accommodations may include, but are not limited to, modifications to facilities, equipment and work procedures, auxiliary aides and reassignment to vacant positions for which the employee is qualified (including, but not limited to, possessing the necessary education, experience, training, skills, licenses, certificates or other job-related requirements). Employees who are reassigned to a vacant position shall receive the salary of their new position. Accommodations that create an undue hardship on the Township are not required. Accommodations that pose an undue hardship include, but are not limited to, those which are unduly expensive, extensive or disruptive, or which fundamentally alter the nature of the position. The Township is not required to offer permanent "light" duty, relocate essential job functions or provide personal items such as eyeglasses, hearing aids, wheelchairs, etc.

C. Handicap Accessible Facilities. The Township will endeavor to make every work environment handicap accessible and all future construction and renovation of facilities will be in accordance with the ADA, the LAD and applicable barrier-free Federal and State regulations.

D. Disability-Related Inquiries and Medical Examination

(i) Pre-Offer. Under no circumstances shall the Township require a job applicant to submit to a medical examination, respond to disability-related or medical inquiries or provide information concerning prior workers' compensation claims before making a conditional job offer.

(ii) Post-Offer. The Township may condition a job offer upon the satisfactory result of a post-offer medical examination or disability related inquiry if such a medical examination or disability-related inquiry is required of all employees in the given job category. Failure to hire based upon a post-offer medical examination must be job-related and consistent with business necessity. In such event, it must also be clear that no reasonable accommodation could be made or that same would impose an undue hardship upon the Township.

(iii) Employment. After employment begins, the Township will make a disability-related inquiry or require a medical examination only if job related and consistent with business necessity.

- 1) Medical examinations or disability-related inquiries may be required if an employee is having difficulty performing the essential functions of his/her job effectively. If it is determined that such difficulty arises from a disability, the Township shall take appropriate measures to determine whether such disability may be reasonably accommodated without undue hardship on the Township.
- 2) Medical examinations or disability-related inquiries may also be required in the event that an employee becomes ill, injured or is diagnosed with a condition which may materially affect job performance. If it is determined that such illness, injuries or diagnosis qualifies as a disability/handicap, the Township shall take appropriate measures to determine whether such disability/handicap may be

reasonably accommodated without undue hardship on the Township.

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

1.3 Contagious or Life-Threatening Illnesses Policy

(i) Policy. The Township encourages employees with contagious diseases or life-threatening illnesses, such as HIV/AIDS, Cancer, Hepatitis, Cancer or Heart Disease, to continue their normal work pursuits to the extent allowed by their condition. It is the policy of the Township that employees with infectious, long-term, life-threatening or other serious diseases may work as long as they are physically and mentally able to perform the essential functions of their job (with or without reasonable accommodation) without undue risk to their own health or that of other employees or members of the public. As in the case of other disabilities, the Township will make reasonable attempts to accommodate qualified employees with contagious diseases or life threatening illnesses unless doing so would create an undue hardship on the Township or pose a direct threat to the health of the employee, other employees or members of the public.

(ii) Employees who fail to disclose contagious illness(es) which would pose a direct threat to the health and safety of other employees or the public will be subject to the appropriate disciplinary action including termination.

(iii) Confidentiality of Medical Records. All medical information shall be treated confidentially. Managers and other employees have a responsibility to maintain the confidentiality of employee medical information. Anyone inappropriately disclosing such information shall be subject to disciplinary action. The Township will take reasonable precautions to protect such information from inappropriate disclosure including the following:

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

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

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

1.4 Safety Policy

A. Employees of the Township are expected to conduct themselves in a safe manner, to use good judgment and common sense and to observe applicable safety rules. The Township is responsible for providing supervised work areas and specific safety regulations. As a Township employee, it is expected that you will: (1) work in an attentive manner; (2) observe all safety rules and regulations; (3) use appropriate protective equipment; and, (4) report all possible hazards, faulty equipment or machinery to your supervisor. Failure to follow the safety regulations required by your department may result in disciplinary action, up to and including termination.

B. Any safety equipment issued to an employee must be properly worn and used as required or disciplinary action will be taken against the employee, up to and including termination. Workplace health and safety will be maintained in accordance with the federal Occupational Safety and Health Act ("OSHA") and with the New Jersey Public Employee Occupational Safety and Health Act ("PEOSH"). The Township will develop policies and procedures as required by OSHA and PEOSH and will distribute these procedures to employees, if applicable. Employees are required to review and familiarize themselves with such procedures and to abide by such procedures. As new safety and health procedures are established or modified, employees will be notified of such new procedures or changes to existing procedures.

C. All injuries on the job, regardless of their suspected seriousness, must be reported to your supervisor or Department Head immediately. Your supervisor will then report the injury to the JIF Safety Officer **and** the Municipal Manager. An accident report must be made within twenty-four (24) hours of the injury. The JIF will refer you to the appropriate physician or medical facility for treatment. In case of injury that requires emergency medical attention, someone may take you directly to an emergency room. You should advise the Municipal Manager's Office of any such emergency treatment as soon as possible.

D. The Township will appoint a Safety Officer to meet with Township personnel on a regular basis to discuss and implement programs to comply with JIF, OSHA and PEOSH safety protocol. Employees are encouraged to discuss safety concerns with their Safety Officer.

1.5 Drugs and Alcohol Policy

A. Policy Statement

The Township recognizes its responsibility to safeguard its employees and the public in general from any possible hazard created by an impaired employee. Therefore, effective immediately, the following policy governing employee behavior on the job will be in force for all employees of the Township of Scotch Plains.

All Township employees are held accountable for their job performance and are expected to report to work in a physical and mental condition appropriate to performing their duties safely and efficiently.

This policy applies to all Township employees while on the job and/or on Township premises, and all applicants for employment with the Township of Scotch Plains. Township premises include

Township vehicles and equipment, as well as personal vehicles engaged in Township operations.

The Township recognizes that, pursuant to the New Jersey Law Against Discrimination, dependency on alcohol or other substances is deemed to be a disability, and not subject to discipline. The purpose of this Township Policy is not to punish employees with such dependencies, but rather to provide incentives and opportunities for rehabilitation. The Township, however, will not tolerate the use of alcohol or illegal use of drugs by employees while on the job, nor an employee who reports to work in an impaired condition.

The Township reserves the right to discipline employees for their conduct while on the job including, but not limited to the following actions which may be derivative of substance abuse: *driving under the influence of drugs or alcohol; sick leave abuse; possession or use of drugs or alcohol while on the job; insubordination; damage to property; or neglect of duty*. This policy in no way protects an employee from disciplinary action or legal consequences as a result of conduct on the job.

B. Requirements for Employees

(i) Possession Prohibited

No Township employee shall possess, use, sell, trade or offer for sale, illegal drugs or unauthorized prescription drugs that have not been prescribed for the person in possession of the drugs. While on duty, no employee shall possess or use alcoholic beverages. The presence of unopened bottle of alcoholic beverages in a personal vehicle, intended for consumption at some other time, shall not constitute possession, whether or not the vehicle is on Township property. Illegal drugs shall include prescription drugs used illicitly, an employee shall be deemed to be using such drugs illicitly if he/she intentionally takes them without a prescription, or in greater quantities than prescribed, or for a period beyond which has been prescribed.

(ii) Medically Prescribed Substances

An employee may use an over-the-counter drug, or a prescription drug administered by or under the supervision of a physician who has advised the employee that the substance will not affect the employee's on-the-job safety. The employee has the obligation to discuss with his/her doctor the nature and requirements of his/her job, and any potential side effects that might affect the employee's on-the-job performance or behavior, and then to follow the doctor's instructions. For over-the-counter drugs, the employee is obligated to read the label for possible side effects, and to follow the instructions. An employee on medication who experiences predicted side effects that would affect job performance is obligated to notify his/her supervisor. Employees will be held accountable for unsatisfactory job performance or accidents due to improper use of over-the-counter or prescription drugs.

(iii) Impairment

No Township employee may report to work while impaired by or under the influence of illegal drugs and alcohol. For the purposes of this policy, the term "illegal drugs" shall refer not only to substances whose possession and use is prohibited by law, but also to prescription drugs which have been obtained or used illicitly, either without a prescription, or in quantities greater than prescribed, or for periods beyond the period prescribed.

1. *Drugs.* For drugs, the Township will have "zero tolerance," and an employee with the presence of any level of illegal drugs in the blood will be considered impaired.
2. *Alcohol.* For alcohol, an employee will be considered impaired if he/she has a level of higher than .002 in the blood at the time of testing, and/or extrapolated back to the start of the work shift.

(iv) Law Enforcement Personnel

With the exception of law enforcement personnel authorized to carry a firearm who are subject to the Attorney General's Statewide Drug Screening Guidelines, the Township's policy concerning employee drug use applies to all Township of Scotch Plains employees while on the job and/or on Township premises, and all applicants for employment with the Township of Scotch Plains. Law enforcement personnel are not exempt from the "Drug-Free Workplace Act of 1988." They are also not exempt from this policy as it pertains to impairment due to alcohol use. The Township of Scotch Plains is committed to full compliance with the methods and procedures for screening law enforcement officers as outlined in the Attorney General's Revised Law Enforcement Screening Guidelines, effective August 1, 1990.

(v) Report of Criminal Convictions

In compliance with the Drug-Free Workplace Act of 1988, the Township requires that all Township employees report (to their supervisor) within five (5) days of any criminal conviction related to drug activity (not including alcohol) committed within or outside of the workplace. Failure to comply will subject an employee to disciplinary action.

(vi) Employee Reports Concerning Supervisors & Coworkers

An employee who has observed behavior of a supervisor or coworker which would indicate that the supervisor or coworker is illegally using drugs or alcohol, and/or is performing job duties while impaired, is expected to report the situation to the Municipal Manager, or his/her designee. Any employee making such a report shall have a guarantee of confidentiality (within the law) and non-reprisal from anyone in a supervisory position. An exception to the guarantee of confidentiality shall be if a coworker observes what can reasonably be determined to be the use or possession of drugs or alcohol while on duty, in which case he/she will have the obligation to report it without a guarantee of confidentiality. Further, any reprisals by coworkers will not be tolerated and shall merit disciplinary action. There shall also be an

obligation on the part of the person receiving such a report to follow-up to determine whether there is in fact a problem and if there is, to resolve the problem using the provisions of this policy. Although an employee making a good faith report about possible use of drugs or alcohol or impairment while on duty shall be safe from reprisal, nothing herein shall protect from disciplinary action an employee who knowingly makes a baseless allegation.

(vii) Commercial Driver's License

Federal and state laws impose specific requirements on any employee who, as a part of his/her job duties, operates vehicles for which he/she must possess a Commercial Driver's License (CDL). Both the Township and employees with a CDL must comply with these requirements, which in some cases may be more restrictive than otherwise provided for in this policy.

Employees who are required to maintain a CDL are subject to random drug testing as required by the federal government, as required by applicable law. An employee who holds a CDL and tests positive will immediately be suspended. Prior to being permitted to return to safety-sensitive functions, the employee must successfully complete the return-to-duty process as per the Department of Transportation (DOT) regulations. An employee must obtain an initial evaluation from a qualified and trained substance abuse professional (SAP) and comply with any treatment and/or education as recommended by the SAP. After the completion of the recommended treatment, the SAP will perform a follow-up evaluation of the employee and prepare a report to the Township. If the employee successfully complied with all recommendations of the SAP, the Township may arrange for a return-to-duty test for the employee. An employee who has not complied with the SAP's recommendation may not return to safety-sensitive functions until the SAP's recommendations have been fully met and the employee is able to provide a negative return-to-duty drug/alcohol test.

The penalty for refusing to submit to a drug or alcohol test shall constitute a violation of the policy and under DOT regulations, treated the same as a positive.

The employee will be responsible for any costs associated with SAP services and treatment. The employee will also be responsible for any fees and/or costs associated with the return-to-duty drug/alcohol test.

(viii) Confidential Self-help for Substance Abuse

If any Township employee wishes to seek help for a substance abuse problem, the employee may voluntarily contact the Employee Assistance Program (EAP) directly to arrange a fully confidential appointment with an EAP counselor. All discussion between the employee and the EAP counselor is strictly confidential. The Township, as employer, and any fellow employees will have no knowledge of such a request for help.

C. Enforcement Procedures When an Employee Appears Impaired

An employee will be required to submit to alcohol, drug or controlled substance testing when the employee's work performance causes a reasonable suspicion that the employee is impaired due to current intoxication, drug or controlled substance use, or in cases where employment has been conditioned upon remaining alcohol, drug, or controlled dangerous substance free following treatment. Refusal to submit to testing when requested may result in immediate disciplinary action, including termination. Supervisors or Department Heads that observe behavior constituting reasonable suspicion are required to institute testing and do not have the option of sending the employee home as an alternative.

- 1) *Impaired behavior.* Whether or not an employee is impaired can only be determined by the Township Physician. Impaired behavior, however, refers to an on-the-job incident, which demonstrates that the employee is unable to perform his/her job safely and/or adequately. Any behavior which puts the employee, his/her fellow employees or the public at large at risk, or which indicates incapacitation or inability to perform his/her job, is considered impaired. The supervisor is not expected to identify the cause of impaired behavior, only to identify the behavior itself. Impaired behavior is any erratic or aberrant behavior, which calls into question the ability of the employee to perform his/her job safely and effectively. If the supervisor observes impaired behavior, or is informed of it by another employee, the supervisor is to contact the Department Director or the Director's designee to discuss the employee's behavior. If it is deemed appropriate, the Department Director/designee will instruct the supervisor to transport the employee to the Township physician for initial medical evaluation. It will be up to the Township physician to determine the possible cause of impairment, and recommend an appropriate course of action. (**Note:** merely suspecting an employee's use, sale, distribution or possession of drugs or alcohol on Township premises is not a medical issue and should be pursued through normal disciplinary action procedures pursuant to N.J.A.C. 4A:2-2.1 et seq.).
- 2) *Supervisory documentation.* Using the Township's "Observed Behavior Recording Form" (see attached hereto Appendix I) the supervisor must thoroughly document the employee behavior, which instigates any recommendation for initial medical evaluation. This must be done within twenty-four (24) hours of the occurrence. The names of all witnesses, if any, must be included in the documentation. The supervisor is responsible for, and accountable for, the accuracy of his/her report.
- 3) *Non-impaired problem behaviors.* Other behaviors, which are questionable, may not be safety issues, but show reasonable cause to suspect there is a problem. The behaviors may include off-duty conduct that results in arrest for violations relating to drugs and/or alcohol. These kinds of behaviors may not immediately affect safety, or the employee may display some of these behaviors but still be able to perform their job, however minimally. In this case, it is not an "impairment" situation, and it is up to the supervisor to take the appropriate action, be it counseling the employee, initiating the steps for a medical evaluation, or contacting EAP directly. But if there is a situation which calls into question the safety of the employee, other employees or the general public, or if the employee is incapacitated or unable to perform his/her job adequately, there is no discretion. The supervisor is to contact

his/her Department Director and initiate a medical evaluation as per the above guidelines.

- 4) *Supervisory Decision to Have a Medical Evaluation.* The Township reserves the right to test an employee for drug or alcohol use, or to otherwise have him/her evaluated by a physician, if: (1) there exists a reasonable, individualized belief by a supervisor that the particular employee is under the influence of or impaired by drugs or alcohol, and such belief is memorialized by that supervisor upon the Township's "Observed Behavior Form (see Appendix I attached hereto);" or (2) there is a vehicular accident with a Township vehicle driven by the employee, and the employee's conduct at the time of the accident, based on eye-witness reports, raises a reasonable belief that use of drugs or alcohol may have been a contributing factor to the accident. The term, "*reasonable, individualized belief*," as used above, is defined as a belief that the employee may be impaired in some way or may be under the influence of drugs and/or alcohol, which belief is based upon (1) objective facts that the individual is exhibiting the established and generally recognized signs and symptoms of drug or alcohol use; (2) facts which are derived from direct observations of the employee's appearance, speech, behavior, odor of breath, responses to questioning, other objective observations, and all other reasonable inferences that can be drawn from such observations. Additional documentation such as incident reports, attendance and tardiness records, safety reports and the like may be considered in forming the basis for reasonable, individualized belief, provided, however, that such documentation cannot be used as a substitute for a supervisor's direct observation of the employee. It will be the Township's policy to train all supervisors who may have the responsibility for identifying impaired behavior and making decisions for further medical evaluation, but the unavailability of a trained supervisor shall not preclude the Township from taking appropriate action to test or evaluate an employee operating in a capacity which could potentially affect the safety of employees and the general public.
- 5) *Meeting with Suspected Employee.* If the supervisor's initial observation causes him/her to suspect the individual may be under the influence of or impaired by illegal drugs or alcohol, the supervisor shall attempt to confer with the department head.
- 6) *Union representation.* An employee suspected of being impaired has the right to have union representation at a meeting with his supervisor prior to a decision to have a medical evaluation of the employee, provided that the union representative can be contacted and arrive within one hour. The union representation may also accompany the employee while he/she is being medically evaluated or during any drug testing procedure.
- 7) The Township will provide an "Employee Assistance Program" for its employees and supervisory personnel.
- 8) *Training.* Training will be given to supervisors with the authority to determine whether an employee must undergo drug or alcohol screening based on a "*reasonable suspicion*" so

that they shall be knowledgeable in identifying the signs and symptoms of drug or alcohol abuse upon which a reasonable, individualized belief may be determined. Training will also cover the procedures to be followed in order to document a decision of whether to have an employee tested or evaluated medically, and all procedures to be followed in having such testing or evaluation done. Training will be provided at least once every calendar year. The Township has the discretion to determine the content and all aspects of the training program, but will consult with all recognized employee unions regarding the program. Each union will be given the opportunity to have a number of its members participate in the training offered to supervisors. Such numbers shall be adequate so that there is representation from all shift and tours.

D. Evaluation Process for Suspected Impairment

(a) Medical Evaluation

1. *Transportation to the Township physician.* When an employee is referred for medical evaluation based upon his/her behavior on the job, safety considerations dictate that a supervisor accompany the employee to the Township Physician.
 2. *Initial medical evaluation.* The initial medical evaluation of an employee will include a medical history and a basic medical examination, which will include a record of any medications/prescriptions being used by the employee (this information must be confirmed if a drug/alcohol screen tests positive). If some kind of impairment is confirmed, the Township physician will recommend the appropriate course of action based on his/her findings. The Township physician, and only the Township physician, makes the determination as to whether substance screening for drugs, including alcohol, is indicated. The Township views this decision as one that should be made only by a qualified medical professional.
 3. *Return to work.* Following a completed medical evaluation, the Township physician will decide whether it is safe to allow the employee to return to work.
- (b) If cleared by the Township Physician for return to duty, the supervisor will transport the employee back to the job site and allow the employee to return to work.
- (c) If the Township Physician determines that it would present a safety hazard for the employee to return to work at that time, the Department Director/designee will be notified with the physician's recommended course of action, which may entail referral to the employee's own physician, to the Employee Assistance Program or testing for drugs or alcohol. If not cleared for return to duty by the Township Physician, the supervisor will transport the employee back to the job site. If the Township Physician so advises, the employee will be counseled against driving him/herself home. If, in the estimation of the Township Physician, an employee is impaired and poses a hazard to him/herself or others if allowed to drive, and the employee persists in driving him/herself from the job site, the safety of both the employee and of the public in general dictates that the supervisor contact the Scotch Plains Police Bureau regarding the matter. Other than advising the employee against driving

him/herself home, under no circumstances should the supervisor or any other person attempt to physically restrain the employee from driving.

Note: If, in the course of initiating a medical evaluation, or at any subsequent point during the process, the employee displays threatening and/or violent behavior, the supervisor is to avoid any physical or verbal confrontation, and should allow the employee to leave freely. Under no circumstances, however, is the supervisor to allow the employee to return to work. If it becomes necessary, the supervisor should contact the Scotch Plains Police Bureau.

4. *Incomplete medical evaluation.* Having been referred for medical evaluation, an employee cannot be returned to duty without authorization from the Township Physician. In the interest of the employee's personal safety, the safety of fellow workers, and the safety of the public in general, an employee refusing to visit or cooperate with the Township Physician will be advised (by the superior or physician, as appropriate) that he/she cannot continue to execute his/her job without a medical evaluation to properly assess the employee's fitness for duty so as to determine whether or not he/she presents a hazard to him/herself or others. Subsequently, an employee refusing to visit or cooperate with the Township physician will be considered a safety risk. The employee will be advised that continued refusal to cooperate will result in disciplinary action.

- a. An employee's refusal to cooperate will be considered *insubordination* and dealt with through disciplinary action as follows:
 - i. The employee is immediately suspended with pay pending a disciplinary hearing to be conducted by the Department Director/designee within three (3) days of the infraction.
 - ii. Following the hearing and any resulting disciplinary action pursuant to N.J.A.C. 4A:2-2.1 et seq., the employee may only be returned to duty following a medical evaluation by the Township physician.
 - iii. In the event that the employee continues to refuse medical evaluation, he/she will be immediately suspended without pay through a hearing in accordance with New Jersey Administrative Code and union contracts. In addition, a Step 4 disciplinary hearing will be held within five (5) working days of the infraction, in which the employee's Department will pursue disciplinary action against the employee, up to and including removal on the grounds of (1) continued insubordination and (2) inability to medical evaluate the employee for return to duty.
- b. Having refused to cooperate, the employee will be advised (by the physician or supervisor, as appropriate) to make arrangements for transportation home, other than driving him/herself.

- c. If, in the course of refusing to cooperate with the Township physician, the employee displays threatening and/or violent behavior, the supervisor is not obliged to return the offending employee to the job site in the supervisor's vehicle. The employee will be responsible for arranging for his/her own transportation home.
 - d. If, in the estimation of the Township physician, an employee is impaired and poses a hazard to him/herself or others if allowed to drive, and the employee persists in driving him/herself from the health center or job site, the employee's safety and that of the public dictates that the supervisor contact the Scotch Plains Police Bureau regarding the matter.
5. *Return to work.* Within the scope of the medical evaluation, the Township physician makes the determination as to whether screening for drugs, and/or alcohol, is indicated. The physician will also make a determination whether pending the outcome of this drug and alcohol testing, the employee is in a condition to return to work.

E. Substances Testing Procedures

1. Urine tests for drugs and breath or blood tests for alcohol, whenever required under this policy, shall be conducted with procedures for sampling, storage, transportation, chain-of-custody, and testing that ensure fair and accurate results. All testing shall be done by a NIDA -approved laboratory. Before implementation of any testing, the Township shall review its selection of a sampling site and a testing laboratory, and all related procedures, with the Township 's employee unions to obtain their input on the acceptability of the facilities and procedures. All urine specimens will be analyzed for the presence of the following drugs: Amphetamines, Barbiturates, Benzodiazepine Metabolites, Cocaine Metabolites, Marijuana Metabolites, Methadone, Methaquaione, Opiate Metabolites, Phencyclidine, and Propoxyphene.
2. For each employee being tested, two samples shall be taken. One sample will be tested by the Township's laboratory. If the initial test yields a positive result, then the other sample shall be kept frozen by the Township's laboratory for six months and made available for a confirming test by a laboratory selected by the employee. Any such testing requested by the employee shall be by a NIDA laboratory at the cost of the employee, and follow proper chain-of-custody procedures.
3. The drug screening of each urine sample shall consist of two components: an initial test using the Abruscreen (on-line) immunoassay procedure, and if the initial test yields any positive findings, a second confirmatory test using the gas chromatography/ mass spectrometry test. The NIDA cutoff levels for the presence of each drug are to be used. A sample which measures below the cutoff limits established by NIDA will be considered negative.

4. The laboratory shall maintain, for at least six months, all information and documentation relating to the chain of custody, all documentation upon which the results are based, and any other documentation relating to the sampling, chain of custody, and testing.

(i) Right to Independent Sampling and Test

An employee who has been tested by the Township shall have the option to go immediately thereafter to a site selected by their respective Union for a second sample and then have this second sample tested by a laboratory selected by their respective Union. This sample will only be tested in the event that there is a positive result on the initial sample taken by the Township. The Township shall have the right to send a representative to witness this procedure. If such a test is performed, the Township shall have a right to receive the results of the test (only for the substances, which the Township tests for under this policy), but the Township's actions shall not be governed by the results of this second test. If the Township's initial test comes back negative, and if the employee has chosen to have a second sample taken under the provisions of this paragraph, then the Township will reimburse the employee for one-half the cost of having the second sample drawn.

(ii) Negative Test Result - Subsequent Action

When an employee has been referred for medical evaluation due to on-the-job behavior, and then achieves a negative test result for drugs or alcohol, his/her behavior which caused the referral will be addressed by the Department Director/designee through appropriate supervisory practices, referral to LAP, and/or possible disciplinary action.

(iii) Positive Test Result - Subsequent Action

1. If the physician-initiated drug test results in a confirmed positive test for prohibited drug/alcohol use, the Township's Municipal Manager will be provided with official notice of the employee's confirmed use of a non-medically prescribed controlled substance or substances.

2. The Municipal Manager will inform the employee's Department Director whether the employee will return to work or not, and will advise the Department Director of any restrictions or special circumstances which the Township physician has recommended. The Director in turn will give this information to the employee's supervisor.

3. To protect the privacy of the employee, any documentation relating to the employee's test will be filed separately in a secured file in the Personnel Office, access to which will be restricted. Under no circumstances will the information be filed in the employee's personnel file.

4. Separate and apart from any federal or state requirements, if the results of a drug and alcohol test are positive, the employee is subject to discipline, up to and including discharge and/or requested to undergo rehabilitation until declared fit to return to work. An employee who refuses to undergo rehabilitation or does not follow the recommendations of the rehabilitation program may be subject to discharge. It is a condition of employment for employees returning to work to submit to drug and alcohol

testing as part of a return-to-duty or follow-up program. These tests will be paid for by the employee.
Employees who test positive twice for alcohol/drugs will be terminated

5. In addition, the employee, the Department Director/designee, and the employee's union representative, will meet to outline the employee's conditions of continued employment with the Township. If the employee elects to continue his/her employment with the Township of Scotch Plains, the employee will be required to sign the "On-Notice" Agreement (see Appendix H attached hereto) attesting that his/her continued employment is conditional upon successful completion of the rehabilitation program. To protect the employee, the "On Notice" agreement will be filed separately in a secured file in the Personnel Office, apart from the employee's personnel file. The employee's Department Director will also retain a copy of the agreement in a secured personnel file, access to which will be strictly controlled. The employee's participation in the treatment program arranged by EAP may not begin until he/she has signed the "On-Notice" employment agreement. An employee's refusal to sign the agreement shall be grounds for termination of employment.

6. Unannounced testing pursuant to the "On-Notice" Agreement is testing for drugs and/or alcohol at times chosen by the employer, which needs not be strictly random, nor selected because of the employee's behavior. The substances to be tested for and the times of these tests are to be approved in advance by the Municipal Manager. For alcohol, there will be zero tolerance during announced testing, as opposed to the .002 limit generally in effect for determining impairment.

7. The employee's supervisor, the employee's EAP counselor and the Township physician are mutually responsible for monitoring the employee's adherence to the probationary conditions of employment. Any violation of the "On-Notice" terms of employment will be grounds for termination of the employee's employment with the Township of Scotch Plains.

1.6 Anti-Harassment Policy

A. Policy. The Township is committed to providing and maintaining a work environment that respects the dignity and worth of each individual. All employees shall be permitted to work in an environment free from all forms of unlawful discrimination and conduct which can be considered harassing, coercive or disruptive. Inappropriate workplace behavior and unlawful harassment of an employee by another employee, manager, supplier, volunteer or business invitee are prohibited. This policy applies to all harassment occurring in the work environment, whether on Township premises or in any employment-related setting. The purpose of this policy is to foster a work environment that is free from all forms of harassment, whether that harassment is because of race, creed, color, national origin, ancestry, age, religion, gender (including gender identity or expression), disability, marital status, affectional or sexual orientation, veteran status, domestic partner status, genetic information, atypical hereditary cellular or blood trait or any other legally protected classification.

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

B. Sexual Harassment Defined. Sexual harassment is defined as: unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct based on gender or sexual orientation when:

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

Sexual harassment includes, but is not limited to:

- (1) Gender Harassment: Generalized gender or sexual orientation based remarks and/or behavior, whether or not meant to be derogatory or provocative. For example, use of stereotypes, offensive, insulting, derogatory or degrading remarks based on gender or sexual orientation, using sexually explicit language, gender or sex based pranks or jokes, and the display of sexually suggestive *objects* or pictures in the workplace.
- (2) Seductive Behavior: Inappropriate, unwanted, offensive physical or verbal sexual advances. For example, unwelcome or repeated flirtations, propositions or advances, unwelcome physical contact, whistling, leering, improper gestures, tricks or horseplay.
- (3) Sexual Bribery: Solicitation of sexual activity or other sex-linked behavior by promise of reward. For example, demands for sexual favors in exchange for favorable or preferential treatment, such as a raise or a good performance evaluation.
- (4) Sexual Coercion: Coercion of sexual activity by threat of punishment. For example, threatening to take or taking adverse employment actions, such as a discharge, demotion or reassignment, if sexual favors are not granted.
- (5) Sexual Assault: Gross sexual imposition, such as touching, fondling, grabbing or assaulting.
- (6) Verbal, Written or Electronic Harassment: Sexually suggestive or obscene comments, jokes or propositions including letters, notes, e-mails, text messages, invitations, gestures or inappropriate comments about a person's clothing.
- (7) Continued Harassment: Continuing to engage in certain behaviors of a sexual nature after an objection has been raised by the target of such inappropriate behavior.

C. Other Harassment Defined. For the purposes of this policy, other harassment is defined as verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because as a result of a protected characteristic, as indicated above and/or any other legally protected classification that:

- a. Creates an intimidating, hostile or offensive work environment; or
- b. Unreasonably interferes with an individual's work performance.

Some examples of such harassment are: using epithets or slurs; mocking; ridiculing or mimicking another's culture, accent, appearance or customs; threatening, intimidating or engaging in hostile or offensive acts that focus on an individual's race, creed, color, national origin, ancestry, age, religion, gender, including gender identity or expression, disability, marital status, affectional or sexual orientation, veteran status, domestic partner status, genetic information, atypical hereditary cellular or blood trait or any other legally protected classification, including jokes and pranks; the displaying on walls, bulletin boards or elsewhere on Township premises, or circulating in the workplace, written or graphic material that denigrates or shows hostility or aversion towards a person or group because of race, creed, color, national origin, ancestry, age, religion, gender, disability, marital status, affectional or sexual orientation, veteran status, domestic partner status, genetic information, atypical hereditary cellular or blood trait or any other legally protected classification.

D. Reporting and Investigation Procedures. The reporting and investigation procedures are found at Section 1.12.

The Municipal Manager of the Township is hereby designated the Anti-Harassment Officer. Persons who, by reason of circumstances, are uncomfortable directing a complaint to the Municipal Manager may report same to his/her Department Head and/or any supervisor or manager with whom the employee feels comfortable making the complaint, who will then bring the complaint to the appropriate authorities.

E. Harassment by Non-Employee. Harassment of any employee, in connection with their work, by a non-employee may also violate this Policy. Any employee who experiences harassment by a non-employee, or who observes harassment of an employee by a non-employee, should report such harassment in accordance with this Policy. Appropriate action will be taken against the non-employee if the complaint is substantiated following an investigation.

F. Confidentiality. To the extent possible, all harassment complaints and investigations will be conducted in a manner to protect the confidentiality of the complainant, the alleged harasser and all witnesses. All parties involved in the proceedings will be advised to maintain strict confidentiality, from the initial meeting to the final decision, to safeguard the privacy and reputation of all involved. However, anonymity and confidentiality cannot always be guaranteed if a proper investigation is to be carried out and, where appropriate, action is to be taken against the alleged wrongdoer. Any report generated as a result of the investigation of a complaint filed under this policy shall be maintained as confidential except as to any Township personnel who need knowledge of the contents of the report in order to evaluate and/or carry out its recommendations, or as required by law.

G. No Retaliation. It shall be a violation of this policy for any employee to take reprisals against any person because she/he has filed a complaint, testified or assisted in any proceedings in this Policy. Threats, other forms of intimidation and/or retaliation against the complainant or any other

party based on involvement in the complaint process may be cause for disciplinary action. There will be no discrimination or retaliation against any individual who files a good-faith harassment complaint pursuant to this Policy, even if the investigation ultimately produces insufficient evidence to support the complaint.

H. Training. To assure that employees understand this policy and their obligations, the Township shall periodically conduct anti-harassment training relating to this policy and conduct that potentially violates this policy.

1.7 Protection Under the Conscientious Employee Protection Act

A. Policy. The New Jersey Conscientious Employee Protection Act, N.J.S.A. 34:191 et. seq. ("Whistleblower Act" or "CEPA") is designed to protect employee "whistleblowers" by making it unlawful for employers to take adverse employment action against employees who disclose, object to, or refuse to participate in certain actions of the employer or co-employees that the employee reasonably believes are either illegal or in violation of public policy. All complaints will be taken seriously and promptly investigated. More specifically, this law provides that an employer shall not take any retaliatory action (discharge, suspension, demotion, etc.) against an employee because the employee does any of the following:

- i. Discloses or threatens to disclose to a Department Head, Municipal Manager the Mayor or other official or to a public body (as defined under CEPA) an activity, policy or practice that the employee reasonably believes is in violation of a law, rule or regulation promulgated pursuant to law;
- ii. Provides information to, or testifies before, any public body conducting an investigation hearing or inquiry into any violation of law, rule or regulation promulgated pursuant to law;
- iii. Objects to, or refuses to participate in any activity, policy or practice which the employee reasonably believes:
 - (1) violates a law, rule or regulation;
 - (2) is fraudulent or criminal; or
 - (3) is incompatible with a clear mandate of public policy concerning the public health, safety, welfare or protection of the environment.

B. Communication of Policy. This policy shall be communicated to all employees in a posted notice and in this Policy and Procedures Manual. A written acknowledgment that the employee reviewed the policy will be included in the employee's official personnel file.

C. **Notice.** The protection afforded to employees under CEPA is generally subject to a notice requirement. In other words, an employee, under normal circumstances must advise the Municipal Manager, his/her Department Head and/or manager or supervisor of the alleged illegal activity or public policy violation in writing, and afford the offending individual a reasonable opportunity to correct the complained of activity, policy or practice before a disclosure to a public body is made. Disclosure to a supervisor is not required where: (i) the employee is reasonably certain that the violation is known to one or more officials; (ii) the employee reasonably fears physical harm as a result of the disclosure; or (iii) the situation is emergency in nature.

D. **Investigation.** Any complaints made under this Policy shall be taken seriously and promptly investigated under Section 1.12.

1.8 Workplace Violence Policy

A. **Workplace Violence Defined.** Workplace violence is any intentional conduct that is sufficiently severe, offensive or intimidating to cause an individual reasonably to fear for his or her personal safety or the safety of his or her family, friends and/or property, such that the conditions of his or her employment are altered or a hostile, abusive or intimidating work environment is created for one or more Township employees. Examples of workplace violence include, but are not limited to, threats or acts of physical aggression or harm, intentional destruction or threat of physical destruction of Township property or an employee's property, harassing or threatening phone calls, surveillance, stalking, veiled threats or any conduct that could result in a conviction under any criminal code relating to violence or threats of violence that adversely affects the Township's legitimate business interests.

B. **Policy.** Any acts or threats of physical violence, including but not limited to, intimidation, harassment or coercion, that involve or affect the Township or that occur on Township property or in the conduct of Township business off Township property, will not be tolerated. Any person who engages in workplace violence will be removed from the premises immediately and may be required, at the Township's discretion, to remain off premises pending the outcome of an investigation of the incident. The Township will decide what disciplinary actions are appropriate, including potential medical evaluation and discipline, up to and including termination of employment.

Any potentially dangerous situation must be immediately reported to a supervisor, Department Head or the Municipal Manager. The Township will actively intervene in any potentially hostile or violent situation.

C. **Application.** This prohibition against threats and acts of violence applies to all persons involved in the Township operations, including but not limited to, Township employees and personnel, contract workers, temporary employees and anyone else on Township property or conducting Township business off Township property.

D. **Limitations.** This policy is intended to bring the Township into compliance with existing legal provisions requiring employers to provide a safe workplace. It is not intended to create any obligations beyond those required by law.

1.9 **Conflicts of Interest Policy**

A. **Policy.** All employees/officials of the Township need to be aware of the importance of conducting themselves in an ethical manner. As such, employees/officials shall not take part in or attempt to influence in any way activity in which their own best interests may conflict with the best interests of the Township. Employees are expected to devote their best efforts to the interests of the Township. A potential or actual conflict of interest occurs whenever an employee or Township official is in a position to influence a Township decision that may result in a personal gain for the employee/official or an immediate relative of the employee/official (including a spouse or significant other, child, parent, stepchild, sibling, grandparent, daughter-in-law, son-in-law, grandchild, niece, nephew, aunt, uncle or any person related by blood or marriage residing in the household of the employee/official). The following list of activities, while not all-inclusive, is offered as examples of those activities which may compromise an employee's or official's ability to act in an ethical manner:

- (i) Accepting substantial gifts or excessive entertainment from an outside organization. If there is any question as to what constitutes "substantial gifts" or "excessive entertainment" the employee should ask the Municipal Manager or the Township Attorney for clarification.
- (ii) Borrowing money from individuals or firms, except recognized lending institutions, with which the Township does business.
- (iii) Conducting Township business with a firm in which the employee or an immediate family member has a substantial interest.
- (iv) Engaging in practices or procedures which violate any laws or regulations to which the Township is subject.
- (v) Misusing, or revealing to unauthorized parties, any confidential information of the Township.
- (vi) Participating in civic or professional organizational activities in such a way that confidential information is disclosed.
- (vii) Simultaneous employment with a company or firm which is a Township supplier.
- (viii) Speculating or dealing in materials, equipment, supplies or services purchased by the Township.

B. **Outside Employment.** Employees are permitted to hold outside employment as long as it does not materially interfere with their Township responsibilities or create an actual conflict of interest. Employees are prohibited from engaging in outside employment activities while on the job or using Township time, supplies or equipment in their outside employment activities. Any employee accepting outside employment will be held accountable for ensuring that such employment does not materially interfere with performance of his/her Township duties or in any other way compromise his/her position with the Township. Any employee who holds an interest in, or is employed by any company or entity doing

business with the Township must submit a written notice of these outside interests to the Municipal Manager. The Municipal Manager may request employees to restrict outside employment if the quality of Township work diminishes or if the outside employment presents an actual conflict of interest. To the extent manager has reason to believe potential conflict of interest exists, he/ she shall confer with employee to ensure that there is no conflict of interest.

C. Filings. Business dealings that create an actual conflict of interest between the employee and the Township's interests are illegal under the New Jersey Local Government Ethics Act (the "Ethics Act"). Under the Ethics Act, certain employees and officials are required to annually file with the Township Clerk a state-mandated disclosure form. The Township Clerk will notify employees and Township officials subject to the filing requirements of the Ethics Act.

D. Reporting Obligations. All employees/officials are responsible for implementing this policy by reporting circumstances which appear to violate legal, regulatory or ethical requirements to the Municipal Manager. Employees/officials who believe a conflict of interest or other violation has occurred should report the incident to their immediate supervisor, if practical. If it is not practical for an employee to report the alleged violation to his/her immediate supervisor, or if an employee is not satisfied with the supervisor's response, the employee should file a written report with the Municipal Manager. Under certain circumstances, if an employee first discloses suspected wrongdoings to anyone outside of established reporting procedures, the employee may be subject to disciplinary action. The Municipal Manager or his/her designee, upon receipt of any report of suspected violations, will initiate an investigation. All records, including employee identity, shall be kept confidential, except as necessary during an investigation. The accused shall have a fair opportunity to respond to allegations. Employees or officials who are found to be in violation of any provisions of this policy may be subject to disciplinary action, up to and including discharge, in addition to other penalties as specified by federal, state or local laws.

E. Ethical Conduct.

Pursuant to the provisions of the Local Government Ethics Law:

- i. No employee or member of his or her immediate family will have an interest in a business organization or engage in any business, transaction or professional activity, which is in substantial conflict with the proper discharge of his or her duties in the public interest.
- ii. No employee should use or attempt to use his or her official position to secure unwarranted privileges or advantages for him or herself or others.
- iii. No employee should act in his or her official capacity in any matter wherein he or she, a member of his or her immediate family, or business organization in which he or she has an interest, has a direct or indirect personal or financial interest that might reasonably be expected to impair his or her objectivity or independence of judgment.
- iv. No employee should undertake any employment or service, whether compensated or not, which might reasonably be expected to prejudice his or her independence of judgment in the exercise of his or her official duties.

- v. No employee, member of his or her immediate family, or business organization in which he or she has an interest, should solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan contribution, service, promise or other thing of value was given or offered for the purpose of influencing him or her directly or indirectly in the discharge of his or her official duties.
- vi. No employee will use, or allow to be used, his or her public employment, or any information, not generally available to members of the public, which he or she receives or acquires in the course of and by reason of his or her employment, for the purpose of securing financial gain for himself or herself, any member of his or her immediate family, or any business organization with which he or she is associated.
- vii. No employee or business organization in which he or she has an interest will represent any person or party other than the Employer in connection with any cause, proceeding, application or other matter pending before any agency in the local government in which he or she serves. An employee or members of his or her immediate family may represent himself or herself in proceedings concerning the employee's own interests.

1.10 Political Activity Policy

Employees have exactly the same right as any other citizen to join political organizations and participate in political activities, as long as they maintain a clear separation between their official responsibilities and their political affiliations. Employees are prohibited from engaging in political activities while performing their public duties and from using Township time, supplies or equipment in any political activity. Political activity shall include, but not be limited to, advocating the election or appointment of any candidate for office, verbally or otherwise, soliciting funds for campaigns, posting leaflets, emblems, medallions or posters on Township property. Any violation of this policy must be reported to the supervisor, Department Head, or Municipal Manager.

1.11 Operation of Motor Vehicle Policy

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

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

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

D. Any employee performing work which requires the operation of a Township vehicle must notify the immediate supervisor in those cases where a license is expired, suspended or revoked and/or who is unable to obtain an occupational permit from the State Department of Licensing. An employee that

fails to report such an instance is subject to disciplinary action, including demotion or termination. An employee who fails to immediately report such revocation or suspension to their supervisor and continues to operate a Township vehicle shall be subject to possible termination.

E. All Township vehicles are to be used for official business only. Personal use of Township vehicles is prohibited. Only authorized Township personnel or persons conducting business with the Township may operate or be transported in Township vehicles. Only qualified employees may drive a Township vehicle or operate machinery in which they have been trained and/or properly licensed to do so. The Department Head is responsible for ensuring that the operator is qualified to operate the vehicle or machinery. No person under the influence of an alcoholic beverage or of a controlled dangerous substance may operate a vehicle or machinery. Persons doing so will face disciplinary action, up to and including termination.

F. Any employee who is in an accident while driving a municipal vehicle must immediately report the accident to his/her supervisor, no matter how minor. This includes incidents where no physical operation of the vehicle took place or when there was no damage to the vehicle.

G. Vehicles may be taken home only with the advance written approval of the Municipal Manager, except a Department Head may also grant temporary approval to facilitate response to after-hours emergency calls. An employee who is allowed to take a municipal vehicle home is prohibited from using the vehicle and transporting passengers for activities not associated with Township business. Any violation of this policy constitutes cause for disciplinary action.

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

1.12 Employee Complaint Investigation Procedures

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

A. **Reporting.** All employees are encouraged to report discrimination, harassment and/or other inappropriate behavior if they believe they are being harassed or if they observe the harassment of another. Notifying the appropriate personnel of any problem is essential to the success of this Policy. The Township cannot resolve a behavior problem unless it knows about it. Employees are also encouraged, whether directly or through a third party, to notify the alleged harasser that the behavior in question is offensive and unwelcome. However, failure to do so does not preclude filing a complaint. All employees have the right, and supervisors have a duty, to formally or informally report any and all statements, acts or behavior by a co-employee or supervisory personnel which are deemed or perceived by the affected employee to be an improper employment practice or to be a violation of this Policy. The reporting of such wrongful acts should be to the Municipal Manager, the employee's Department Head and/or any supervisor or manager with whom the employee feels comfortable making a complaint. Employees who lodge a complaint can be assured that their complaint will be taken seriously, and will be promptly and thoroughly investigated.

B. Responsibility of Supervisors. In order to ensure the integrity of the work environment, supervisory personnel are required to ensure adherence to and compliance with this Policy. Upon observing or being informed of any form of discrimination, harassment or other improper behavior in violation of any of the Township's Policies, supervisors are required to take appropriate immediate action in response, including conducting an investigation, taking appropriate remedial action and informing employees of their rights under this Policy and applicable laws. Failure to report or adequately address such harassment, discrimination or improper behavior is a violation of this Policy and will result in disciplinary action.

The supervisor or Department Head must report all written or verbal complaints to the Municipal Manager unless the complaint is against the Municipal Manager. Upon receipt, the Municipal Manager will determine if the complaint was made pursuant to the General Anti-Harassment Policy, the Anti-Sexual Harassment Policy, the Whistle Blower Policy, a grievance procedure, or is another form of complaint. A file will be established including the written complaint, the investigation procedure followed and the response action plan.

C. Contents of Complaints. An initial complaint may be made orally or in writing. If the complaint is made orally, the individual to whom the complaint is made shall reduce same to a written document which shall, if it is deemed accurate, be signed by the complainant.

If the employee is reluctant to sign a written complaint, the Municipal Manager or investigator will prepare written notes of the date, time and place of the complaint and the specific allegations. These notes will be read back to the employee who will be asked to affirm, preferably in writing the information's accuracy.

The complaint file must include the following information:

- (1) The name and department of the complainant;
- (2) The name and department of the charged party;
- (3) The nature and circumstances, in detail, of the alleged harassment, discrimination or improper behavior including but not limited to, the injuries or consequences suffered by the complainant, the names of any witnesses to such actions and the duration of the actions in question; and
- (4) Whether such behavior has been previously reported to a supervisor or other person, and if so, when and to whom.

Nothing in this section shall prevent the complainant from providing such other information or documents he/she believes are essential to the fair adjudication of his/her complaint.

D. Investigation. All complaints will be investigated by the Municipal Manager or his or her designee as soon as possible and shall commence within thirty days after receiving the complaint. The alleged target will be notified once a formal complaint is filed. A finding of no probable cause as a result of an investigation does not necessarily establish that an accusation was made in bad faith. However, this policy shall not be used to intentionally bring frivolous or malicious charges against an employee. A harassment investigation shall be conducted in a timely manner and shall include, but not be limited to:

- (1) Interviewing the complainant;

- (2) Interviewing all potential witnesses, including those persons who may have knowledge of similar incidents;
- (3) Interviewing the charged party;
- (4) Reviewing municipal records for similar incidents involving the complainant and/or the charged party; and
- (5) Assessing the presence or absence of corroborative evidence for either party.

The Municipal Manager will seek the advice of the Township Attorney and/or Labor Counsel if appropriate during the course of the investigation. The investigation should be conducted by the Township Attorney and/or Labor Counselor or the County Prosecutor if it involves potential criminal charges. The investigation should establish the frequency and nature of the alleged conduct and whether the complaint coincides with other employment events such as a poor performance evaluation. The investigation should also determine if other employees were subjected to similar misconduct. It is important to protect the rights of both the person making the complaint and the alleged wrongdoer.

E. Response Plan. Upon completion of the investigation, the investigator shall prepare a written summary of his/her investigation. The Municipal Manager will render a decision within fourteen days after the investigation is complete.

- i. **No Corrective Action.** If the validity of a complaint cannot be determined or the complaint is groundless, the complaining employee should be notified in writing. Care should be taken to avoid being too specific, confrontational or accusatory and to avoid any language that might be construed as defamatory. A general statement is usually more appropriate that the claim was thoroughly investigated, but could not be sufficiently documented or confirmed to justify taking formal action. The employee should be assured that future complaints will be investigated and that the Township is committed to eliminating wrongful employment practices when they are found to exist. If the investigation reveals that the complainant intentionally and maliciously levied false charges against the alleged wrongdoer, the complainant must be notified of the seriousness of filing a false complaint, and the appropriate disciplinary penalty under the circumstances, up to and including termination.
- ii. **Corrective Action.** If the investigation reveals that the complaint is justified and substantiated, the Municipal Manager will formulate a corrective action plan, as well as possible disciplinary action. The complaining employee will be notified, in writing that it appears that the complaint was justified and an appropriate response plan has been formulated. A copy of the response plan should be attached to the letter. The response plan should provide for appropriate remedial action to prevent a recurrence of the wrongful act or behavior.

F. Confidentiality. To the extent possible, all complaints and investigations will be conducted in a manner to protect the confidentiality of the complainant, the alleged harasser and all witnesses. All parties involved in the proceedings will be advised to maintain strict confidentiality, from the initial meeting to the final decision, to safeguard the privacy and reputation of all involved. However, anonymity and confidentiality cannot always be guaranteed if a proper investigation is to be carried out and, where appropriate, action is to be taken against the alleged wrongdoer.

G. No Retaliation. It shall be a violation of this policy for any employee to take reprisals against any person because she/he has filed a complaint, testified or assisted in any proceedings in this Policy. Threats, other forms of intimidation and/or retaliation against the complainant or any other party based on involvement in the complaint process may be cause for disciplinary action. There will be no discrimination or retaliation against any individual who files a good-faith harassment complaint pursuant to this Policy, even if the investigation ultimately produces insufficient evidence to support the complaint.

1.13 Open Public Meetings Act (OPMA) Procedure concerning Personnel Matters

Discussions by the governing body or any public body of the Township of Scotch Plains concerning appointment, termination, terms and conditions of employment, performance evaluation, promotion or discipline of any current or prospective officer or employee shall be in closed session, with the right of the employee to be present, unless the individual requests in writing that the discussion be held in open session. Such request must be granted. Prior to the discussion by the governing body or any body of the Township of Scotch Plains concerning such matters, the Clerk shall notify the affected person(s) of the meeting date, time and place, the matters to be discussed and the person's right to request that the discussion occur in open session. In the event more than one person is affected by the discussion and one of the affected persons does not request that the discussion be in open session, then the discussion shall be in closed session.

Additionally, whenever the governing body or any public body of the Township intends to act on a matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of performance of, promotion, or disciplining of any specific prospective public officer or employee or current public officer or employees employed or appointed by the governing body or any public body of the Township, then that governing body or that public body of the Township must provide notice of said intended action to said prospective public officer or employee or current public officer or employees. Prior to the matter being acted on, the Clerk shall notify the affected person(s) of the meeting date, time and place, the matters to be discussed.

1.14 Genetic Information Nondiscrimination Act Policy (GINA)

The Township recognizes its obligations under the Genetics Information Nondiscrimination Act ("GINA") of 2008 with respect to hiring, promotion, pay, fringe benefits, job training, classification, referral and other aspects of employment.

Under the GINA, the Township is also restricted from acquiring and strictly limits the disclosure of genetic information.

1.15 Domestic Violence Policy

The Township hereby adopts the Statewide Domestic Violence Policy for Public Employers released by the New Jersey Civil Service Commission, which is applicable to all public employers pursuant to N.J.S.A. 11A:2-6a. Such policy requires that the Employer designate a Human Resources Officer (“HRO”) to assist employees who are victims of domestic violence. The HRO must receive training on responding to and assisting employees who are domestic violence victims in accordance with the policy. Employees who are victims of domestic violence are encouraged to seek immediate assistance from their HRO. The Employer will develop a plan to identify, respond to, and correct employee performance issues that may be caused by a domestic violence incident.

The full policy is available for review attached as Appendix R.

1.16 New Jersey Civil Service Commission

Individuals employed by the Employer fall within the jurisdiction of the New Jersey Civil Service Commission (“CSC”), which regulates employment within State, County, and Municipal governments through a merit system. As an employee of the Employer, you are subject to the rules and regulations of the CSC.

A. Classification

Individuals employed by the Employer fall within either “classified” or “unclassified” service.

“Classified” employees may be either full or part-time, temporary, provisional or permanent. The classified service is divided into competitive and non-competitive. The competitive division includes all positions which require special skills. Those in the competitive division are subject to examinations given under the auspices of the CSC.

“Unclassified” employees are those elected by popular vote, appointees of the governing body, Department Heads and/or employees for whom the statutes of the State of New Jersey prescribe fixed terms. These employees are not technically subject to the provisions of the CSC. However, the Employer’s policy is to grant unclassified employees essentially the same fringe benefits and procedural rights as their counterparts in the classified service. For any questions as to which fringe benefits apply to unclassified employees, the Employer’s Human Resource Department should be contacted.

B. Employee Definitions

- i. Provisional Employee – Pending the establishment of a list of eligibles, a vacancy may be filled by a provisional employee. Such appointment shall continue only until the CSC promulgates an appropriate list. **A PROVISIONAL EMPLOYEE MAY BE TERMINATED AT ANY TIME WITH OR WITHOUT CAUSE.**
- ii. Intermittent Employee – Intermittent employees are those who are hired, in titles and departments specified by CSC, in the career service where work responsibilities are characterized by unpredictable work schedules, and which do not meet the normal criteria

for regular, year-round, full-time, part-time assignments. Intermittent employees are not eligible for health benefits.

- iii. Permanent Employee – Permanent Employees are those who have passed an open competitive examination or promotional examination, have received certification, have been appointed, and have satisfactorily completed the required working test period.
- iv. Temporary Employee (T-120) – Temporary employees are those who are hired for a limited period not to exceed an aggregate of six (6) months within a twelve (12) month period. Temporary employees are not eligible for benefits. **A TEMPORARY EMPLOYEE MAY BE TERMINATED AT ANY TIME WITH OR WITHOUT CAUSE.**
- v. Temporary Interim Employee – Temporary interim employees are those who replace permanent employees on an approved leave of absence. **A TEMPORARY INTERIM EMPLOYEE MAY BE TERMINATED AT ANY TIME WITH OR WITHOUT CAUSE.**
- vi. Seasonal Employee – Seasonal employees are those appointed to a temporary position which may be of a seasonal nature for a period not to exceed three (3) months in any twelve (12) month period. Seasonal employees are not eligible for benefits. **A SEASONAL EMPLOYEE MAY BE TERMINATED AT ANY TIME WITH OR WITHOUT CAUSE.**
- vii. Probationary Employee – A probationary employee is one who is serving a working test period.
- viii. Volunteer – A volunteer is an individual volunteering their time to provide services to the Employer who are not on the payroll and receive no compensation.

C. Employment/Promotional Examinations

Pursuant to N.J.A.C. 4A:1-1 et seq., CSC examinations may be written, oral or an evaluation based on education, training and experience. CSC examinations may be either open competitive or promotional depending upon the circumstances involved. In either case, a certified list will result. To be eligible for an open competitive examination, you must meet the qualifications established by the CSC at the time of filing. Preference in open competitive certification and appointment is given to those who successfully pass examinations in the following order: (i) disabled veteran; (ii) veteran; and (iii) non-veteran.

Promotional examinations are competitive and only open to qualified employees within the department where the promotional opportunity exists. To compete in a promotional examination and to be eligible for promotion, you must have permanent employment status and meet the specific qualifications established by the CSC, as described in the individual Promotional Announcement.

Probationary Period – Employees in all divisions of the classified service must serve a working test period after regular appointment as delineated by the CSC. This probationary period enables the Department Head to evaluate the new employee's conduct and work performance before permanent status is achieved.

1.17 Job Description Policy

A job description, including qualifications, shall be maintained for each position, pursuant to the CSC. A copy of an employee's job description shall be made available upon request.

SECTION TWO: WORKPLACE POLICIES

2.1 Attendance Policy

All employees are expected to be at work and ready to assume their duties at the beginning of the scheduled workday. Lateness and absence will be tolerated only in emergencies or when the supervisor gives prior approval. All absences must be reported to the supervisor prior to the start of the normal workday. Currently, the normal working hours for administrative departments are 8:30 a.m. to 4:00 p.m.; however, the Municipal Manager reserves the right to alter working hours. The working hours for other departments are established by departmental procedures and bargaining unit agreements. An employee must not leave work before the designated quitting time without approval from his or her immediate supervisor. Absence without leave or unapproved absences may be grounds for disciplinary action or dismissal.

2.2 Early Closing and Delayed Openings Policy

In the event of unsafe conditions, the Municipal Manager may authorize Department Heads to close operations earlier than the normal working hours. If conditions exist prior to scheduled openings, the Municipal Manager shall notify Department Heads of a delayed opening and a new opening time. Each Department will have a calling system in place. If the employee chooses not to report to work, a full vacation day or compensating time will be charged. Sick time will only be charged for a legitimate illness. If work is called off for the day, no time will be charged for the day. This provision does not apply to any personnel who may be required to assist in an emergency.

2.3 Personal Appearance

Dress, grooming and personal hygiene must be appropriate for the position. Uniforms are required for certain jobs and are to be worn in accordance with applicable departmental standards. All other employees are required to dress in a manner that is normally acceptable in similar business establishments and consistent with applicable safety standards. With the advance approval of the Municipal Manager, the Township will make reasonable religious accommodations that do not violate safety standards. Employees violating this policy shall be required to take corrective action or will be sent home without pay.

2.4 Smoking Policy

The New Jersey Legislature has declared that in all governmental buildings the rights of nonsmokers to breathe clean air supersedes the rights of smokers. In accordance with State Law, the Township has adopted a smoke-free policy for all buildings. Township facilities shall be smoke-free and

no employee or visitor will be permitted to smoke anywhere in Township buildings. Employees are permitted to smoke only outside Township buildings and such locations as not to allow the re-entry of smoke into building entrances. Smoking inside vehicles owned by the Township and near equipment that may be sensitive to smoke is also prohibited. This policy shall be strictly enforced and any employee found in violation will be subject to disciplinary action.

2.5 Telephone and Cell Phone Policy

A. Scotch Plains Telephones and Cell Phones. The Township of Scotch Plains telephones are for official business only, except for emergencies. The public's primary contact with the government is made through phone calls to our municipal offices. It is important for employees to promptly answer calls, identifying the office and employee's name, and otherwise attend to the call pleasantly and courteously. Whenever possible, attempt to assist the caller, rather than transferring the call.

B. Personal Cell Phones. While at work employees are expected to exercise the same discretion in using personal cellular phones as is expected for the use of Township phones. Excessive personal calls during the workday, regardless of the phone used, can interfere with employee productivity and be distracting to others. Employees are therefore asked to make personal calls on non-work time where possible. Flexibility will be provided in circumstances demanding immediate attention.

- i. **Use of Cell Phones While Driving or Operating Equipment.** Employees whose job responsibilities include regular or occasional driving or equipment operation and who are issued a cell phone for business use are expected to refrain from using their phone for business purposes while driving within the scope of employment, except with the use of a hands free device. Employees must abide by all federal, state, and local ordinances and laws pertaining to mobile technology while operating a motor vehicle. Use of a business cell phone for personal use while driving within the scope of employment is strictly forbidden. Use of a personal cell phone for personal use while driving within the scope of employment is also strictly forbidden.
- ii. **Safety Issues for Mobile Phone Use.** In situations where employees drive and accept phone calls, state law, as well as this policy, requires the use of "hands-free" equipment. Under no circumstances are employees allowed to place themselves at risk to fulfill business needs. Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions. Violations of this policy will be subject to discipline, including termination.

Safety must come before all other concerns. Employees are strongly encouraged to exit the flow of traffic and safely stop the vehicle before placing or accepting a call. Incoming or outgoing cell phone calls are not allowed while driving. Sending or reading text messages, emails, or dialing cell phones are prohibited while driving. If acceptance of a call is unavoidable and pulling over is not an option, employees are expected to keep the call short, used hands-free options, refrain from discussion of complicated or emotional topics and use

safe driving practices. Under no circumstances are employees allowed to place themselves or others at risk to fulfill business needs.

- iii. **Use of Camera Phones.** Use of a camera phone to take pictures of any documents protected by federal, state and local rules and regulations including, but not limited to, copyrighted material, personnel information, trade secrets and any other private documents is strictly forbidden. Use of a camera phone in any manner, including any audio or video capabilities, that violates this employer's no-harassment policy is strictly forbidden.
- iv. **Sensitive Materials.** Use of a camera phone to take photographs or videos of any crime scenes, traffic crashes, arrestees, detainees, people, graphic sexual and/or violent images, deceased individuals, or job related incidents or occurrences are not permitted except in emergency situations or as part of the public employee's official capacity. 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. For the purposes of this section, employees who gain access to any crime scene, accident, or natural disaster on the basis of their status will be deemed to be acting in an official capacity.

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 guideline or directive concerning storage release and disposal. Employees who have recorded any photographs, images or recordings with any personal device shall notify their supervisors as soon as practical.

- iv. **Violations of this Cell Phone Personnel Policy.** Violations of this policy will be subject to disciplinary action, up to and including termination of employment.
- v. **Managerial Staff.** As with any policy, managerial employees are expected to serve as role models for proper compliance with this Policy and are encouraged to regularly review this Policy with the staff.

2.6 Internet, E-Mail, Telecommunications and Computer Policy

A. **Purpose.** The Township respects the individual privacy of its employees. However, e-mail, voicemail, Internet, Township issued cellular devices and computer network are for official business. All e-mail, voice mail and Internet messages are public records subject to possible disclosure to the public pursuant to the provisions of the Open Public Records Act. As such, the computer information technology systems and networks ("IT Services") should be used appropriately. All computer users have the responsibility to use the IT Services in a professional, ethical and lawful manner. This Policy applies to all users of IT Services, wherever they are located within the Township. Violations of this Policy may result in disciplinary action, up to and including termination, and legal action resulting in civil and/or criminal liability.

B. Definitions.

- (i) Information and Technology ("IT") Services. The Township's IT Services include, but are not limited to, the following: host computers, file servers, application servers, mail servers, fax servers, communications servers, data storage servers, workstations, stand-alone computers, laptops, software, internal or external computer and communications networks (including Electronic Data Interchange networks, the Internet, commercial online services, bulletin board systems and user net systems), e-mail, telephone systems and voice mail that are accessed directly or indirectly from the Township's computer and telecommunications facilities and all services provided in connection thereto.
- (ii) Users. The term "Users", as used in this Policy, refers to all employees, independent contractors and other persons or entities accessing or using the Township's IT Services.

C. Waiver of Privacy. Access to the Township's IT Services is for the sole benefit of the Township. Users have no right to privacy in anything they create, store, send or receive on the Township's computer facilities or the Internet or in any communication they create, store, send or receive on the Township's telecommunications system or voice mail. The Township has the right to access and review all materials Users create, store, send or receive on the Township computer facilities, the Internet, the Township's telecommunications system or voice mail. By using the Township's email, computer systems, voicemail and the Internet, each user agrees that the Township has unrestricted access and the right to disclose all information communicated or stored on emails, computer systems, voicemails and the Internet.

D. Monitoring. The Township has the right to unannounced monitoring of any and all aspects of its computer and telecommunications systems, including, but not limited to, monitoring sites visited by Users on the Internet, monitoring chat groups and news groups, reviewing materials downloaded or uploaded by Users, reviewing e-mails sent and received by Users, and reviewing voice mails sent and received by Users. The Township has a duty to monitor an employee's computer usage when an employee is suspected of using said equipment for an illegal purpose. The computers and computer accounts assigned to Users are to assist them in the performance of their job duties. Users should not have an expectation of privacy in anything they create, store, send, or receive on the Township's IT Systems. The Township's IT Systems and all communications, data or other material transmitted to and therefrom are the property of the Township. All communications, including text and images, can be disclosed by the Township to law enforcement or other third parties without the consent of the User, sender or receiver. If the Township discovers any illegal activity by an employee on the Township's IT systems, it shall be reported to appropriate law enforcement authorities.

E. Care in Use of Email, Voicemail, Internet and Computer Network Systems

a. Employees must exercise a greater degree of caution in transmitting the Township's confidential information on the e-mail, voicemail, Internet and computer network systems, because of the ease with which such information can be redistributed and the public access to such information through the Open Public Records Act. Please make sure that all addressees are appropriate recipients of the

information to be distributed, via e-mail, voicemail, Internet, text message or other electronic forms of communication, especially when distributing information to a list of recipients.

b. Except in emergency situations or as part of their officially assigned or regular or permitted duties, employees are prohibited from taking any photographs, pictures, digital images or audio recordings of any crime scenes, traffic crashes, arrestees, detainees, people or job related incidents or occurrences with any personal analog or digital device, camera, imaging device, audio recorder or cellular telephone. This section also applies in off duty scenarios regarding any law enforcement 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 guideline or directive concerning storage release and disposal. Employees who have recorded any photographs, images or recordings with any personal device shall notify their supervisors as soon as practical. For the purposes of this section, an "emergency situation" involves a sudden and unforeseen combination of circumstances or the resulting state that calls for immediate action, assistance or relief, and may include accidents, crimes and flights from accidents or crimes. This policy includes, but it not limited to, screenshots of computer stations, pictures of monitors and/ or actual documents themselves without the prior approval of the Municipal Manager.

F. **Policies and Procedures.**

- (i) **Compliance with Applicable Laws and Licenses.** Users must comply with all software licenses and copyrights, and with all state, federal and international laws governing intellectual property and online activities. Users may not copy, transmit, rename, add or delete information from copyrighted materials without express permission of the owner.
- (ii) **Prohibited Activities.** Users are responsible for the texts, audio or images that he/she places or sends via e-mail or over the Internet. Fraudulent, harassing, embarrassing, sexually explicit, obscene, intimidating, defamatory or other unlawful or inappropriate material may not be sent by e-mail, over the Internet or via other forms of electronic communication (such as chat groups, bulletin boards or news groups) and may not be displayed on or stored in the Township's computers. Users encountering or receiving such material should immediately report the incident to their supervisor.
- (iii) **Prohibited Uses.** Access to the Township's IT Services is for the sole benefit of the Township. Without prior written permission of the Township's Municipal Manager, the IT Services may not be used for non-business related purposes, including but not limited to, the transmission or storage of commercial or personal e-mail, advertisements, solicitations, promotions, political material or any other unauthorized use. No employee shall copy, modify, delete or transmit any Township-owned computer file or application, unless necessary for the performance of that employee's official job duties.
- (iv) **Communication of Trade Secrets.** Unless expressly authorized by the User's supervisor, sending, receiving or otherwise disseminating proprietary data, trade secrets or other confidential information of the Township is strictly prohibited. Unauthorized dissemination of such information may result in substantial civil liability, as well as potential criminal penalties, including but not limited to penalties under the Economic Espionage Act of 1996 (18 U.S.C.A §1831, et seq.)
- (v) **Installation of Software.** Users may not install software onto any of the Township's

computers or the network without first receiving express authorization to do so from the Municipal Manager.

- (vi) File Downloads. Users are not permitted to download files from the Internet without the express permission of the Municipal Manager. Non-business applications of any sort, including but not limited to, AOL Instant Messenger, ICQ, Java applets, screen savers, etc. that use real-time Internet data feeds should not be installed or used on Township, computer systems unless prior permission has been granted by the Municipal Manager.
- (vii) Communications with Attorneys. E-Mail from or to any attorney representing the Township should begin with language identifying the message as an attorney-client privileged communication.
- (viii) Unauthorized Access. Employees are prohibited from the unauthorized use of the password(s) of other employees to gain access to another employee's messages in the email, voicemail, Internet or computer network systems including but not limited to all secured access software that employees may have access to.
- (ix) Personal Use. Employees should not use any of the systems to transmit any messages they would not want to disclose to a third party. Employees that 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 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 the imposition of disciplinary action against the employee if the words, phrases, photographs, images or information adversely reflects on the employee's fitness for duty or constitutes a violation of the personnel policies of Township. Moreover, employees should not use these systems for soliciting or proselytizing others for commercial ventures, religious or personal causes, outside organizations or other similar, non-job-related solicitations.

2.7 Social Media Policy

Purpose

This policy sets forth guidelines for the establishment and use by the Township of Scotch Plains ("the Township") of all social media sites (including but not limited to Facebook and Twitter) as a means of conveying Scotch Plains-related information to its residents, employees and visitors. The Township has an overriding interest and expectation in deciding what is "spoken" on behalf of the Township on its social media sites.

For purposes of this policy, "social media" is understood to be content created by individuals, using accessible, expandable, and upgradable publishing technologies, through and on the Internet. Examples of social media include, but are not limited to, First Alert, Facebook, blogs, MySpace, RSS, YouTube, Second Life, Twitter, LinkedIn, Delicious, and Flickr. For purposes of this policy, "comments" include

information, articles, pictures. It also includes other communication medium created by the Township including, but not limited to, Nixle, reverse 911 and/or Scotch Plains TV.

Scope

This policy shall apply to all Municipal agencies and departments as well as any affiliated government or non-government agency or official and/or commission or council permitted by the Township to post on Township social media sites.

General Policy

1. The establishment and use by any municipal department of the Township's social media sites are subject to approval by the Township Manager or his/her designees. All Scotch Plains social media sites shall be administered by Scotch Plains' Information Technology ("IT") designated third party provider.
2. The Township social media sites should make clear that they are maintained by the Township and that they follow this Social Media Policy.
3. Wherever possible, the Township social media sites should link back to the official Scotch Plains website for forms, documents, online services and other information necessary to conduct business with Scotch Plains.
4. The Township shall designate an employee or volunteer to monitor content (the "Social Media Coordinator") on the Township social media sites to ensure adherence to both this Social Media Policy and the interest and goals of the Township. Scotch Plains has the right and will restrict or remove any content that is deemed in violation of this Social Media Policy or any applicable law. Any content removed based on these guidelines will be retained by the Social Media Coordinator pursuant to the applicable Township retention policy, including the time, date and identity of the poster, when available.
5. These guidelines must be displayed to users or made available by hyperlink.
6. The Township will approach the use of social media tools as consistently as possible, enterprise wide.
7. The Scotch Plains website at <https://www.scotchplainsnj.gov> will remain the Scotch Plains' primary and predominant internet presence.
8. The Township social media sites and this Policy are subject to all applicable federal and NJ laws and regulations, including the Freedom of Information Act, as well as applicable record retention requirements.
9. Any content maintained in a social media format that is related to The Township's business, including a list of subscribers, posted communication, and communication submitted for posting, may be a public record subject to public disclosure.
10. Employees, elected and appointed officials representing The Township of Scotch Plains' government via its social media sites must conduct themselves at all times as a representative of The

Township and in accordance with all its policies.

11. This Social Media Policy may be revised at any time.

Comment Policy

1. As a public entity the Township must abide by certain standards to serve all its constituents in a civil and unbiased manner.

2. The intended purpose behind establishing the Township social media sites is to disseminate information from the Township, about Scotch Plains, to its residents, employees and visitors.

3. Comments containing any of the following inappropriate forms of content shall not be permitted on Scotch Plains' social media sites and are subject to removal and/or restriction by the Township Manager or his/her designees.

- a. Comments not related to the original topic, including random or unintelligible comments;
- b. Profane, obscene, violent, or pornographic content and/or language, or sexually suggestive or links to such materials. *Any image or link containing minors or suspected minors in sexual situations will be reported to law enforcement.*
- c. Content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, or national origin, marital status, status with regard to public assistance, physical or mental disability or sexual orientation;
- d. Defamatory or personal attacks;
- e. Threats to any person or organization;
- f. Comments in support of, or in opposition to, any political campaigns or ballot measures;
- g. Solicitation of commerce, including but not limited to advertising of any business or product for sale;
- h. Conduct in violation of any federal, state or local law;
- i. Encouragement of illegal activity;
- j. Information that may tend to compromise the safety or security of the public or public systems; or
- k. Content that violates a legal ownership interest, such as a copyright, of any party. The Township does not permit or allow copyright infringing activities and/or infringement of intellectual property rights on its website or social media sites and will remove any and all content and Submissions if properly notified that such content and/or Submission infringes on another's intellectual property rights.
- l. Private contact information such as names, addresses and phone numbers no matter how easily obtained elsewhere.
- m. Photographs or videos.
- n. Personal information of a person other than the poster.
- o. Spamming or repetitive content.
- p. Comments from children under 13 cannot be posted in order to comply with the Children's Online Privacy Protection ACT. By posting on a Township media site, users acknowledge that they are at least 13 years old.

4. A comment posted by a member of the public on any Scotch Plains social media site is the

opinion of the commentator or poster only, and publication of a comment does not imply endorsement of, or agreement by, The Township, nor do such comments necessarily reflect the opinions or policies of the Scotch Plains.

5. Any attempt to hack or otherwise compromise the Township's internet or social media sites will be reported to law enforcement and the perpetrator will be denied access to the sites.

6. Scotch Plains reserves the right to deny access to its social media sites for any individual, who violates the Scotch Plains' Social Media Policy, at any time and without prior notice.

7. Municipal Departments shall monitor their social media sites for comments requesting responses from The Township and for comments in violation of this policy.

8. When a Township employee responds to a comment, in his/her capacity as a Township employee, the employee's name and title should be made available, and the employee shall not share personal information about himself or herself, or other Township employees.

9. All comments posted to any Scotch Plains Facebook site are bound by any applicable terms and conditions Facebook's Statement of Rights and Responsibilities, located at <http://www.facebook.com/terms.php>, and The Township reserves the right to report any violation of Facebook's Statement of Rights and Responsibilities to Facebook with the intent of Facebook taking appropriate and reasonable responsive action. All Township policies are applicable to interactions on social media sites when acting in an official capacity and representing the Township.

10. No "friending" or other special relationship between a Township employee and a third person is permitted.

11. Social media sites are not to be used for making any official communications to the Township, for example, reporting crimes or misconduct, reporting dangerous conditions, giving notice required by any statute, ordinance or regulation (e.g. notice of claim). Prominent notice of this paragraph shall be displayed on every Township social media site, along with the appropriate contact information for submitting such a communication.

Breach of Policy

1. Breach of this Policy by any Township employee may result in disciplinary action up to and including dismissal. Any evidence of such occurrence shall be immediately referred to Township Manager or his/her designees for review and prompt corrective action if confirmed.

2. Disciplinary action may be taken regardless of whether the breach is committed during working hours, and regardless of whether our equipment or facilities are used for the purpose of committing the breach. 3. Any member of staff suspected of committing a breach of this policy will be required to cooperate with our investigation, which may involve handing over relevant passwords and login.

3. Staff may be required to remove internet postings which are deemed to constitute a breach of Policy, as determined by Township Manager or his/her designees subject to applicable archiving and retention requirements.

4. Any social media site created by a Township employee or volunteer remains the property of the Township, including all the followers and friends generated by the site. If the person who created the site leaves the employment of the Township, they must relinquish everything related to the site including user names and passwords.

Terms of Use Disclosure *(to be posted on all Township Social Media Sites)*

A. Information Disclaimer

By visiting this site, you understand and agree that the Scotch Plains government site is provided "AS IS". Scotch Plains government makes every effort to provide accurate and complete information on this website. The information contained herein is not official nor in any way shall it be deemed to constitute legal notice where such legal notice is required by law. The information contained in this site is provided as a service and convenience to people needing information about Township of Scotch Plains government. Portions of the information on this site may be incorrect or not current. Township of Scotch Plains government, its officers, employees or agents shall not be liable for damages or losses of any kind arising out of or in connection with the use or performance of information, including but not limited to, damages or losses caused by reliance upon the accuracy or timeliness of any such information, or damages incurred from the viewing, distributing, or copying of those materials.

B. Linking Policy

Links To External Sites

The Township of Scotch Plains government site contains links to outside websites. These websites are not owned, operated, controlled or reviewed by the Township of Scotch Plains government. These links are provided solely as a courtesy and convenience to you, the visitor.

The Township of Scotch Plains government, its officers or employees, exercise no control over the organizations, views, accuracy, copyright or trademark, compliance or the legality of the material contained in these outside websites. The Township of Scotch Plains government, its officers or employees, do not sponsor, endorse, or approve the information, content, proceeds, materials, opinions or services contained on such outside websites. The visitor proceeds to these outside websites at his/her own risk. The Township of Scotch Plains government specifically disclaims any and all liability from damages, which may result from the accessing of a third-party site, which is linked to the Township of Scotch Plains government website or from reliance upon only such information.

C. Endorsement Disclaimer

Reference in this website to any specific commercial products, processes, or services, or the use of any trade firm or corporation name is for the information and convenience of the public, and does not constitute endorsement, recommendation, or favoring by Township of Scotch Plains government or its officers, employees or agents.

D. Copyright and Trademark Limitations

Township of Scotch Plains government makes no warranty that materials contained herein are free of copyright or trademark claims or other restrictions or limitations on free use or display. Making a copy of such material may be subject to copyright or trademark laws.

E. Use of Material from this Site

The Township of Scotch Plains government has made the content of these pages available to the public and anyone may view, copy or distribute *Township of Scotch Plains government information* found here without obligation to the Township of Scotch Plains government for non-commercial, personal use only, unless otherwise stated on particular material or information to which a restriction on free use may apply.

The design of this site, original graphics, and original content are all copyrighted by the Township of Scotch Plains and may not be re-engineered, distributed, modified, transmitted, re-used, reposted, or duplicated without the express written permission of the County of Union in each instance. All requests to use any part of the original design, code, graphics or content of this site should be made via e-mail to the Township Manager or his/her designees.

F. Unauthorized Modifications

Unauthorized attempts to modify or otherwise alter any information or image stored on any Township of Scotch Plains government website may result in criminal prosecution.

G. Social Networking Policy

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 others 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.

The use of the internet and social networking sites, including but not limited to Snapchat, Facebook, and Twitter, is a popular activity; however, employees must be mindful of the negative impact of inappropriate or unauthorized postings upon the Employer and its relationship with the community. This provision identifies prohibited activities by employees 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.

Specifically, the Employer reserves the right to investigate postings, private or public, that violate workplace rules, such as the prohibition of sexual harassment and other discriminatory conduct, where such postings lawfully are made available to the Employer by other employees or third parties. Employees 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.

Be advised that employees 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 employees 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 employees 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 employees' official job duties.

A full copy of the policy is attached hereto as Appendix Q.

2.8 Bulletin Board Policy

The Township shall provide and maintain bulletin boards to post all notices relative to workplace conditions as required by state and federal law. The main bulletin board for such notices is located at the Main Entrance of the Township Building. Employees are not permitted to post any notices on Township bulletin boards without prior permission from the Municipal Manager. Notices must be related to Township business.

2.9 Application and Hiring Procedures for Paid Positions

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

B. Job Applications. Applicants seeking employment with the Township must complete an application form that becomes a permanent part of their personnel record. A resume will not be considered as a substitute for this form. The application is a confidential document and will not be available to anyone who is not directly involved in the hiring process, except as required by law.

A full copy of the Application Form is attached hereto as Appendix D.

C. Physical and Psychological Examinations. Where appropriate, written, practical, physical and psychological examinations may be given to applicants for a position. All such examinations will be job-related and consistent with business necessity, and shall comply with the requirements of the

Americans with Disabilities Act (the "ADA"), the New Jersey Law Against Discrimination (the "LAD") and all other applicable laws. All costs related to testing shall be borne by the Township.

D. Pre-Employment Drug Testing. All applicants who have been selected preliminary for employment with the Township may be required to undergo substance screening for drug and alcohol use before being hired. A positive result will indicate the presence of an illegal drug or an inappropriate level of alcohol or prescription drugs in the body. If an inappropriate amount of prescription drugs is indicated, the results will be reviewed with the applicant before a decision is made with regard to employment. There will be confirmatory testing on all other positive results. If, after confirmatory testing, there is still a positive result, the applicant will not be eligible for employment. Refusal to take the test(s) or to sign a requisite consent form will automatically disqualify an applicant from employment with the Township. Test results will remain strictly confidential.

E. Criminal Background Checks. Criminal background checks may be required for (1) positions in law enforcement, corrections, the judiciary, homeland security and/or emergency management; (2) positions where a criminal history record background check is required by law, rule or regulation; and, (3) positions which, by law, cannot be held by individuals with certain crimes or offenses.

Upon completion of the "initial employment application" process defined as the period beginning when an applicant for employment first makes an inquiry to an employer about a prospective employment position or job vacancy or when an employer first makes any inquiry to an applicant for employment about a prospective employment position or job vacancy, and ending when an employer has conducted a first interview, whether in person or by any other means, of an applicant for employment, the Township reserves the right to make an inquiry into an applicant's criminal background.

This section shall not prohibit the Town from exercising its managerial prerogative consistent with the law in refusing to hire an applicant for employment.

F. Approval Process. The Municipal Manager or Department Head will coordinate the interview process including the scheduling of applicants, development of interview questions and standards to measure candidate responses. All questions must be in accordance with the New Jersey Division of Civil Rights Guidelines for Pre-Employment Inquiries. The Township will make reasonable accommodations to known physical and mental limitations of all applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided the accommodation does not impose an unreasonable hardship on the Township. The final decision will be made by the Municipal Manager after all references and other information has been verified.

G. Notification to Job Applicant. After completion of the initial application process an applicant selected for a full or permanent part-time position shall be notified in writing of appointment to employment with the Township by the Municipal Manager or his or her designee. This notification does not change the at-will employment status of the employee, subject to civil service guidelines. The notifications shall contain all of the terms and conditions of the offer.

H. Acceptances and Rejections. If the first offer is rejected, the Municipal Manager will decide to hire another candidate or re-open the position. Once a candidate accepts the employment offer, all other candidates will be notified in writing that they were not accepted for the position.

I. Record Retention. All applications, notes made during interviews and reference checks, job offers and other documents created during hiring process must be returned to the Municipal Manager's office. Documents related to the successful candidate will be placed in the employee's official personnel file except medical records including physical examinations which must be maintained in a separate file. All records and documents related to other candidates must be retained for at least one year. Records and documents created during the hiring process are confidential.

J. Immigration Law Compliance. The Township hires only U.S. citizens and lawfully authorized alien workers pursuant to Federal Law. In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification form I-9 and present documentation establishing identity and employment eligibility.

2.10 Orientation of New Employees

Orientation offers new employees a guided introduction to the workplace. An overview of the organization, job responsibilities and assigned work group are provided by the Municipal Manager and/or the Department Head and/or departmental supervisors and managers. The orientation process includes information on responsibilities and performance expectations, as well as information on opportunities and benefits available to Township employees. Some aspects of Orientation will be repeated for existing employees if job responsibilities or employment policies change. The orientation will include:

- (1) A tour of the appropriate facilities to acquaint the new employee with overall operations as they relate to the specific position;
- (2) The completion of all pertinent personnel, payroll, insurance and pension forms;
- (3) A review of the Personnel Policies and Procedures Manual and acknowledgement of receipt;
- (4) A safety orientation and acknowledgement;
- (5) Arrangements for the new employee to complete required PEOSH safety training, if required; and
- (6) Any other training that may be required by the Municipal Manager or state and federal law.

Nothing in the procedure set forth in this section shall alter the Township's employment at will policy. Employment with the Township is at will and may be terminated at any time with or without cause or notice by the Township or the employee, subject to civil service guidelines.

2.11 Access to Personnel Files Policy

A. Personnel File. The Township maintains personnel files for all Township employees. Such records shall include, but are not limited to the following:

- The original application signed by the employee;
- Notes from any pre-employment interview and reference check;
- The original letter detailing an offer of employment and any additional correspondence concerning the employee's hiring;
- A signed acknowledgement that the employee received a copy of the Employee Complaint Policy letter;

- A signed acknowledgement that the employee received, read and understood the Anti-Harassment Policy;
- A signed acknowledgement that the employee received, read and understood the CEPA Policy;
- A signed acknowledgement that the employee has received the Employee Handbook;
- Annual written performance evaluations including documentation that the evaluation was reviewed with the employee;
- Counseling Action Plans;
- Records relating to on-the-job accidents;
- Disciplinary actions including an acknowledgement that the employee was notified of the proposed disciplinary action and was given an opportunity to respond;
- Records relating to any other employment actions including promotions, demotions, transfers, resignations, leaves, etc.;
- Educational transcripts; and
- Any other pertinent information.

Records relating to any medical condition will be maintained in a separate file. At least annually, the Municipal Manager and/or his/her designee will review files to make sure they are up-to-date and will follow-up with the Department Heads as necessary.

B. Confidentiality. Personnel files are treated in a strictly confidential manner. They are required to be secured in a locked cabinet and will only be available to authorized managerial and supervisory personnel on a need-to-know basis. Records relating to any medical condition will be maintained in a separate file. Any such medical information may be disclosed under very limited circumstances in accordance with any applicable legal requirements. No information contained in an employee's file will be given to anyone outside except for limited circumstances including:

- In response to a valid subpoena, court order or order of an authorized administrative agency;
- To an authorized governmental agency as part of an investigation of the Township's compliance with applicable law;
- To the Township's agents and attorneys, when necessary;
- In a lawsuit, administrative proceeding, grievance or arbitration in which the employee and the Township are parties;
- In a workers' compensation proceeding;
- To administer benefit plans;
- To an authorized health care provider;
- To first aid or safety personnel, when necessary;
- To a potential future employer or other person requesting verification of your employment.

C. Review. Your personnel file is available for your review. You may request an appointment to review your personnel file and to request copies by contacting the Municipal Manager. However, you may not remove material from your files. Any such review of personnel files by employees will be done in the presence of the Municipal Manager and/or his/her designee.

D. Employee Responsibilities. It is the responsibility of each employee to notify the Municipal Manager promptly, in writing, of any changes of vital information and obtain the necessary forms to make these changes including, but not limited to, the following items:

- (i) Name
- (ii) Address
- (iii) Telephone number
- (iv) Marital status
- (v) Divorce
- (vi) Death of a dependent
- (vii) Dependent children
- (viii) Change in status for health care programs
- (ix) Change in status for dental coverage
- (x) Change in beneficiary on pension or life insurance policies
- (xi) Change in tax status for tax withholding purposes
- (xii) Any information regarding the ability to perform the duties of his/her job.

With respect to any change of information related to items (i) through (xi) of this section, the notice requirement to the Municipal Manager will be satisfied when the employee promptly notifies the Chief Financial Officer the change in writing. The Chief Financial Officer will then provide written notice to the Municipal Manager of the Employee's change of information.

With respect to any change of information related to item (xii) or related to any category not listed in this section, the notice requirement to the Municipal Manager will be satisfied when the employee promptly notifies his/her direct supervisor of the change in writing. The Supervisor will then provide written notice to the Municipal Manager of the Employee's change of information.

2.12 Employee Evaluation Policy

A. Purpose. The Township recognizes the importance of conducting periodic evaluations of employee performance to assist in the growth and development of all employees. Such evaluations shall identify employee strengths as well as weaknesses, and will become the basis for creating a personal improvement or development program for the employee.

B. Practice. Employees shall be evaluated in writing by their Department Head on an annual basis. Supervisors and/or Department Heads are accountable for ensuring all evaluations are completed in accordance with the prescribed procedures and time frames. The immediate supervisor or Department Head who prepares the evaluation form will discuss its contents with the employee.

- **Setting the Stage:** In preparing the evaluation form, prior evaluations should be reviewed to identify trends. Employees must be notified in advance of the meeting and should be given a copy of the blank evaluation form.
- **Communicate Expectations:** The reviewer should start the discussion of each performance area by reviewing expectations. Ask the employee to confirm the employee's understanding of job requirements. Refer to the job description as appropriate.

- **Rating:** The reviewer will continue the discussion by giving the employee's rating in each performance area. The supervisor should be prepared to refer to documentation. Employees should be evaluated based on set standards, not as they compare to other employees. The evaluation should consider performance during the entire period, not just the recent past. Care should be taken to avoid allowing one aspect of a person's performance to overshadow all other performance factors be it positive or negative. Ideally, each performance area should be evaluated individually based on specific behaviors exhibited.
- **Discussing Future Plans:** The reviewer should turn the discussion to the future performance and development of the employee. A Counseling Action Plan form must be completed if any item is rated "Needs Improvement" or "Does Not Meet Minimum Standards". Specific performance goals must be established for the next review period along with plans for achieving those goals.
- **Closing the Discussion:** The reviewer should close the discussion by summarizing all of the ratings in an overall rating for the review period.

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

If necessary, the evaluation process will include the development of a practical plan for improving employee performance, which will identify areas which can be corrected with additional training. The immediate supervisor and/or Department Head and the employee will discuss the points of this plan and its implementation.

After completing the evaluation, the reviewer should return the forms with the signed acknowledgement to the Municipal Manager. After review by the Municipal Manager, the forms will be included in the employee's official personnel file.

C. Ratings.

- *Exceeds Expectations* means consistently exceeds established standards in most areas of responsibility. All requirements must be met and objectives achieved above the established standards.
- *Meets Job Requirements* means all job requirements were met and planned objectives accomplished within established standards. There were no critical areas where accomplishments were less than planned.
- *Needs Improvement* means performance in one or more critical areas does not meet expectations. Not all planned objectives were accomplished within the established standards and some responsibilities were not completely met.
- *Does Not Meet Minimum Standards* means performance is unacceptable and important objectives have not been accomplished. Needs immediate improvement.

D. Acknowledgement. Employees shall sign an acknowledgment that they have received their annual performance evaluation and have reviewed it with their Supervisor and/or Department Head. Any employee who refuses to acknowledge receipt of their performance evaluation is subject to disciplinary action.

E. Appeal Process. If an employee disagrees with their performance evaluations, or any portion thereof, he/she may raise her concerns with the Department Head and/or the Municipal Manager. The Department Head and/or Municipal Manager will review the performance evaluation with the supervisor who conducted the evaluation and make a determination regarding the contents of the performance evaluation.

A copy of the Management Evaluation form is attached hereto as Appendix F(1).

A copy of the Personnel Evaluation form is attached hereto as Appendix F(2).

2.13 Requests for Employment Verification and Reference Procedure

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

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

2.14 Continuing Workplace Training

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

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

2.15 Flex Scheduling Policy

The Municipal Manager may, at his/her sole discretion, authorize flex scheduling (i.e. a temporarily altered work schedule for an employee) when necessary. The ability of the Municipal Manager to alter the schedule of a regular workday does not entitle any employee to compensatory time off.

2.16 Protection and Safe Treatment of Minors

The Employer is fully committed to protecting the health, safety and welfare of minors who interact with officials, employees, and volunteers of the Employer to the maximum extent possible and has adopted a policy which establishes the guidelines for officials, employees, and volunteers who set policy for the Employer 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. A full copy of the policy is attached hereto as Appendix S.

SECTION THREE: TIME OFF AND LEAVE POLICIES

3.1 Paid Holiday Policy

Employees are entitled to the following paid holidays:

- New Year's Day
- Martin Luther King's Birthday
- President's Day
- Good Friday
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Columbus Day
- Election Day
- Veterans Day
- Thanksgiving Day
- Day after Thanksgiving (in Lieu of Lincoln's Birthday)
- Christmas Day

A holiday falling on a Saturday will be observed on the preceding Friday, and a holiday falling on a Sunday will be observed on the following Monday. The Municipal Manager reserves the right to change the holiday schedule.

3.2 Vacation Leave Policy

Vacation is an accrued benefit based on the following schedule or an employee's written agreement with the Township:

- One day for each full month of service during the first calendar year;
- Twelve days for one year of employment through (5) years; and
- Fifteen days for six (6) years through ten (10) years; and

- Eighteen days for eleven (11) years through fifteen (15) years; and
- Twenty-One days for sixteen (16) years through twenty (20) years; and
- Twenty-Five days for twenty-one years and over.

Directors shall be entitled an additional five (5) days of vacation after the completion of their first five (5) year term with the Township. Employees must receive their direct supervisor's approval at least two weeks in advance of the first vacation day. Employees who do not use all of their vacation allowance may add their unused days to their allowance for the following year. Employees can carryover one year of vacation days unless otherwise stipulated by the Municipal Manager. The Municipal Manager has the discretion to approve more vacation days; however, he/she cannot take away the minimum number of earned vacation days.

A regularly scheduled, permanent part-time employee is entitled to a proportionate amount of vacation time equivalent to the ratio between the number of hours worked and the thirty-five-hour work week.

3.3 Personal Leave Policy

Union employees are entitled to four (4) personal days per year and any unused days are forfeited at the end of each calendar year, subject to applicable Collective Bargaining Agreements. Non-Union employees are entitled to four (4) personal days per year, and any unused days are forfeited at the end of each calendar year.

3.4 Sick Leave Policy

Employees are entitled to 15 working days of sick leave per calendar year. In the first calendar year of employment, employees shall be entitled to 1-1/4 days of sick leave for each month or fractional part thereof calculated from day of employment. Sick leave is to be used only in cases where the employee is ill and unable to work, or in cases of the serious illness of a family member. If an employee is absent for reasons that entitle him/her to sick leave, his direct supervisor shall be notified prior to the start of the normal workday. Employees absent on sick leave for five or more consecutive working days must submit a doctor's verification of illness or injury. If an employee is attending to an immediate family member, including civil union partner, a doctor's verification of that individual is required. After the tenth day of absence on sick leave in one calendar year, a doctor's verification must be submitted for all sick leave absences, regardless of duration. Prior to the return to work, the Township may require an employee to be examined by a physician designated by the Township to verify fitness to return to normal duties. An employee will not be permitted to return to work until the verification is received.

At the end of each calendar year, an employee's unused sick time is added to the allotment for the following year. An employee who exhausts all paid sick days in any one year shall not be credited with additional paid sick leave until the beginning of the next calendar year. Paid sick days shall not accrue during a leave of absence without pay or suspension.

If the requested sick leave qualifies under the "Family Leave Act" (NJFLA) and/or the "Family Medical Leave Act" (FMLA) you will receive written notification that the sick leave request has been designated as NJFLA and/or FMLA. The use of accrued sick time will run concurrent with family leave time.

A regularly scheduled, permanent part-time employee and 10-month employee is entitled to a proportionate amount of sick time.

Payment for Sick Leave – *Effective March 1, 2018*, any unused time in a non-contractual employee's Accumulated Sick Bank will not be available for pay out *except* at the time of retirement or separation from service as follows:

- 1) **Employees hired prior to March 1, 2018, who have served a minimum of five (5) consecutive years with the Township of Scotch Plains will receive compensation for unused sick leave, accumulated during Township employment at the rate of one-third (1/3) day per full day of verifiable sick leave accumulated. For all employees hired after March 21, 2010, such payment shall be capped at \$15,000, pursuant to N.J.S.A. 11A:6-19.2.**

3.5 Cancer Screening Benefit Policy

Employees will be granted four (4) hours of paid leave each year for use for cancer screenings. An employee must submit a medical certification verifying that the employee was absent from work with the purpose of cancer screening. Employees may not break this block of time into smaller hourly increments.

3.6 Bereavement Leave Policy

Employees can receive up to 3 consecutive calendar days leave of absence for each death of an employee's relative. Bereavement Leave shall not extend beyond 3 consecutive calendar days immediately following the death of a family member. Three days leave of absence will be allowed for a spouse or significant other, civil union partner, child, parent, stepchild, sibling, grandparents, daughter-in-law, son-in-law, and grandchildren. Two days leave of absence will be allowed for a brother-in-law, sister-in-law, niece, nephew, uncle, aunt, or any person related by blood or marriage residing in an employee's household. Employees are paid for all working days during the bereavement Leave.

3.7 Jury Duty Policy

An employee required to render jury service shall be entitled to be absent from work during that service. Upon return to work, jury documentation should be provided to the Municipal Manager's office for inclusion in the employee's personnel file. An employee rendering jury service shall be compensated by the Township at his/her normal rate of pay for the duration of the jury service period.

3.8 Leave of Absence Policy

Employees may be granted a personal leave of absence for up to six months at the sole discretion of the Municipal Manager if the leave does not cause undue operational disruption. The leave must include the use of any accrued vacation and sick leave time, regardless of the length of leave requested. The portion of the leave that runs beyond the exhaustion of vacation and sick leave will be without payor longevity credit. In exceptional circumstances, the Municipal Manager may extend a leave of absence for an additional six months, if such extension is considered in the best interests of the Township.

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

3.9 Family and Family Medical Leave Act

A. General Policy. There may be occasions when an employee requests to be temporarily relieved of his or her work responsibilities for family or medical leave. In such instances, the Township will grant leaves of absence in accordance with the requirements of the federal Family Medical Leave Act ("FMLA") and New Jersey Family Leave Act ("FLA"). Under the FMLA, eligible employees who request leave because of (i) the birth, adoption or placement of child in foster care with employee; (ii) the employee's serious health condition; (iii) the serious health condition of the spouse, child or parent of the employee; or (iv) a qualifying exigency arising out of the fact that a spouse, son, daughter, or parent is a military member on covered active duty or called to covered active duty status, will be granted unpaid family or medical leave of up to twelve (12) weeks in any twelve (12) month period. Under the FLA, eligible employees who request leave because of (i) the birth or adoption of a child, or (ii) the serious health condition of the spouse, civil union partner, child or parent of the employee, will be granted unpaid family or medical leave of up to twelve (12) weeks in any twenty-four (24) month period. Leave under either the FMLA or the FLA provides the employee with certain assurances of job security and continued employee benefits during the leave.

B. Coordination of Policy with Federal, State and Local Requirements. In applying this policy, the Township intends to comply with the requirements of local, state and federal laws, and any other laws, administrative Department of Personnel regulations, or provisions of any Collective Negotiations Agreements that may exist. The Township recognizes its obligations pursuant to the FMLA and FLA and the present policy is intended to provide a general framework for satisfying its obligations under these laws. However, the Township further recognizes that this area of law is constantly evolving. Nothing in the present policy should be construed to contradict the FMLA or the FLA. This policy will be updated periodically to reflect changes in the law.

C. Eligibility. Full-time (and some part-time) employees may be eligible for family or medical leave if they meet the requirements set forth below:

- (i) **FMLA:** Employees are eligible for FMLA leave if:
 - (1) They have worked for the Township for at least twelve (12) months; and
 - (2) They have worked at least 1250 hours during the twelve (12) month period immediately preceding the start of the requested leave.
- (ii) **FLA:** Employees are eligible for FLA leave if:

- (1) They have worked for the Township for at least twelve (12) months; and
- (2) They have worked at least 1000 hours, including paid overtime hours, during the twelve (12) month period immediately preceding the start of the requested leave.

D. 12 or 24 Month Period. The Township will use a rolling twelve (12) or twenty-four (24) month period to measure eligibility for requested leave under either the FMLA or the FLA. This means that the twelve (12) month period under the FMLA or the twenty-four (24) month period under the FLA will be measured backwards from the date on which the leave is requested to commence.

E. FMLA Leave Entitlement vs. FLA Leave Entitlement:

- (i) FMLA Leave: May be taken for the following reasons:
 - (1) The birth, adoption or placement in foster care of a child;
 - (2) The employee's serious health condition; or
 - (3) The serious health condition of the spouse, child or parent of the employee.
 - (4) A qualifying exigency arising out of the fact that a spouse, son daughter, or parent is a military member on covered active duty or called to covered active duty statute
- (ii) FLA Leave: May be taken for the following reasons:
 - (1) The birth or adoption of a child; or
 - (2) The serious health condition of the spouse, civil union partner, child or parent of the employee.

If an employee requests leave that is covered by both the FMLA and the FLA, the leave simultaneously counts against the employee's entitlement under both acts. For example, if the employee requests leave for the birth of a child, such leave would be covered under both the FMLA and the FLA. The employee would therefore only be entitled to a total of twelve (12) weeks leave. If, however, the employee requests leave that is only covered by the FMLA, it shall not abridge the employee's right to request leave for reasons allowed under the FLA. This means that in certain limited circumstances, the employee may be entitled to up to twenty-four (24) weeks leave in a twelve (12) month period: For example, if the employee requests leave to care for his/her own serious health condition, such leave would only be covered by the FMLA. The employee could then request an additional twelve (12) weeks for reasons allowed under the FLA, such as caring for a family member with a serious health condition.

F. Procedure.

- (i) Notice. To the extent possible, advance written notice of a request for family or medical leave is required in accordance with the prevailing law. When the need for leave is foreseeable, request for leave under this policy must be submitted in writing to the Department Head and the Township's Personnel Office at least thirty (30) days prior to the date on which the employee wishes to commence leave. Family

and Medical Leave Request Form, is available in the Township's Personnel Office. If it is not possible to give thirty (30) days' notice, then the employee must provide as much written notice as is possible. When the leave is for a planned medical treatment, the employee should endeavor to schedule the leave so as not to unduly disrupt his or her work. If an employee requests leave that is covered by the FLA and not the FMLA, and the reason for the leave request is a qualified relative's serious health condition, fifteen (15) days written notice is required. Employees seeking an extension of approved leave time must submit their request to the Department Head and the Personnel Office at least one (1) week prior to the expiration of the approved portion of his or her leave.

- (ii) Medical Certification. Medical certification of the need for leave is required where the leave is due to the serious health condition of the employee or the employee's spouse, parent or child. The Township will provide the employee with the appropriate medical certification form to be completed by the health care provider of the employee or his/her spouse, parent or child. The Township may also require subsequent re-certifications on a reasonable basis. Failure to comply with the certification requirements may result in the delay or denial of family or medical leave. If the Township has reason to doubt the validity of the medical certification provided by the employee, the Township may require a second medical certification, at the Township's expense. Such certification will be completed by the health care provider of the Township's choice, but not by a health care provider who is regularly used, or under contract with, the Township. If the second opinion differs from the opinion in the original certification, the Township may require, at its own expense, that the employee obtain the opinion of a third health care provider designated or approved jointly by the employer and the employee concerning the information in the certification. The opinion of the third health care provider shall be final and binding on the Township and the employee.

G. Use of Paid Leave. All accrued vacation, personal leave, sick days, family leave, compensatory time and other paid time off, must be used by the employee for all or part of the employee's twelve (12) week family and medical leave. Once any accrued paid leave is used, the remainder of the twelve (12) week leave shall be unpaid.

H. Maintenance of Benefits. During the leave period, the employee's health benefits will be continued on the same conditions as coverage would have been provided had the employee been employed continuously during the entire leave, in accordance with the prevailing law. The employee will not continue to accrue vacation, sick or personal days for the period of the leave, unless the employee is utilizing accrued paid leave during his/her FMLA/NJFLA leave. Employee will be required to utilize accrued paid leave concurrently with FMLA and/or NJFLA leave. The employee will receive seniority credit for the time that the employee has been on leave under this section. At the conclusion of the leave period, an eligible employee is entitled to reinstatement to the position the employee previously held or to an equivalent one with the same terms and benefits that existed prior to the exercise of leave.

I. Family Temporary Disability Payments. Commencing July 1, 2009, Family Temporary Disability ("FTD") payments for up to six (6) weeks in a twelve (12) month period will become available for eligible employees who are caring for a seriously ill immediate family member who is incapable of self-care or care of a newborn or adopted child. To be eligible, the employee must have worked at least 20 weeks at minimum wage within the last 52 weeks. The weekly benefit is 2/3 of weekly compensation up to a maximum of \$524 per week (this amount is subject to change). FTD will run concurrently with FMLA and/or FLA leaves and there is a one week waiting period. Employees may also be required to use accrued sick, vacation or personal leave for up to two weeks.

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

K. Military. The FMLA further entitles eligible Township employees to take unpaid leave to care for a family member who is a current servicemember with a serious injury or illness.

(i) Military Caregiver Leave Entitlements.

Military caregiver leave allows an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember with a serious injury or illness to take up to a total of twenty six (26) weeks of unpaid leave during a single twelve (12) month period to provide care for the servicemember.

A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is receiving medical treatment, recuperation, or therapy, is in outpatient status, or is on the temporary disability retired list for a serious injury or illness. A serious injury or illness is one that is incurred by a servicemember in the line of duty on active duty that may cause the servicemember to be medically unfit to perform the duties of his or her office, grade, rank, or rating. A serious injury or illness also includes injuries or illnesses that existed before the servicemember's active duty and that were aggravated by service in the line of duty on active duty.

(ii) Next of Kin.

The "next of kin" of a current servicemember is the nearest blood relative, other than the current servicemember's spouse, parent, son, or daughter, in the following order:

1. A blood relative who has been designated in writing by the servicemember as the next of kin for FMLA purposes;
2. Blood relative who has been granted legal custody of the servicemember;
3. Brothers and sisters;
4. Grandparents;
5. Aunts and uncles;

6. First cousins.

When a servicemember designates in writing a blood relative as next of kin for FMLA purposes, that individual is deemed to be the servicemember's only FMLA next of kin. When a current servicemember has not designated in writing a next of kin for FMLA purposes, and there are multiple family members with the same level of relationship to the servicemember, all such family members are considered the servicemember's next of kin and may take FMLA leave to provide care to the servicemember.

(iii) Single 12-Month Period.

The Township will use a single 12-month period, **beginning on the first day the employee takes leave for this reason and ends 12 months later**, to measure eligibility for requested leave under the Military Caregiver Leave provisions of the FMLA.

Military caregiver leave is available to an eligible employee once per servicemember, per serious injury or illness. However, an eligible employee may take an additional 26 weeks of leave in a different 12-month period to care for the same servicemember if he or she has another serious injury or illness.

An eligible employee may also take military caregiver leave to care for more than one current servicemember or covered veteran with a serious injury or illness at the same time, but the employee is limited to a total of 26 weeks of military caregiver leave in any single 12-month period.

(iv) Combining General FMLA Leave and Military Caregiver FMLA Leave.

An eligible employee is limited to a **combined** total of twenty six (26) weeks of leave for **any** FMLA-qualifying reasons during the single 12-month period. Up to 12 of the 26 weeks may be for an FMLA-qualifying reason other than military caregiver leave.

(v) Certification Requirements.

If an employee requests leave to care for a covered servicemember, such request must be supported by a certification completed by an authorized health care provider **or** by a copy of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA) issued to any member of the covered servicemember's family.

An authorized health care provider is a:

- (1) United States Department of Defense ("DOD") health care provider;
- (2) United States Department of Veterans Affairs ("VA") health care provider;
- (3) DOD TRICARE network authorized private health care provider;
- (4) DOD non-network TRICARE authorized private health care provider; or
- (5) non-military-affiliated health care provider.

3.10 New Jersey SAFE Act Leave

Eligible employees are entitled to unpaid time off not to exceed twenty (20) days in a 12-month period to attend to a variety of matters related to an act of domestic violence or sexual violence offense committed against the employee or a family or household member.

To be eligible for protection under the NJ SAFE Act, an individual must be employed for at least 12 months and for at least 1,000 base hours (approximately 20 weeks) during the immediately preceding 12-month period. A covered employee who is a victim of domestic violence as defined by N.J.S.A. 2C:25-19, or a sexually violent offense (a “qualifying incident”) as defined by N.J.S.A. 30:4-27.6, or whose family member (defined as a child, parent, spouse, domestic partner, or civil union partner) is a victim, is entitled to unpaid leave of no more than 20 days in one 12-month period, to be used in the 12-month period following any qualifying incident.

A. Intermittent Leave. The unpaid leave may be taken intermittently in intervals of at least one (1) day, within the 12-month period following the qualifying incident.

B. Qualifying Incident. Each qualifying incident is a separate offense for which an employee is entitled to unpaid leave, provided he or she has not exhausted the allotted 20 days for the 12-month period.

C. Qualifying Reasons for Leave. Employees may take leave to engage in any of the following activities (as it applies to them personally, or to a family member as defined above):

- Seeking medical attention for, or recovering from, physical or psychological injuries caused by the incident;
- Obtaining services from a victim services organization;
- Obtaining psychological or other counseling;
- Participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the victim’s safety or to ensure his or her economic security;
- Seeking legal assistance, including preparing for, or participating in, any civil or criminal legal proceeding related to or derived from domestic or sexual violence; or
- Attending, participating in, or preparing for a criminal or civil court proceeding relating to an incident of domestic or sexual violence.
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D. Notice. If the need for leave is foreseeable, employees must provide employers with written notice as far in advance as is reasonable and practical under the circumstances.

E. Documentation. The Township may require employees to provide documentation of the qualifying incident when requesting leave. Acceptable supporting documents include the following:

- A domestic violence restraining order or other documentation issued by a court;
- Written documentation from a county or municipal prosecutor;
- Documentation of the conviction of the person who committed the qualifying incident;
- Medical documentation of the qualifying incident;
- Certification from a certified Domestic Violence Specialist or the director of a designated domestic violence agency or Rape Crisis Center; or

- Other documentation or certification provided by a social worker, member of the clergy, shelter worker, or other professional who has assisted the employee or family member in dealing with the qualifying incident.

F. Use of Paid Leave. Employees are required to use any accrued paid vacation leave, personal leave, or medical or sick leave during any part of the 20-day period of unpaid leave.

G. NJ SAFE Act Leave Taken Concurrently with FMLA and FLA Unpaid Leave. If an employee requests leave for a reason that is also covered by the FMLA or the NJFLA, employers may count the leave against an FMLA or NJFLA entitlement and run it concurrently with the employee's entitlement under each respective law.

3.11 Military Leave

A. General Policy. The Township will grant a leave of absence for military duty in accordance with applicable state and federal laws. Employees seeking military leave must submit their military service orders to Municipal Manager for review prior to the commencement of the leave. Employees who have reserve duty obligations are requested to provide the Municipal Manager with a copy of their drill schedule for the time they are scheduled to fulfill their inactive duty military obligations.

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

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

- (i) For service less than thirty-one (31) calendar days: Employee must return to work on the beginning of the first regularly scheduled workday or eight (8) hours after the end of military duty, with reasonable allowances for commuting.
- (ii) For service of thirty-one (31) to one hundred eighty (180) calendar days: Employee must submit an application for reinstatement within fourteen (14) calendar days after completing military duty.
- (iii) For service greater than one hundred eighty (180) calendar days: Employee must submit an application for reinstatement within ninety (90) calendar days after completing military duty.

In each instance, the time to return to work will be extended for up to two years if the employee is hospitalized or slow to return to health because of an injury incurred or aggravated during his/her military service.

D. Benefits While On Leave. The Township will continue the employee's health care coverage at active employee rates during the period of the paid leave plus an additional thirty days after the paid leave is exhausted. After this period has expired, employees may continue coverage for themselves or their dependents under the Township group plan by taking advantage of the COBRA provision. Members of the State administered retirement systems (PERS and PFRS) will continue accruing service and salary credit in the system during the period of paid leave. Vacation, personal leave, sick days and any other paid time-off does not accrue during any period of unpaid leave.

3.12 Conference and Seminar Policy

Authorization to use Township time to attend any conference, training/seminar, etc., **MUST** be approved by the Municipal Manager in advance, at least two weeks prior to event. Any and all dollar costs must also be addressed. **NO RETROACTIVE EPECS WILL BE ACCEPTED AND ANY UNAUTHORIZED EXPENSES WILL BE PAID BY THE EMPLOYEE.**

EPEC forms, for the attendance of any conference, training/seminars, etc., must include detailed written justification approved by Municipal Manager explaining the purpose for attending the conference or training seminar, and must be submitted in advance of any arrangements being made. Also, a post conference report must be attached to the purchase order/EPEC package requesting reimbursement. See the EPEC checklist for full instructions.

Procedures for booking travel are outlined in the EPEC checklist attached as Appendix J.

Pursuant to Municipal code and the guidelines set by the IRS, rates for reimbursement for travel miles using a personal vehicle and reimbursements for meals can be found in the employee manual and will be adjusted in accordance with the Code and the IRS guidelines.

A. Time & Expense Claims Will Be Allowed For The Following Events:

- a. Attendance at conferences, conventions, seminars, training sessions, workshops, meeting of professional associations, etc. that requires an overnight stay.
- b. Registration for Township employees to use Township time and funds to attend same day work-related functions, meetings, luncheons, and dinners for other than their assigned daily duties.

B. Lodging

Lodging will be reimbursed up to the “convention rate” or prevailing rate in the area for a standard room, per day. If multiple employees are attending event, same sex room sharing shall always be preferred to save tax dollars. Car-pooling must be addressed and accomplished whenever multiple attendees are involved.

C. Permitted Expenses

Allowable refundable expenses associated with attendance on Township business and consistent with Township policy include hotel bills, meal bills, registration forms, travel stubs and other receipts for miscellaneous items; i.e. mileage, parking, tolls, etc. There must be a receipt for any reimbursement request. Backup for EPEC and subsequent requisitions for expenses such as luncheons/dinners must have

original documentation, i.e., original detailed restaurant receipts, charge card detailed statements, hotel bills, toll vouchers etc. The purpose, date, place and persons in attendance must be specifically outlined on the attached documentation. Expenses must be for specific Township purposes.

The Township is exempt from State of New Jersey Sales and Use Tax. A completed Form ST-5 “Exempt Organization Certificate” should be presented to all vendors so that the Township does not pay State of New Jersey sales tax.

D. Meal Reimbursements

1. Original, detailed receipts must be provided. A summary receipt showing only the total amount paid is not acceptable.
2. The per diem for meals when overnight travel is limited to the amount referenced in the employee handbook. (For example the standard per diem rate for the year 2020 is \$50.00.). This rate cannot be carried over to another day if unspent.
3. The Township will not reimburse purchases of alcoholic beverages.
4. The Township will not reimburse tips/gratuities paid.

E. Travel Reimbursements

1. Mileage reimbursement rate is the IRS standard rate for the year.
2. For out of state travel, mileage and other travel reimbursement to and from a NJ airport is acceptable.
3. Mileage reimbursements are allowed only if a Municipal vehicle was not available for use and an employee’s personal vehicle was used.
4. If a car rental was required during an out of state trip while conducting Township business – All receipts must be submitted.

In accordance with N.J.S.A. 40A:5-16, the Director of Finance is authorized to reject any voucher for reimbursement which does not comply with all procedures, satisfactorily support complete evidence of expense, or have proper authorization from the Municipal Manager. Vouchers rejected will not be processed unless sufficient evidence is presented to the Municipal Manager and Director of Finance.

3.13 Donated Leave Policy

- A. Definitions.** As used in this chapter, the following terms shall have the terms indicated: *Catastrophic Illness or Injury*: is a severe condition or combination of conditions affecting the mental or physical health of the employee that requires the services of a licensed practitioner for a prolonged period of time and that forces the employee to exhaust all accrued leave and lose compensation.

A severe condition or combination of conditions is one that:

Will require an absence from work for at least sixty (60) continuous calendar days and either:

- a. Is a severely debilitating condition that will result in the individual not meeting the essential function of his job if not treated promptly or at regularly scheduled intervals (For example, chemotherapy treatments, radiation treatments, etc); or
- b. Has been designated as terminal.

A licensed practitioner: means a practitioner who is licensed by the State of New Jersey and is practicing within the scope of his license.

Donor: means an employee who is eligible to donate a part of his leave to an eligible employee under the donated leave program.

B. Eligibility for Program

An employee may be eligible to accept the benefits of donated leave if the following conditions are satisfied:

- i. The employee must have completed at least two (2) years of continuous service for the Township.
- ii. The employee must have exhausted all accrued paid leave including compensatory time off, sick leave, vacation leave, and any other leave. If the employee has exhausted all paid leave during the minimum 60 day period of absence, he will still be eligible for donated leave for the balance of his unpaid absence resulting from the catastrophic illness or injury.
- iii. The employee must receive at least five (5) sick or vacation days or a combination thereof from one or more donors to participate. Employee is limited to a lifetime maximum use of donated leave of 180 days. Donated leave may be credited on a retroactive basis to a previous pay period in the sole and absolute discretion of the Municipal Manager.
- iv. The employee, or a member of the employee's family, must complete and sign a Recipient Application, consenting to the posting of a notification of the employee's need and approval to be a recipient of donated leave and certifying that the employee has not solicited nor offered anything of value for the donation of paid leave. If a family member of the employee advises the employee's supervisor that the employee is physically or mentally unable to execute the Recipient Application, and requests the supervisor to do so, the supervisor may file the application on behalf of the employee.
- v. The employee has never been disciplined for abuse of sick leave during the period of his employment with the Township.

- vi. The employee provides the Municipal Manager with a certification from a licensed professional supporting the employee's application for donated sick time based on a catastrophic illness or injury.

C. Donor Eligibility and Conditions

- i. An eligible donor may donate whole sick or whole vacation days.
- ii. After making a donation of leave, the donor must have left at least twenty (20) days of accrued sick time, if donating sick leave, and at least twelve (12) days of accrued vacation leave, if donating vacation leave.
- iii. A donor may not donate more than ten (10) leave days to any one recipient.
- iv. The donor shall make the donation through the Office of the Municipal Manager, which shall be responsible for coordination for the program. At the Donor's request, his identity shall be kept confidential.
- v. A Donor must complete and sign Donor Application, attached hereto as Appendix L, certifying that donor has not solicited nor accepted anything of value for the donation of leave, and that he has not been pressured or coerced into donating leave.
- vi. Leave donations will be taken equally from all donors, one pay period at a time, as needed.
- vii. Should a donor employee separate from service, none of the employee's donated leave time will be used beyond that which has been transferred and paid to the recipient through the date of termination.

D. Procedures

- 1. All full or part time employees in active status may request participation in the Donated Leave Program. Donated Leave Program Recipient Applications shall be filed with the Municipal Manager, together with all supporting medical documentation. If the employee is unable to initiate the process, he or a member of his family, may request his immediate supervisor to initiate the application process for him.
- 2. The Municipal Manager will review applications and medical documentation to determine recipient eligibility. Decisions regarding eligibility will be made on a case-by-case basis.

3. The Municipal Manager will notify all employees who are determined to be ineligible to participate in the program of the reason for their ineligibility. Such notification shall be in writing.
4. Upon approval, the Municipal Manager's staff will prepare notices announcing eligible recipients, distribute notices for posting, and transmit copies of posting to all Collective Negotiation units representatives.
5. Employees who wish to donate leave must complete the Donated Leave Program Donor Applications and return it to the Municipal Manager. Donor Applications must indicate the name of the recipient employee, the number of sick days or vacation days, or combination of sick and vacation days (not to exceed 10) to be donated, and a signature certifying that the employee has not been solicited, pressured or coerced, nor accepted anything of value to donate such leave.
6. The Municipal Manager will review the prospective donors' leave balances. Donors are considered accepted in the program when their leave balances are verified to ensure that there are 20 accrued sick days remaining if sick leave has been donated, and 12 accrued vacation days remaining if vacation has been donated.
7. Once sick and vacation leave has been donated, the donor may not revoke the donation of time.
8. Once recipient employees receive the required donations, the Municipal Manager will advise these employees, and take appropriate steps to assure that adjustments are made to the recipient's and donors' leave records.
9. Donations may be used on a retroactive basis to a previous pay period in the sole and absolute discretion of the Municipal Manager.
10. Recipients may use donated leave in less than full day increments or whole days. Recipients may return to work on a part-time basis and remain eligible for the program as long as the need for donated time was related to recovery from the catastrophic injury or illness, and no more than 180 total workdays are used.
11. The incident is considered closed when the recipient is medically cleared to return to work on a full-time basis without restrictions.
12. Recipients will continue to earn all the rights and benefits of a leave recipient; including sick and vacation leave while using donated leave. If earned sick and vacation leave is unused when employees return to work, all such leave shall be retained by the retained by the recipients and credited to the recipients' accrued sick or vacation leave balances.

E. Calculation of Time

1. Any recipient employee shall be entitled to receive enough leave to cover thirty-six (36) calendar weeks, calculated based on his average number of hours worked per week. For example, an employee working a thirty-five (35) hour week shall be entitled to maximum donated leave of 1260 hours; an employee working a forty (40) hour week shall be entitled to maximum donated leave of 1440 hours.
2. Donor employees shall donate full days, based on the number of hours per day worked, not the number of hours per day worked by the receiving employee.
3. Donations will be cut off once the maximum number of hours has been reached, or the recipient employee has been cleared for full time duty. Any excess time will be returned in whole day increments, based on the number of hours in the donor employee's work day, on a prorated basis to the various donors. The Municipal Manager shall determine how the excess days are to be returned, considering the following criteria:
 - i. Which employee(s) gave the most days;
 - ii. The department and Collective Negotiations unit the receiving employee is a member of, with employees in the same department and/or the same Collective Negotiations Unit getting days back last.

F. Violations

1. It shall be a violation of this policy to reveal the name of a donor employee who wishes his identity to remain confidential.
2. It shall be a violation of this policy to coerce, pressure or threaten any employee into donating leave time.
3. Any employee violating this policy may be subject to discipline, up to and including dismissal for reasons other than illness. Written request for leave without pay shall be initiated by the employee and approved by the Department Director or Bureau Chief. Except for military leave without pay, such leave shall not be approved for a period longer than six (6) months at one time. The Municipal Manager may extend leave up to an additional six (6) months. Vacation and sick time cannot accumulate during a leave without pay.

G. Coordination of Policy with Federal, State and Local Requirements

In applying this policy, the Township intends to comply with the requirements of local, state and federal anti-discrimination laws, and any other laws, administrative Department of Personnel regulations, or provisions of any Collective Negotiations Agreements that may exist. This policy intends to convey to employees that the Township respects their rights to protection provided them by law, such as the rights afforded through the 1964 Civil Rights Act, the 1990 Americans with Disabilities Act, the 1993 Family Leave and Standards Act and local laws and ordinances. If employees believe that this policy has been improperly or unfairly applied, they are encouraged to discuss the issues with the Department Director or the Municipal Manager. They should do this free from fears of retaliation. Nothing in this policy is to be construed to mean that employees are prevented from first contacting a human rights commission or any other referral or representative agency. However, nothing in this policy is to be construed to mean that employees are not expected to comply with the principle of "obey now and grieve later." Employees who choose to do otherwise, incur the additional risk of being charged with insubordination.

Layoff Rights. If a layoff occurs during a family leave, the employee shall retain all rights available under N.J.A.C. 4A:8 as if the employee had not taken the leave.

When an employee is absent or expects to be absent for an extended period of time - either on consecutive days or intermittently for the same reason - then he/she shall request leave, when it qualifies, under either Family Leave Act, or Family Medical Leave Act retroactive back to the beginning of the absence.

3.14 Compensatory Time for Employees Who Are Also Volunteer Members

Pursuant to N.J.S.A. 40A:9-160.1, the Township shall grant time off from work with pay for municipal employees who are members of a volunteer fire company serving the Township, volunteers in first aid or rescue squads serving the Township, or volunteer drivers of municipally-owned or operated ambulances when such employees are called to respond to alarms occurring during the hours of their employment.

SECTION FOUR: COMPENSATION & EMPLOYEE BENEFITS POLICIES

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

4.1 Payroll Policy

Salary ranges are established by ordinance. Employees are paid every two weeks.

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

4.2 Longevity

All full-time employees and all part-time employees hired prior to May 1, 1996 employed on a regularly scheduled year-round basis of not less than 20 hours per week shall be entitled to longevity payments as follows, computed to the first of the month nearest employment anniversary date. Employees, except for statutory positions, hired after May 1, 1996 will not be entitled to longevity payments.

Following completion of 5 years of service to completion of 10 years of service	2% of base pay
Following completion of 10 years of service to completion of 15 years of service	4% of base pay
Following completion of 15 years of service to completion of 20 years of service	6% of base pay
Following completion of 20 years of service to completion of 25 years of service	8% of base pay
Following completion of 25 years of service	9% of base pay

4.3 Overtime Compensation Policy

A. Eligibility for Overtime.

- (i) **Exempt Employees.** Exempt Employees are exempt from the overtime requirements of the Fair Labor Standards Act ("FLSA") and are not eligible to receive overtime pay, regardless of the amount of time worked in excess of 40 hours in the course of a work week. Generally, exempt employees are in managerial, supervisory, administrative, computer or professional positions. They may also include employees whose annual compensation exceeds \$100,000, depending on their job duties.
- (ii) **Non-Exempt Employees.** Non-exempt employees receive overtime pay for authorized overtime work at the rate of 1 ½ times their regular rate of pay when they work in excess of 40 hours in the course of a workweek.

B. Policy. Depending on work needs, non-exempt employees may be required to work overtime; however, they are not permitted to work overtime unless the overtime is budgeted and approved by the Department Head and Municipal Manager. Non-exempt employees working overtime without prior approval will be subject to disciplinary action.

C. **Payment of Overtime.** Non-exempt employees shall be paid overtime for all hours worked in excess of 40 hours in a single workweek. Employees may choose overtime compensation in the form of overtime pay at their regular hourly salary or compensatory time off.

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

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

4.4 Benefits

A. **Medical Benefits.** Employees and their immediate family members, including civil union partner, are provided health insurance coverage administered by an authorized insurer. Such coverage includes, but is not limited to, a comprehensive health-care plan and a drug prescription benefit policy. Employees shall contribute to the cost of their health insurance coverage to the extent required by the applicable Collective Negotiation Agreements and law.

The Township reserves the right to modify or change any benefit plan or to change the carrier, subject to any union contracts.

B. **Dental Coverage.** The Township shall provide dental coverage for full-time employees from a carrier of its choice. The Township reserves the right to change providers.

C. **Pension Plan.** State law governs municipal employees' enrollment into the pension program and governs the amount of the employee's and employers contribution. Employees must be enrolled in the Public Employees Retirement System according to their membership tier which shall be based on enrollment date. The tiers affect a member's enrollment and retirement eligibility. These membership tiers, pursuant to N.J.S.A. 43:1A-7 are defined as follows:

Membership Tier 1 – Members enrolled prior to July 1, 2007 and who have a minimum pensionable salary of \$1,500;

Membership Tier 2 – Members enrolled on or after July 1, 2007, and prior to November 2, 2008, and who have a minimum pensionable salary of \$1,500;

Membership Tier 3 – Members enrolled on or after November 2, 2008, and on or before May 21, 2010, and who meet or exceed the minimum pensionable salary set for the current year, subject to future adjustment;

Membership Tier 4 – Members enrolled after May 21, 2010, and prior to June 28, 2011, and who work at least 32 hours, with no minimum pensionable salary requirement.

Membership Tier 5 – Members enrolled after June 28, 2011, and who work at least 32 hours, with no minimum pensionable salary requirement.

Employees become vested in the pension system after 10 years employment in New Jersey government service with credit continuing from any state, county or municipal entity to another.

D. Worker's Compensation. The Township shall maintain worker's compensation insurance coverage for the purpose of paying medical costs and maintaining salary for any employee who is incapacitated while performing customary or required duties in the course of his or her job. An employee may be entitled to worker's compensation if legitimately injured on the job.

The Township covers workers compensation benefits through its membership in the Suburban Municipal Joint Insurance Fund. Any occupational injury or illness must be immediately reported to the supervisor or Department Head. All required medical treatment must be performed by a Workers Compensation Physician appointed by the Township, and payment for unauthorized medical treatment may not be covered pursuant to the Act.

E. Retirement. Under State law, all employees must enroll in the New Jersey Public Retirement System or the Police and Fire Fighters Retirement System as applicable. The employee's contribution to the Plan will be deducted from the employee's pay. An employee who has completed the required number of years and who has reached the required age under the Plan may retire by notifying the Department Head in writing. The State retirement plans request six months advance notice to process the application. After giving notice of retirement, employees are expected to assist their supervisor and co-employees by providing information concerning their current projects and help in the training of a replacement. The Department Head will prepare a memorandum showing any payor other money owed the employee. A COBRA notification letter will be sent to the employee's home address. On the last day of work, and prior to receiving the final paycheck, the employee must return all keys and equipment. At this time, the employee will sign the termination memo designating all money owed and this memo will be retained in the official personnel file.

F. Employee Assistance Program

A. The Township recognizes that a wide range of problems not directly associated with one's job functions can have an effect on an employee's job performance. The primary areas of concern are the safety, attendance, tardiness, productivity, well-being and performance of the employees. The Township does not intend to interfere in the personal lives of its employees, but is concerned with the impact that personal problems have at work.

B. The Township believes it is in the interest of the employee and the employee's family to provide an Employee Assistance Program (the "EAP") to assist employees in dealing with persistent problems. The EAP shall be available to both employees and volunteers.

C. The purpose of this policy is to assure employees that, if personal problems are the cause of unsatisfactory job performance or personal distress, they will receive careful consideration and an offer of assistance to help resolve such problems in an effective and confidential manner. Such problems may include, but are not limited to:

- (i) Alcohol Related Problems
- (ii) Drug Related Problems
- (iii) Financial Problems
- (iv) Legal Problems
- (v) Marital or Family Distress
- (vi) Mental or Emotional Illness
- (vii) Physical Illness
- (viii) Other Concerns

D. Employees who have such problems are encouraged to contact an EAP counselor, an appropriate union representative or their supervisor. Referral procedures will be designed to facilitate (a) self-referral as described above, (b) management referrals, (c) medical referrals, and (d) union referrals to the EAP.

E. Employees referred to and participating in EAP will be expected to meet existing job performance standards and established work rules.

F. The confidentiality of EAP records shall be maintained in accordance with state and federal laws. No disclosure of any portion of these records will be made without the written consent of the employee involved or as required by legal process.

G. Employees' entry into the EAP program shall not constitute cause for disciplinary action. However, an employee may still be subject to disciplinary action, up to and including termination, for violating the Township's drug and alcohol policy through the current abuse of drugs. The Township shall not discriminate against rehabilitated drug or alcohol users in accordance with applicable law.

H. Since employee work performance can be affected by the problems of an employee's spouse or other dependents, the program is available to the families of our employees as well.

SECTION FIVE: DISCIPLINARY ACTION AND TERMINATION OF EMPLOYMENT

5.1 Work Force Reduction Policy

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

5.2 Resignation Policy

An employee who intends to resign must notify the Department Head in writing at least two weeks in advance. After giving notice of resignation, employees are expected to assist their supervisor and co-employees by providing information concerning their current projects and help in the training of a

replacement. The Department of Finance prepares a final payment calculation showing any pay or other money owed the employee. That amount shall be paid upon adequate budgetary funding. On the last day of work, and prior to receiving the final paycheck, the employee must return all keys and/or Township property and equipment.

5.3 Disciplinary Action

A. Statement of Policy. The Township of Scotch Plains expects its employees to perform their duties as required, and follow the policies and regulations of the Township. Where there is an instance of misconduct in the course of employment, the employee will be disciplined in a manner consistent with the infraction, taking into account the employee's previous disciplinary history. An employee's disciplinary record may be taken into account in determining the appropriate disciplinary action to be imposed. Where an infraction is extremely serious, lengthy suspensions or termination may be appropriate, notwithstanding the fact that there may have been no prior disciplinary history.

B. Conduct Subject to Discipline. Activities subject to disciplinary action, corrective action and/or termination shall include, but not be limited to, the following:

- i. Insubordination;
- ii. Falsification of public records, including attendance and other personnel records;
- iii. Failure to report absence;
- iv. Harassment of co-workers and/or volunteers and/or visitors;
- v. Theft or attempted theft of property belonging to the Township, fellow employees, volunteers or visitors;
- vi. Failure to report to work day or days prior to or following a vacation, holiday and/or leave and/or any other unauthorized day of absence;
- vii. Fighting or creating a disturbance on Township property;
- viii. Violation of the Drug and Alcohol policy, including but not limited to (1) being under the influence of alcoholic beverages or illegal drugs while on duty, (2) reporting to work or responding to an emergency under the influence, or (3) being under the influence of legal drugs which may create a safety risk in job performance, without the permission of a supervisor;
- ix. Possession, sale or transfer of intoxicants or illegal drugs on Township property at any time during work hours;
- x. Entering the building without permission from the Municipal Manager or Department head during non-scheduled work hours;
- xi. Soliciting on Township premises during work time. This includes but is not limited to distribution of literature or products or soliciting membership in fraternal, religious, social or political organizations, and/or sales of products, such as those from Avon, Amway, etc.
- xii. Careless waste of materials or abuse of tools, equipment or supplies;
- xiii. Deliberate destruction or damage to Township or suppliers' property;
- xiv. Sleeping on the job;
- xv. Carrying weapons of any kind on Township premises and/or during work hours,

- unless carrying a weapon is a function of your job duties;
- xvi. Violation of established safety and fire regulations;
- xvii. Chronic absenteeism or tardiness;
- xviii. Unauthorized absence from work area, and/or roaming or loitering on the premises, during scheduled work hours;
- xix. Defacing walls, bulletin boards or any other Township or supplier property;
- xx. Failure to perform duties, inefficiency or substandard performance;
- xxi. Unauthorized disclosure of confidential Township information;
- xxii. Gambling on Township premises;
- xxiii. Engaging in immoral conduct or horseplay, disorderly conduct and use of abusive and/or obscene language on Township premises;
- xxiv. Deliberate delay or restriction of your work effort, and/or incitement of others to delay or restrict their work effort;
- xxv. Conviction of a crime or disorderly persons offense;
- xxvi. Violating any Township rules or policies;
- xxvii. Conduct unbecoming a public employee;
- xxviii. Violation of Township policies, procedures and regulations;
- xxix. Violation of Federal, State or Township laws, rules, or regulations concerning drug and alcohol use and possession;
- xxx. Misuse of public property, including motor vehicles;
- xxxi. Unauthorized use of computers, Internet, and email;
- xxxii. Knowingly making false or malicious statements with the intent to harm or destroy the reputation, authority or official standing of a person, group of persons or organizations;
- xxxiii. Refusal to testify in a properly authorized inquiry or investigation, except where such refusal is based upon the grounds of self-incrimination
- xxxiv. Other sufficient cause.

5.4 **Imposition of Disciplinary Action**

A. General Policy. Discipline may be imposed upon Township employees for just cause when the employee engages in any improper conduct subject to discipline, including, but not limited to, any of the misconduct specified above. An employee shall be notified in writing of any disciplinary action to be taken against him/her if that discipline affects compensation or the terms and conditions of employment, and the employee shall have the right to a due process hearing before his/her Department Head, or the Municipal Manager or his/her designee. Where applicable, an employee who believes that disciplinary action taken against him/her is without just cause, he/she may utilize the grievance procedure set forth in the applicable Collective Negotiation Agreements or, if a non-union employee, in this Manual.

B. Disclaimer. Neither this Manual nor anything contained in this Disciplinary Action Policy creates an employment contract. Employment may be terminated at any time with or without cause or reason by the employee of the Township.

C. Types of Disciplinary Action. Major disciplinary action includes termination, disciplinary

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

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

Depending on the severity of the infraction or misconduct, the following disciplinary actions may be imposed, as appropriate:

- **Verbal Reprimand:** Depending on the circumstances, the supervisor may verbally notify the employee that the employee's actions have been improper and warn the employee against further occurrences. The supervisor will prepare a record of the verbal reprimand including the date, time and what was discussed with the employee. This record must be forwarded to the Municipal Manager for the employee's official personnel file.
- **Municipal Manager Review:** Should the supervisor consider the offense sufficiently serious to warrant consideration by the Municipal Manager, the employee will be so advised and a meeting arranged with the Municipal Manager at the earliest possible date. All facts should be detailed at this meeting and, if possible, a determination will be made at that time of disciplinary action, if any.
- **Written Reprimand:** When a supervisor determines that a written reprimand is appropriate, the situation must be discussed with the Municipal Manager. The reprimand should clearly identify the problem and outline a course of corrective action within a specific time frame. The employee should clearly understand both the corrective action and the consequence (i.e., termination) if the problem is not corrected or reoccurs. The employee should acknowledge receipt of the warning and may include additional comments. A copy of the written reprimand with the signed acknowledgement and comments must be forwarded to the Municipal Manager for the employee's official personnel file.
- **Suspension:** Whenever an employee is recommended for suspension, the Municipal Manager will make the decision and may seek the advice of the Township Attorney and/or Labor Counsel if appropriate. Suspended employees may request a hearing under the applicable grievance procedure, collective bargaining agreement, and/or Civil Service procedure.
- **Dismissal:** Whenever an employee is recommended for dismissal, the Municipal Manager will make the decision after seeking the advice of the Township Attorney and/or Labor Counsel if appropriate. There must be a complete review of the employee's personnel file and all other facts to determine if there is sufficient cause for the dismissal. Terminated employees may request a hearing under the applicable grievance procedure, collective bargaining agreement, and/or Civil Service procedure.

- D. **Right to Counsel.** In any hearing concerning a grievance, dismissal, demotion, or other disciplinary action, the affected employee may be represented by a union representative or union counsel, or by counsel of choice, at the expense of either the employee or the union.

5.5 Grievance Policy

A. **Policy.** It is the policy of the Township that every employee at all times be treated fairly, courteously and with respect. A grievance is any formal dispute concerning the interpretation, application and/or enforcement of any personnel policy or procedure of the Township. Grievances from union employees will be handled pursuant to the terms of any applicable Collective Negotiation Agreements. All grievances from non-union employees must be handled pursuant to the following procedures.

B. **Step One.** Whenever an employee has a grievance, he/she should first present it verbally to his/her immediate supervisor. Such grievances must be presented to the immediate supervisor within five (5) working days after the complained-of conduct arises. Failure to report a grievance within such time shall be deemed a waiver of the grievance. The supervisor will work to provide a mutually satisfactory resolution to the grievance, where possible. The supervisor shall respond to the employee's grievance within five (5) working days of it being presented to him/her.

C. **Step Two.** If the employee is not satisfied with the supervisor's decision, the employee may submit a written grievance to the Department Head describing the basis for the grievance, the facts and the relief requested. The decision in Step One will be deemed final if the employee fails to submit a written grievance to the Department Head within five (5) working days of receiving the Step One decision. The Department Head will discuss the matter with the employee and the supervisor, as well as the Municipal Manager, if appropriate, and communicate the decision to the employee within five (5) working days.

D. **Step Three.** If the employee is not satisfied with the Department Head's decision, the employee may submit a written grievance to the Municipal Manager describing the basis for the grievance, detailing the facts and the relief requested. The decision in Step Two will be deemed final if the employee fails to submit a written grievance to the Municipal Manager within five (5) working days of receiving the Step Two decision. The Municipal Manager will render a written decision to the employee within five (5) working days after receipt of the grievance. The Municipal Manager's decision will be final.

APPENDIX

Appendix A

TOWNSHIP OF SCOTCH PLAINS NOTICE OF PERSONNEL DISCUSSION

To: _____

Address: _____

This is to notify you, pursuant to the Open Public Meeting Act, that the (body name) plans to discuss the subject matter(s) checked below relating to your employment.

- ☐ Application for Employment
- ☐ Promotion or Transfer
- ☐ Compensation
- ☐ Performance Evaluation
- ☐ Special Leave Request
- ☐ Grievance
- ☐ Discipline
- ☐ Possible Termination
- ☐ Other (Specify): _____

The discussion will take place at the following meeting(s):

Date of Meeting(s) _____

Time: _____

Location: _____

The discussion will be in closed session, not open to the public, unless before the meeting the Township Clerk receives a request, in writing, in which you ask that the discussion be held in public. If the discussion will affect other employees or potential employees, it may be closed to the public unless all such affected persons submit such signed requests. You are not required to attend this meeting.

Notice Date: _____

Signed _____

Title _____

Appendix B

Conscientious Employee Protection Act “Whistleblower Act”

Employer retaliatory action; protected employee actions; employee responsibilities

1. New Jersey law prohibits an employer from taking any retaliatory action against an employee because the employee does any of the following:
 - a. Discloses, or threatens to disclose, to a supervisor or to a public body an activity, policy or practice of the employer or another employer, with whom there is a business relationship, that the employee reasonably believes is in violation of a law, or a rule or regulation issued under the law, or, in the case of an employee who is a licensed or certified health care professional, reasonably believes constitutes improper quality of patient care;
 - b. Provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any violation of law, or a rule or regulation issued under the law by the employer or another employer, with whom there is a business relationship, or, in the case of an employee who is a licensed or certified health care professional, provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into quality of patient care; or
 - c. Provides information involving deception of, or misrepresentation to, any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity.
 - d. Provides information regarding any perceived criminal or fraudulent activity, policy or practice of deception or misrepresentation which the employee reasonably believes may defraud any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity.
 - e. Objects to, or refuses to participate in, any activity, policy or practice which the employee reasonably believes:
 - (1) is in violation of a law, or a rule or regulation issued under the law or, if the employee is a licensed or certified health care professional, constitutes improper quality of patient care;
 - (2) is fraudulent or criminal; or
 - (3) is incompatible with a clear mandate of public policy concerning the public health, safety or welfare or protection of the environment. N.J.S.A. 34:19-3.
2. The protection against retaliation, when a disclosure is made to a public body, does not apply unless the employee has brought the activity, policy or practice to the attention of a supervisor of the employee by written notice and given the employer a reasonable opportunity to correct the activity, policy or practice. However, disclosure is not required where the employee reasonably believes that the activity, policy or practice is known to one or more supervisors of the employer or where the employee fears physical harm as a result of the disclosure, provided that the situation is emergency in nature.

CONTACT INFORMATION

Your employer has designated the following contact person to receive written notifications, pursuant to paragraph 2 above (N.J.S.A. 34:19-4):

Name: _____

Address: _____

Telephone Number: _____

This notice must be conspicuously displayed.

Once each year, employers with 10 or more employees must distribute notice of this law to their employees. If you need this document in a language other than English or Spanish, please call (609) 292-7832.

La Ley de protección al empleado consciente

"Ley de protección del denunciante"

Acciones de represalia del empleador; protección de las acciones del empleado

1. La ley de New Jersey prohíbe que los empleadores tomen medidas de represalia contra todo empleado que haga lo siguiente:
 - a. Divulgue o amenace con divulgar, ya sea a un supervisor o a una agencia pública toda actividad, directriz o norma del empleador o de cualquier otro empleador con el que exista una relación de negocios y que el empleado tiene motivos fundados para pensar que violan alguna ley, o en el caso de un trabajador licenciado o certificado de la salud y que tiene motivos fundados para pensar que se trata de una manera inadecuada de atención al paciente;
 - b. Facilite información o preste testimonio ante cualquier agencia pública que conduzca una investigación, audiencia o indagación sobre la violación de alguna ley, regla o reglamento que el empleador o algún otro empleador con el que exista una relación de negocios; o en el caso de un trabajador licenciado o certificado de la salud que facilite información o preste testimonio ante cualquier agencia pública que conduzca una investigación, audiencia o indagación sobre la calidad de la atención al paciente; o
 - c. Ofrezca información concerniente al engaño o la tergiversación con accionistas, inversionistas, usuarios, pacientes, clientes, empleados, ex empleados, retirados o pensionados del empleador o de cualquier agencia gubernamental.
 - d. Ofrezca información con respecto a toda actividad que se pueda percibir como delictiva o fraudulenta, toda directiva o práctica engañosa o de tergiversación que el empleado tenga motivos fundados para pensar que pudieran estafar a accionistas, inversionistas, usuarios, pacientes, clientes, empleados, ex empleados, retirados o pensionados del empleador o de cualquier agencia gubernamental.
 - e. Se opone o se niega a participar en alguna actividad, directriz o práctica que el empleado tiene motivos fundados para pensar que:
 - (1) viola alguna ley, o regla o reglamento que dicta la ley o en el caso de un empleado licenciado o certificado en cuidado de la salud que tiene motivos fundados para pensar que constituya atención inadecuada al paciente;
 - (2) es fraudulenta o delictiva; o
 - (3) es incompatible con algún mandato establecido por las directrices públicas relacionadas con la salud pública, la seguridad o el bienestar o la protección del medio ambiente. Artículo 34:19-3 de las Leyes comentadas de New Jersey de protección del empleado consciente (N.J.S.A., por sus siglas en inglés)
2. No se puede acoger a la protección contra la represalia, cuando se hace una divulgación a un organismo público, a no ser que el empleado le informe al empleador de tal actividad, política o norma a través de un aviso por escrito y le haya dado al empleador una oportunidad razonable para corregir tal actividad, política o norma. Sin embargo, no es necesaria la divulgación en los casos en que el empleado tenga indicios razonables para creer que un supervisor o más de un supervisor del empleador tienen conocimiento de tal actividad, política o norma o en los casos en los que el empleado teme que tal divulgación pueda traer como consecuencia daños físicos a su persona siempre y cuando la naturaleza de la situación sea la de una situación de emergencia.

Información del Contacto

Su empleador ha designado a la siguiente persona para recibir notificaciones de acuerdo al párrafo 2, de la ley (N.J.S.A. 34:19-4):

Nombre: _____

Dirección: _____

Número de teléfono: _____

Este aviso se debe exponer a la vista de todos.

Anualmente, patronos con 10 o más empleados, deberán distribuir notificación de esta ley a todos sus empleados. Si necesita este documento en algún otro idioma que no sea inglés o español, sírvase llamar al (609) 292-7832.

Appendix C

TOWNSHIP OF SCOTCH PLAINS

Employee Complaint Form

Date: _____

Attach additional sheets if necessary to fully complete all questions.

NAME: _____ **DEPARTMENT:** _____

TITLE: _____ **SUPERVISOR:** _____

Time period covered by this complaint: _____

Individuals who allegedly committed the acts being complained of:

Describe the nature and dates of the acts allegedly committed by each individual:

Identify all persons with knowledge of the complained conduct:

Are there any documents or other evidence that supports the occurrences described above?

If you previously complained about this or related acts to a supervisor or official, please identify the individual to whom you complained, the date of the complaint, and any action taken.

Have you missed any time from work or incurred any un-reimbursed medical expenses as a result of the alleged acts?

Are you afraid that someone may retaliate against you because you filed this complaint? If so, please identify the person(s) and indicate the reasons why you feel the person(s) may retaliate against you.

What is your requested remedy for this complaint?

ACKNOWLEDGMENT

The information provided above is true and correct to the best of my knowledge.

By: _____ DATE: _____

To investigate your complaint, it will be necessary to interview you, the accused party, and any witnesses with knowledge of the allegations or defenses. All persons involved in the investigation will be notified that (1) the complaint is confidential, (2) that any unauthorized disclosures of information concerning the investigation or retaliation could result in disciplinary action up to and including discharge.

I am willing to cooperate fully in the investigation of my complaint and to provide whatever evidence is deemed relevant.

By: _____ DATE: _____

Appendix D

**Township of Scotch Plains
430 Park Avenue
Scotch Plains, New Jersey 07076**

EMPLOYMENT APPLICATION

We consider applicants for all positions without regard to race, color, religion, creed, gender, national origin, age, disability, marital or veteran status, sexual orientation, or any other legally protected status.

1.	Applicant name:	Date:
2.	Present Address:	
3.	Permanent Address (if different from present address):	
4.	Telephone Number:	Social Security Number:
5.	Email Address:	
6.	Position Desired:	Date you are available to start:
7.	Do you prefer: <input type="checkbox"/> Full Time <input type="checkbox"/> Part Time	If part time, hours you are available to work?
8.	Will you work overtime, if required? <input type="checkbox"/> Yes <input type="checkbox"/> No	If no, please explain:
9.	Have you ever worked for the Township of Scotch Plains? <input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, list dates and supervisor:
10.	Are you eligible for employment in the United States? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>If hired, you will be required to submit proof of your eligibility to work in the United States.</i>	
11.	Are you over the age of eighteen (18)? <input type="checkbox"/> Yes <input type="checkbox"/> No	
12.	Do you possess a driver's license that is valid in New Jersey?* <input type="checkbox"/> Yes <input type="checkbox"/> No Driver's License Number: _____ Do you possess a CDL license in New Jersey?* <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, list endorsements: _____ <i>*Answer this section only if it is a requirement as indicated on the job announcement or description.</i>	

13.	Have you served in the United States military? <input type="checkbox"/> Yes <input type="checkbox"/> No		
	Branch? _____ Dates of Service: _____		
	Condition of Discharge: _____		
14.	EDUCATION		
	High School:	Graduated? <input type="checkbox"/> Yes <input type="checkbox"/> No	
	Technical School:	Graduated? <input type="checkbox"/> Yes <input type="checkbox"/> No	Degree:
	College:	Graduated? <input type="checkbox"/> Yes <input type="checkbox"/> No	Degree:
	Other Training/Education:		
	Other Special Skills:		
15.	WORK EXPERIENCE		
	Please list all previous employment, beginning with the most recent. If you need more room, you may attach another sheet of paper.		
(a)	Employer:	Address:	
	Dates of Employment:	Position Held:	Reason for Leaving:
	Supervisor's Name & Title:	May we contact: <input type="checkbox"/> Yes <input type="checkbox"/> No	
	Description of duties:		
(b)	Employer:	Address:	
	Dates of Employment:	Position Held:	Reason for Leaving:
	Supervisor's Name & Title:	May we contact: <input type="checkbox"/> Yes <input type="checkbox"/> No	
	Description of duties:		

(c)	Employer:	Address:		
	Dates of Employment:	Position Held:	Reason for Leaving:	
	Supervisor's Name & Title:	May we contact: <input type="checkbox"/> Yes <input type="checkbox"/> No		
	Description of duties:			
16.	Have you ever been fired or asked to resign from a job? If yes, please explain. _____ _____			
17.	Use this space to describe any license, certificates, registrations skills, crafts, including machines or equipment operated, or languages you can read/write/or speak, which relates to the position to which you are applying. <u>Computer Skills:</u> <input type="checkbox"/> Word Processing <input type="checkbox"/> Excel / Spreadsheet <input type="checkbox"/> Powerpoint/Presentation <input type="checkbox"/> Email			
18.	REFERENCES Please list the names of three business persons known, but not related, to you for at least three years.			
	Name	Title	Business	Telephone
	1. _____			
	2. _____			
	3. _____			

RELEASE AUTHORIZATION AND ACKNOWLEDGEMENT

I _____ hereby certify that the facts contained in this application are true and complete to the best of my knowledge. I understand that if I am employed, any false statement on this application may be grounds for dismissal. In the event of employment, I also understand that I am required to abide by all rules and regulations of the Township of Scotch Plains ("the Township).

I understand that and agree that, if hired, my employment, unless otherwise defined by applicable law, with the Township is of an "at will" nature which means that my employment is for no definite period and may be terminated at any time and without prior notice, consistent with applicable law.

I understand that and agree that this application for employment shall be considered active for a period of time not to exceed sixty (60) days. I further understand that any applicant wishing to be considered for employment beyond this time period should inquire whether or not applications are being accepted at this time.

I hereby authorize investigation of all statements contained in this application. I also grant permission to the Township to contact all references listed above, any court, probation department, physician, hospital, employer, educational and other institutions and agencies without exception, neighbors, friends and other with whom I am acquainted and authorize them to release all information concerning my previous employment and any other pertinent information these references might have, personal or otherwise that the Township may request. I hereby release all parties from liability for any damage that may result from furnishing this information to the Township.

A photostatic copy of this authorization will be considered as effective and valid as the original.

I understand that I must submit proof of legal eligibility to work in the United States if I am hired. I also understand that any offer of employment from the Township may be contingent upon my successful completion of a background check, pre-employment physical examination and/or other tests relevant to and/or required by the position I seek.

I understand the Township of Scotch Plains is an equal-opportunity employer and does not discriminate in its hiring or other personnel practices. I understand that the Township will make reasonable accommodations as required by Federal and/or State law, where such reasonable accommodations will not create undue hardship for the Township.

Applicant Signature: _____ Date: _____

Appendix E

NJ DIVISION ON CIVIL RIGHTS GUIDE ON PRE-EMPLOYMENT INQUIRIES

Category	It is discriminatory to inquire about:	Some examples of acceptable inquiries:
Name	<ul style="list-style-type: none"> a) The fact of a change of name or the original name of an applicant whose name has been legally changed b) Maiden name 	Whether or not the applicant has ever worked under another name or was the applicant educated under another name. (Allowable only when the data is needed to verify the applicant's qualifications)
Birthplace and Residence	<ul style="list-style-type: none"> a) Birthplace of applicant b) Birthplace of applicant's parents c) Requirement that applicant submit birth certificate, naturalization or baptismal record d) Own home, rent, board or live with parents e) Citizenship 	<ul style="list-style-type: none"> a) Are you in the United States on a visa, which prohibits you from working here? b) Are you either a US citizen or a permanent resident alien?
Creed and Religion	<ul style="list-style-type: none"> a) Applicant's religious affiliation b) Church, parish, or religious holidays observed by applicant 	
Race or Color	<ul style="list-style-type: none"> a) Applicant's race b) Color of applicant's skin, eyes, hair, etc. c) Driver's license number 	
Photographs	<ul style="list-style-type: none"> a) Photographs with application b) Photographs after interview, but before a hiring 	
Age	<ul style="list-style-type: none"> a) Date of birth or age of applicant b) Age specifications, limitations, or implications in a newspaper advertisement which might bar workers under or over a certain age c) Driver's license number 	Applicant may be asked if he/she is over the minimum legal age and under a bona fide mandatory retirement age
Language	<ul style="list-style-type: none"> a) Applicant's mother tongue b) Language commonly used by applicant at home c) How the applicant acquired ability to read, write, or speak a foreign language 	Language applicant speaks and/or writes fluently (only if job related)
Relatives	Name and/or address of any relative of the applicant	Name and address of person to be notified in case of accident or emergency
Military Experience	<ul style="list-style-type: none"> a) Applicant's military experience in other than United States Armed Forces b) National Guard or Reserve Units of applicant c) Draft classification or other eligibility for military service d) Applicant's whereabouts during periods of armed conflict e) Dates, conditions and type of discharge 	<ul style="list-style-type: none"> a) Military experience of applicant in Armed Forces of United States only when used for employment history b) Whether applicant has received any notice to report for duty in Armed Forces

Appendix F(1)

TOWNSHIP OF SCOTCH PLAINS Evaluations

Management Evaluation

Name: _____

Date: _____

Title: _____

Department: _____

Rating Level Guide:

- **Exceeds Expectations** – Unique and exceptional accomplishments
- **Meets Expectation** – Consistently meets the requirements of the job in all aspects
- **Needs Improvements** – Meets some job requirements but not consistently. Must improve to meet minimum standards.
- **Unsatisfactory Performance** – Does not meet the minimum requirements of the position or only occasionally acceptable

I. Leadership

Ability to give direction without conflict; ability to
Motivate employees to accomplish goals.

- ☐ Exceeds Expectations
- ☐ Meets Expectation
- ☐ Needs Improvement

Additional criteria and/or comments:

II. Scheduling

Planning work distribution among employees; efficient
Utilization of available staff.

- ☐ Exceeds Expectations
- ☐ Meets Expectation
- ☐ Needs Improvement
- ☐ Unsatisfactory Performance

A. Personal Attendance

- ☐ Exceeds Expectations
- ☐ Meets Expectation
- ☐ Needs Improvement
- ☐ Unsatisfactory Performance

Additional criteria and/or comments:

III. Judgment

Ability to analyze problems and procedures, evaluate Alternatives, and select best course of action; use of logic and common sense in decision making.

- ☐ Exceeds Expectations
- ☐ Meets Expectation
- ☐ Needs Improvement
- ☐ Unsatisfactory Performance

Additional criteria and/or comments:

IV. Communication

Ability to communicate effectively; use of communication for motivation, planning and problem solving

- ☐ Exceeds Expectations
- ☐ Meets Expectation
- ☐ Needs Improvement
- ☐ Unsatisfactory Performance

Additional criteria and/or comments:

V. Delegation & Supervisory Skills

Clearly defines responsibilities and authority limits of Subordinates, recognizes individual capabilities and assigns Work accordingly; counsels employees in both positive and negative circumstances; motivates employees to think and work independently.

- ☐ Exceeds Expectations
- ☐ Meets Expectation
- ☐ Needs Improvement
- ☐ Unsatisfactory Performance

Additional criteria and/or comments:

VI. Staff Relations/Diversity

- A. Shows fairness and impartiality in interactions; is interested in employee welfare; elicits staff input where feasible; responds to staff adaptability; works with diverse employees comfortably and willingly; embraces diversity in daily work life.

- ☐ Exceeds Expectations
- ☐ Meets Expectation
- ☐ Needs Improvement
- ☐ Unsatisfactory Performance

Additional criteria and/or comments:

- B. Anticipates staff problems and takes preventive measures; resolves disputes among employees, handles corrective discipline and employee grievances.

- ☐ Exceeds Expectations
- ☐ Meets Expectation
- ☐ Needs Improvement
- ☐ Unsatisfactory Performance

Additional criteria and/or comments:

VII. Staff Development

- | | | |
|----|--|--|
| A. | Exhibits effective training skills and provides job training to employees as needed; encourages and supports staff participation in personal and professional development and University sponsored activities; promotes career growth. | <input type="checkbox"/> Exceeds Expectations
<input type="checkbox"/> Meets Expectation
<input type="checkbox"/> Needs Improvement
<input type="checkbox"/> Unsatisfactory Performance |
|----|--|--|

Additional criteria and/or comments:

- | | | |
|----|--|--|
| B. | Prepares thorough and objective employee appraisals; provides informal performance feedback on a regular basis; acknowledges good performance and discusses performance problems in a timely manner. | <input type="checkbox"/> Exceeds Expectations
<input type="checkbox"/> Meets Expectation
<input type="checkbox"/> Needs Improvement
<input type="checkbox"/> Unsatisfactory Performance |
|----|--|--|

Additional criteria and/or comments:

VIII. Cost Effectiveness

- | | |
|--|--|
| Seeks best use of materials, equipment, and staff to maximize efficiency and effectiveness; stays within approved budget | <input type="checkbox"/> Exceeds Expectations
<input type="checkbox"/> Meets Expectation
<input type="checkbox"/> Needs Improvement
<input type="checkbox"/> Unsatisfactory Performance |
|--|--|

Additional criteria and/or comments:

IX. Contributions to Organization/Community

- | | |
|---|--|
| Participate on committees, task forces or at community outreach/awareness activities. | <input type="checkbox"/> Exceeds Expectations
<input type="checkbox"/> Meets Expectation
<input type="checkbox"/> Needs Improvement
<input type="checkbox"/> Unsatisfactory Performance |
|---|--|

Additional criteria and/or comments:

OBJECTIVES FOR UPCOMING YEAR

- I. **Performance Plan:** Identify specific actions/behaviors the employee needs to start doing, stop doing and/or continue in the upcoming performance period.
- II. **Development Plans:** Identify specific work assignments and topics for training designed to increase individual's effectiveness on present job and prepare for future job assignment.
- III. **Goals for Year:** Identify specific performance goals for the year.
- IV. **Employee Comments:** Enter below any comments you wish to make about your appraisal or the objectives for the upcoming year. Attach additional pages if needed.

Employee Signature

Date

(Your signature does not necessarily signify your agreement with the appraisal; it simply means that the appraisal has been discussed with you)

Evaluator Signature

Date

Appendix F(2)

PERSONNEL EVALUATION

Name of Employee _____ Date _____

Assignment _____

Evaluated by _____

Method of Rating

Column 1	Quality is Deficient
Column 2	Quality is Lacking
Column 3	Average
Column 4	Quality is Above Average
Column 5	Quality is Excellent

If a quality is not applicable, mark "N/A". Mark "X" under the appropriate column when evaluating. The job description for the position should be used as a basis for evaluation.

Summary and Recommendations

Signature of Supervisor

Signature of Employee

PERSONNEL EVALUATION

<u>PERSONAL QUALITIES</u>	1	2	3	4	5	Remarks
Cooperative attitude with supervisor and subordinates						
Concern for others						
Dependability						
Enthusiasm						
Self-Discipline						
Punctual for all meetings						
Dresses in an appropriate manner						

SUMMARY STATEMENT:

<u>LEADERSHIP QUALITIES</u>	1	2	3	4	5	Remarks
Understands and knows needs of participants						
Original/Creative Ability						

Ability to command confidence and respect						
Ability to motivate						
Ability to handle discipline problems						
Initiative and Motivation						
Ability to adapt leadership to the group						
Ability to act in an emergency situation						
Ability to demonstrate activities						
Ability to lead a broad amount of activities						

SUMMARY STATEMENT:

PERSONNEL EVALUATION

<u>ADMINISTRATIVE QUALITIES</u>	1	2	3	4	5	Remarks
Ability to plan and organize						
Ability to organize and supervise staff						
Ability to adapt to change						

Knows and observes rules and regulations					
Care of equipment and supplies					
Recognize Public Relation Opportunities					
Submits reports on time					
Shows initiative in expending program					
Follows safety procedures					

SUMMARY STATEMENT:

Appendix G

COUNSELING ACTION PLAN

Township of Scotch Plains

Employee Assistance Program

The Township of Scotch Plains contracts with Trinitas Regional Medical Center Family Resource Center/C.A.R.E. EAP to provide six (6) free counseling sessions to Township employees and their families who are in need of assistance dealing with life's stresses and problems. These include emotional and mental health concerns, family and marital difficulties, alcohol and substance abuse, financial and legal pressures and vocational and educational issues. This service is available to any employee and family member living within the household. Firefighter volunteers and their families will be eligible for these services as well. *All information is kept strictly confidential.*

This service is available, at no cost, by calling 1 (800) 890-8228. Calls will be answered within 24 hours, Monday through Friday.

Appendix H

Substance Abuse Policy “On Notice” Status

TERMS OF CONTINUED EMPLOYMENT WHILE EMPLOYEE IS "ON NOTICE" STATUS

I, _____ (name of employee), agree that, having tested positive for _____ drugs and/or alcohol, I shall adhere to the following conditions for the periods beginning _____ and ending _____ in order to remain employed by the Township of Scotch Plains. If I fail to adhere to these conditions, my employment may be terminated.

- a. The employee will be placed on probation for a period of one year.
- b. The employee must become and remain drug and alcohol free.
- c. The employee must meet with an EAP counselor.
- d. The employee must participate in an appropriate treatment program as arranged by the EAP counselor. If the treatment involves in-patient care, the employee may use any accumulated leave time. The employee must agree to allow the EAP counselor to monitor the employee's progress with the treatment provider, and to communicate with the Township's Municipal Manager. The latter requires the employee to sign the necessary forms authorizing release of medical information related to alcohol/drug conditions.
- e. Following successful completion of the treatment program, the employee must cooperate with the Township physician by participating in a medical monitoring program which will include periodic unannounced urine blood testing (as appropriate) for a period of time not to exceed the employee's one year probationary period. Any attempt by the employee to submit an adulterated sample will be grounds for termination of employment.
- f. The employee must adhere to Township standards regarding job performance, attendance, tardiness and conduct during the probationary period. All requests for vacation, compensatory, and personal leave time must be requested/scheduled with the employee's supervisor no less than 24 hours in advance unless there is a substantial emergency situation.
- g. If absent, the employee must be evaluated by the Township physician and provide a note from the employee's personal physician, if requested. The note will indicate the dates seen by the personal physician, the dates the physician feels the employee could not be at work and the medical diagnosis.
- h. Before returning to work, the employee may be required achieve a negative result on a drug/alcohol test.
- i. The employee will be given one opportunity to voluntarily admit a relapse to his dependency during any one probationary period. Only after undergoing treatment and testing negative for drugs and alcohol, the employee may return to work and re-start the 12-month probationary period.

Signature of Employee

Signature of Witness

Date:

OBSERVED BEHAVIOR REPORTING FORM

[illegible]

Signature of Supervisor _____

Appendix J

Scotch Plains E.P.E.C. Check List

PRE-EVENT

- ___ Obtain verbal or preferably email ok to attend function from Municipal Manager.
- ___ Complete the EPEC form and forward to Municipal Manager completing all pertinent information including approved estimates for expenses prior to the event.
- ___ If airfare is necessary, obtain quotes from the Airline direct PLUS obtain a second quote. Attach travel quotes to EPEC.
- ___ If applicable, write a detailed request to attend event on Township letterhead and send E.P.E.C. and letter to the Office of the Municipal Manager. Fully outline how the event will directly enhance the performance of your work duties.
- ___ If and when the EPEC comes back signed and approved by the Municipal Manager, you may then proceed to make the necessary arrangements.
- ___ Pay for approved registrations, lodging and book travel, preferably by purchase order, if not, use personal credit card, check or cash. Proof of the tender form of payment must be provided.

NOTE: Airlines may not be able to hold quoted prices – ensure you use lowest price. If you intend to use a Municipal vehicle for travel, please indicate that as well as estimated mileage and tolls.

POST-EVENT

- ___ Reimbursement requests to pay for registrations, lodging or travel expenses that could not be prepaid directly to the vendor must be on an existing approved purchase order.
- ___ Employee must include actual expenses on EPEC and sign it. Employee signs purchase order as the Claimant. The Municipal Manager must authorize signatures on the Purchase Order. An employee cannot sign a Purchase Order as both the Claimant and as an authorized signature.
- ___ A follow-up letter to Municipal Manager should be attached to the EPEC. The letter should document in detail the educational goals that were met by the employee's attendance at the event including dates and times of attendance of classes as well as confirming documentation, i.e. CEU's.
- ___ Send the completed purchase order to the Municipal Manager. It should include the following:
 - ___ EPEC - final with all signatures and actual amounts complete.
 - ___ Purchase order - with all signatures
 - ___ Detailed receipts - food, lodging and travel
 - ___ Proof of form of payment, (e.g. credit card statement, cancelled check or cash sales receipt).
 - ___ Follow-up letter
- ___ After Municipal Manager approval, package is sent to the Finance department for approval of the receipts. Finance will correct any problems and send check to employee.

Appendix K

Township of Scotch Plains

Employee Personal Expense Claim

Employee Name: _____

Department: _____

Description of Event (Course, Conference, Seminar)

Name of Event: _____

Vendor(s) Providing the Event: _____

Location: _____

Departure Date / / Start Date / / End Date / /

Pre-Event Approval (Approval Signatures and Dates Required)

Municipal Manager Signature _____ Date / /

Description of Expenses

Description	Estimated Expenses	Actual Expenses	Comments Travel
Meals Lodging			
Registration			

I hereby certify that the above listed expenditures are as a result of my duties as a Scotch Plains township employee.

Employee’s Signature _____ Date / / _____

Post Event Approval (Approval Signatures and Dates Required)

Municipal Manager _____ Date / / _____

Chief Financial Officer _____ Date / / _____

Appendix L

**APPLICATION FOR DONATED LEAVE
TOWNSHIP OF SCOTCH PLAINS DONATED LEAVE POLICY**

Employee Name: _____

Employee Title: _____

Department/Division: _____

Date of Hire: _____

Dept Verification

Date that continuous absence began: _____

Expected date that leave time will expire: _____

Expected date of return or retirement*: _____

** Attach letter from licensed physician documenting that you are unable to work, giving the nature of the illness, the dates of medical care, and the expected date of return.*

Name of person completing and signing application (if other than employee):

Name: _____

Address: _____

Phone #: _____

Relationship: _____

Signature: _____ Date: _____

Application to be submitted to the Municipal Manager.

Information verified by Department Head: _____
(any correction to be noted and initialed)

Approved by Municipal Manager: _____

Appendix M

**OFFER TO DONATE LEAVE
TOWNSHIP OF SCOTCH PLAINS DONATED LEAVE POLICY**

Name of Employee to whom Leave is to be donated: _____

Employee donating Leave:

Name: _____

Title: _____

Dept./Div.: _____

Pursuant the Town donated leave policy: a) employees may donate whole days only; b) no more than 10 days may be donated to one recipient; c) a donor must have 20 sick days left after donation of sick leave, and 10 vacation days remaining or used in the year of donation of vacation leave; d) if more days are offered than are needed, donations will be accepted first from employees within the same bargaining unit and/or work unit as the employee receiving the donation; e) names of donors will be kept confidential; and f) donations, once accepted, are not returnable.

				Admin Use only
		Hrs/day	Days left	Accepted
# of Sick Days being donated:	_____	_____	_____	_____
# of Vacation Days being donated:	_____	_____	_____	_____

I, _____, CERTIFY THAT I UNDERSTAND AND WILL ABIDE BY THE TERMS AND CONDITIONS OF THE DONATED LEAVE POLICY AS SPELLED OUT IN SECTION 3 OF THE TOWNSHIP OF SCOTCH PLAINS PERSONNEL POLICIES. I FURTHER CERTIFY THAT I HAVE NOT BEEN SOLICITED PRESSURED OR COERCED, NOR ACCEPTED ANYTHING OF VALUE TO DONATE THIS LEAVE.

Signature: _____ Date: _____

This form to be submitted to the Municipal Manager.

Approved: _____

Appendix N

EMPLOYEE'S ACKNOWLEDGEMENT OF RECEIPT OF EQUAL EMPLOYMENT OPPORTUNITY, ANTI-HARASSMENT, ANTI- DISCRIMINATION POLICIES AND COMPLAINT PROCEDURES

I understand that the Township of Scotch Plains and employees have a responsibility to create an atmosphere free of dissemination or discriminatory harassment. I understand that it is my responsibility to respect the rights of all other people employed with the Township, including, but not limited to, my co-workers and subordinates.

I understand that if I experience any discriminatory harassing behavior or believe that I have been treated in an inappropriate or discriminatory manner, I MUST immediately report the matter.

I understand that if I observe any harassing behavior, I MUST immediately report the matter.

I further understand that if I experience any discrimination or job-related discriminatory harassment, I MUST utilize the complaint procedure established for the purposes of preventing and correcting unacceptable workplace behavior.

By signing this form, I affirm that the complaint procedures for reporting harassment, discrimination or retaliation have been fully explained to me and that I understand them.

(To be placed in Employee's Personnel File)

Print Name_____

Signature_____

Date_____

Department_____

Appendix O

EMPLOYEE'S ACKNOWLEDGEMENT OF RECEIPT OF CEPA COMPLIANCE POLICIES AND COMPLAINT PROCEDURES

I understand that the Township of Scotch Plains has a responsibility to create an atmosphere free of workplace retaliation. With regard to an employee's right to disclose purported violations of law or public policy, I agree to refrain from retaliation against all other people employed with the Township, including, but not limited to, my co-workers and subordinates, in their exercise of any rights protected by Township.

I understand that if I observe any activity, policy or practice which I reasonably believe is a violation of the law or violation of public policy, I should immediately report the matter as provided for in Section 1.6 of this Manual so as to provide the Township with a reasonable opportunity to correct the activity, policy or practice.

I further understand that if I experience any workplace retaliation, I will utilize the complaint procedure established for the purposes of preventing and correcting unacceptable workplace retaliation.

By signing this form, I affirm that the complaint procedures for workplace retaliation in violation of CEPA have been fully explained to me and that I understand them.

(To be placed in Employee's Personnel File)

Print Name _____

Signature _____

Date _____

Department _____

Appendix P

TOWNSHIP OF SCOTCH PLAINS

Receipt for Personnel Policies and Procedures Manual

I acknowledge that I have received a copy of Township's Personnel Policies and Procedures Manual. I agree to read it thoroughly. I agree that if there is any policy or provision in the manual that I do not understand, I will seek clarification from my supervisor or my Department Head. I understand that the Township is an "at will" employer and consistent with applicable Federal and State law (including the New Jersey Civil Service Act), (as well as applicable bargaining unit agreements), employment with the Township is not for a fixed term or definite period and may be terminated at the will of either party, with or without cause, and without prior notice. No supervisor or other representative of the Township has the authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the above.

In addition, I understand that this manual states Township's personnel policies in effect on the date of publication. I understand that nothing contained in the manual may be construed as creating a promise of future benefits or a binding contract with Township for benefits or for any other purpose. I also understand that these policies and procedures are continually evaluated and may be amended, modified or terminated at any time.

I further understand that this Manual supersedes all other information, written or oral, provided by anyone.

(To be placed in Employee's Personnel File)

Print Name _____

Signature _____

Date _____

Department _____

Appendix Q

SOCIAL MEDIA POLICY

Purpose

This policy sets forth guidelines for the establishment and use by the Township of Scotch Plains ("the Township") of all social media sites (including but not limited to Facebook and Twitter) as a means of conveying Scotch Plains-related information to its residents, employees and visitors. The Township has an overriding interest and expectation in deciding what is “spoken” on behalf of the Township on its social media sites.

For purposes of this policy, “social media” is understood to be content created by individuals, using accessible, expandable, and upgradable publishing technologies, through and on the Internet. Examples of social media include, but are not limited to, First Alert, Facebook, blogs, MySpace, RSS, YouTube, Second Life, Twitter, LinkedIn, Delicious, and Flickr. For purposes of this policy, “comments” include information, articles, pictures. It also includes other communication medium created by the Township including, but not limited to, Nixle, reverse 911 and/or Scotch Plains TV.

Scope

This policy shall apply to all Municipal agencies and departments as well as any affiliated government or non-government agency or official and/or commission or council permitted by the Township to post on Township social media sites.

General Policy

1. The establishment and use by any municipal department of the Township's social media sites are subject to approval by the Township Manager or his/her designees. All Scotch Plains social media sites shall be administered by Scotch Plains’ Information Technology (“IT”) designated third party provider.
2. The Township social media sites should make clear that they are maintained by the Township and that they follow this Social Media Policy.
3. Wherever possible, the Township social media sites should link back to the official Scotch Plains website for forms, documents, online services and other information necessary to conduct business with Scotch Plains.
4. The Township shall designate an employee or volunteer to monitor content (the "Social Media Coordinator") on the Township social media sites to ensure adherence to both this Social Media Policy and the interest and goals of the Township. Scotch Plains has the right and will restrict or remove any content that is deemed in violation of this Social Media Policy or any applicable law. Any content removed based on these guidelines will be retained by the Social Media Coordinator pursuant to the applicable Township retention policy, including the time, date and identity of the poster, when available.

5. These guidelines must be displayed to users or made available by hyperlink.
6. The Township will approach the use of social media tools as consistently as possible, enterprise wide.
7. The Scotch Plains website at <https://www.scotchplainsnj.gov> will remain the Scotch Plains' primary and predominant internet presence.
8. The Township social media sites and this Policy are subject to all applicable federal and NJ laws and regulations, including the Freedom of Information Act, as well as applicable record retention requirements.
9. Any content maintained in a social media format that is related to The Township's business, including a list of subscribers, posted communication, and communication submitted for posting, may be a public record subject to public disclosure.
10. Employees, elected and appointed officials representing The Township of Scotch Plains' government via its social media sites must conduct themselves at all times as a representative of The Township and in accordance with all its policies.
11. This Social Media Policy may be revised at any time.

Comment Policy

1. As a public entity the Township must abide by certain standards to serve all its constituents in a civil and unbiased manner.
2. The intended purpose behind establishing the Township social media sites is to disseminate information from the Township, about Scotch Plains, to its residents, employees and visitors.
3. Comments containing any of the following inappropriate forms of content shall not be permitted on Scotch Plains' social media sites and are subject to removal and/or restriction by the Township Manager or his/her designees.
 - a. Comments not related to the original topic, including random or unintelligible comments;
 - b. Profane, obscene, violent, or pornographic content and/or language, or sexually suggestive or links to such materials. Any image or link containing minors or suspected minors in sexual situations will be reported to law enforcement.
 - c. Content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, or national origin, marital status, status with regard to public assistance, physical or mental disability or sexual orientation;
 - d. Defamatory or personal attacks;

- e. Threats to any person or organization;
- f. Comments in support of, or in opposition to, any political campaigns or ballot measures;
- g. Solicitation of commerce, including but not limited to advertising of any business or product for sale;
- h. Conduct in violation of any federal, state or local law;
- i. Encouragement of illegal activity;
- j. Information that may tend to compromise the safety or security of the public or public systems; or
- k. Content that violates a legal ownership interest, such as a copyright, of any party. The Township does not permit or allow copyright infringing activities and/or infringement of intellectual property rights on its website or social media sites and will remove any and all content and Submissions if properly notified that such content and/or Submission infringes on another's intellectual property rights.
- l. Private contact information such as names, addresses and phone numbers no matter how easily obtained elsewhere.
- m. Photographs or videos.
- n. Personal information of a person other than the poster.
- o. Spamming or repetitive content.
- p. Comments from children under 13 cannot be posted in order to comply with the Children's Online Privacy Protection ACT. By posting on a Township media site, users acknowledge that they are at least 13 years old.

4. A comment posted by a member of the public on any Scotch Plains social media site is the opinion of the commentator or poster only, and publication of a comment does not imply endorsement of, or agreement by, The Township, nor do such comments necessarily reflect the opinions or policies of the Scotch Plains.

5. Any attempt to hack or otherwise compromise the Township's internet or social media sites will be reported to law enforcement and the perpetrator will be denied access to the sites.

6. Scotch Plains reserves the right to deny access to its social media sites for any individual, who violates the Scotch Plains' Social Media Policy, at any time and without prior notice.

7. Municipal Departments shall monitor their social media sites for comments requesting responses from The Township and for comments in violation of this policy.

8. When a Township employee responds to a comment, in his/her capacity as a Township employee, the employee's name and title should be made available, and the employee shall not share personal information about himself or herself, or other Township employees.
9. All comments posted to any Scotch Plains Facebook site are bound by any applicable terms and conditions Facebook's Statement of Rights and Responsibilities, located at <http://www.facebook.com/terms.php>, and The Township reserves the right to report any violation of Facebook's Statement of Rights and Responsibilities to Facebook with the intent of Facebook taking appropriate and reasonable responsive action. All Township policies are applicable to interactions on social media sites when acting in an official capacity and representing the Township.
10. No "friending" or other special relationship between a Township employee and a third person is permitted.
11. Social media sites are not to be used for making any official communications to the Township, for example, reporting crimes or misconduct, reporting dangerous conditions, giving notice required by any statute, ordinance or regulation (e.g. notice of claim). Prominent notice of this paragraph shall be displayed on every Township social media site, along with the appropriate contact information for submitting such a communication.

Breach of Policy

1. Breach of this Policy by any Township employee may result in disciplinary action up to and including dismissal. Any evidence of such occurrence shall be immediately referred to Township Manager or his/her designees for review and prompt corrective action if confirmed.
2. Disciplinary action may be taken regardless of whether the breach is committed during working hours, and regardless of whether our equipment or facilities are used for the purpose of committing the breach.
3. Any member of staff suspected of committing a breach of this policy will be required to cooperate with our investigation, which may involve handing over relevant passwords and login.
3. Staff may be required to remove internet postings which are deemed to constitute a breach of Policy, as determined by Township Manager or his/her designees subject to applicable archiving and retention requirements.
4. Any social media site created by a Township employee or volunteer remains the property of the Township, including all the followers and friends generated by the site. If the person who created the site leaves the employment of the Township, they must relinquish everything related to the site including user names and passwords.

Terms of Use Disclosure (to be posted on all Township Social Media Sites)

A. Information Disclaimer

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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 others 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.

The use of the internet and social networking sites, including but not limited to Snapchat, Facebook, and Twitter, is a popular activity; however, employees must be mindful of the negative impact of inappropriate or unauthorized postings upon the Employer and its relationship with the community. This provision identifies prohibited activities by employees 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.

Specifically, the Employer reserves the right to investigate postings, private or public, that violate workplace rules, such as the prohibition of sexual harassment and other discriminatory conduct, where such postings lawfully are made available to the Employer by other employees or third parties. Employees 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.

Be advised that employees 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 employees 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 employees 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 employees' official job duties.

Reviewed by (print name): _____

Signature: _____ Date: _____

Appendix R

DOMESTIC VIOLENCE POLICY FOR PUBLIC EMPLOYERS

Prepared for:

TOWNSHIP OF SCOTCH PLAINS

Reviewed by (print name): _____

Signature: _____ Date: _____

**DOMESTIC VIOLENCE POLICY FOR PUBLIC EMPLOYERS TOWNSHIP
OF SCOTCH PLAINS**

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**DOMESTIC VIOLENCE POLICY FOR PUBLIC EMPLOYERS TOWNSHIP
OF SCOTCH PLAINS**

PURPOSE

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

DEFINITIONS

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

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

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

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

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

Temporary Restraining Order (TRO) -A civil court order issued by a judge to protect the life, health or well-being of a victim. TROs can prohibit domestic violence offenders from having

**DOMESTIC VIOLENCE POLICY FOR PUBLIC EMPLOYERS TOWNSHIP
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contact with victims, either in person or through any means of communication, including third parties. TROs also can prohibit offenders from a victim's home and workplace. A violation of a TRO may be a criminal offense. A TRO will last approximately 10 business days, or until a court holds a hearing to determine if a Final Restraining Order (FRO) is needed. In New Jersey, there is no expiration of a FRO.

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

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

PERSONS COVERED BY THIS POLICY

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

RESPONSIBILITY OF EMPLOYERS TO DESIGNATE A HUMAN RESOURCES OFFICER

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

Primary HRO:

Alex Mirabella

Secondary HRO:

Margaret Heisey

**DOMESTIC VIOLENCE POLICY FOR PUBLIC EMPLOYERS TOWNSHIP
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The designated Primary and Secondary HRO shall receive training on responding to and assisting employees who are domestic violence victims in accordance with this policy.

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

The name and contact information of the designated HRO will be provided to all employees by inclusion in the Township of Scotch Plains Personnel Manual (and posted on bulletin board(s) in the Municipal Building).

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

DOMESTIC VIOLENCE REPORTING PROCEDURES

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

Each designated HRO shall:

- A. Immediately respond to an employee upon request and provide a safe and confidential location to allow the employee to discuss the circumstances surrounding the domestic violence incident and the request for assistance.
- B. Determine whether there is an imminent and emergent need to contact 911 and/or local law enforcement.
- C. Provide the employee with resource information and a confidential telephone line to make necessary calls for services for emergent intervention and supportive services,

**DOMESTIC VIOLENCE POLICY FOR PUBLIC EMPLOYERS TOWNSHIP
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when appropriate. The HRO or the employee can contact the appropriate Employee Assistance Program to assist with securing resources and confidential services.

- D. Refer the employee to the provisions and protections of The New Jersey Security and Financial Empowerment Act, N.J.S.A. 34:11C-1 et seq. (NJ SAFE Act), referenced under Section VIII of this policy.
- E. In cases where domestic violence involved a sexual touching or sexual assault between state employees, the HRO is also required to report the incident to their agency's EEO Officer or Title IX Officer, Margaret Heisey
- F. If there is a report of sexual assault or abuse, the victim should be offered the services of the Scotch Plains Police Department and/ or the Sexual Assault Response Team, through the Union County Prosecutor's Office.
- G. Maintain the confidentiality of the employee and all parties involved, to the extent practical and appropriate under the circumstances, pursuant to this policy. (*See* Section VI).
- H. Upon the employee's consent, the employee may provide the HRO with copies of any TROs, FROs, and/or civil restraint agreements that pertain to restraints in the work place and ensure that security personnel are aware of the names of individuals who are prohibited from appearing at the work location while the employee who sought the restraining order is present. All copies of TROs and FROs shall be maintained in a separate confidential personnel file.

CONFIDENTIALITY POLICY

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

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

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

CONFIDENTIALITY OF EMPLOYEE RECORDS

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

THE NEW JERSEY SECURITY AND FINANCIAL EMPOWERMENT ACT

The New Jersey Security and Financial Empowerment Act, N.J.S.A. 34:11C-1, et seq. (NJ SAFE Act), is a law that provides employment protection for victims of domestic or sexual violence.

The NJ SAFE Act allows a maximum of 20 days of unpaid leave in one 12-month period, to be used within 12 months following any act of domestic or sexual violence. To be eligible, the employee must have worked at least 1,000 hours during the 12-month period immediately before the act of domestic or sexual violence. Further, the employee must have worked for an employer in the State that employs 25 or more employees for each working day during 20 or more calendar weeks in the current or immediately preceding calendar year. This leave can be taken intermittently in days, but not hours.

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

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

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

**DOMESTIC VIOLENCE POLICY FOR PUBLIC EMPLOYERS TOWNSHIP
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PUBLIC EMPLOYER DOMESTIC VIOLENCE ACTION PLAN

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

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

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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 Township Manager and his/her designee will be responsible for distributing this policy to employees, volunteers, and other employees identified above.

The Township Manager and his/her designee will be responsible for updating this policy at least annually to reflect circumstances changes in the organization.

The Township Manager and his/her 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.

POLICY MODIFICATION AND REVIEW

A public employer may seek to modify this policy, to create additional protocols to protect victims of domestic violence but may not modify in a way that reduces or compromises the safeguards and processes set out in this policy.

The Civil Service Commission will review and modify this policy periodically and as needed.

POLICY ENFORCEABILITY

The provisions of this policy are intended to be implemented by the Civil Service Commission. These provisions do not create any promises or rights that may be enforced by any persons or entities.

POLICY INQUIRIES & EFFECTIVE DATE

Any questions concerning the interpretation or implementation of this policy shall be addressed to the Chair/Chief Executive Officer of the Civil Service Commission, or their designee. This policy shall be enforceable upon the HRO's completion of training on this policy.

Appendix S

PROTECTION AND SAFE TREATMENT OF MINORS

Prepared for:

TOWNSHIP OF SCOTCH PLAINS

I. 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:

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

Unfortunately, statistics reflect that abuse is all too common in any form.

- In New Jersey, abuse reports involving 80,000 children are filed each year. 50,000 of those children receive prevention and post-response services.
- 75% of the cases involve neglect, 18% of the cases involve physical abuse, and psychological abuse accounts for 7% of the cases.
- 55% of the perpetrators are female, while males account for 45%.

- Sadly, child abuse is a vicious cycle, in that 30% of abused children will later abuse their own children.

The statistics and characteristics pertaining to **sexual abuse** are sobering and equally as disheartening:

- ✓ **“Peer-to-Peer”** abuse is by far the most common, where one or more children or adolescent(s) sexually abuses or inappropriately touches another. Legally, the abuser must be at least 4 years older to trigger the statute. The *American Psychological Association* reports this type of abuse is driven by power and dominance, the same factors that drive bullying within this age group. In fact, bullying can be a precursor to sexual abuse, especially when there is a lack of supervision.
- ✓ In contrast, **“adult-to-child”** abuse is typically thought out and planned in advance, demanding access and privacy and control. These three factors demand a specific type of relationship and setting, meaning that 90% of juvenile sexual abuse victims know their abuser. The scope of the problem is massive: by the age of 18, 1 in 4 girls and 1 in 6 boys have experienced sexual abuse. From those figures, 88% of those molestations are attributed to individuals with pedophilia. ***Pedophilia is a psychotic disorder in which an adult or adolescent demonstrates a primary sexual attraction to prepubescent children.*** It is important, however, not to confuse pedophilia with actual child molestation, as many pedophiles never act on their attractions.
- ✓ Child sexual abusers are not always easy to spot. Though 7 out of every 8 molesters are male, they match the general population in ethnicity, religion, education, and marital status. So there is no stereotype, especially since abusers go to great lengths to blend in. However, only 10% of them abuse children that they don’t know, and 68% look no further than their own families for victims.
- ✓ 40% of abusers first begin molesting children before they themselves reach the age of 15, and the vast majority before the age of 20.
- ✓ Adolescent abusers generally begin their acts of abuse on younger siblings.
- ✓ Most sexual abuse occurs within the family. However, molesters can gain access to children outside of their own families through employment or volunteer work with an organization that works primarily with children. This allows them both time alone with potential victims and the ability to build trust and credibility. In fact, child abusers are often known and respected in their communities for dedication to children.
- ✓ In terms of a victim profile, it is important to remember that, although there are characteristics that make some children more vulnerable, every child is in danger. Passive, lonely or troubled children, especially those who live with step-parents or

single parents may be targeted. Children between the ages of 7 and 13 years old are most at risk, and children from low socioeconomic backgrounds or rural areas are more likely to be victimized.

- ✓ Molesters have behavioral patterns that can be identified as “*grooming*” their victims. Sexual abuse is rarely violent. The molester’s goal is to solicit compliance by beginning to win the victim’s trust. There might be pet names, gifts to foster exclusivity and encouragement to “keep secrets.” The molester might begin to spend time with the victim outside of the regular program or schedule, contacting parents to become involved in a child’s life in some capacity, like babysitting. For this reason, many parents are shocked after abuse comes to light simply because the abuser seemed trustworthy. Inevitably, the favoritism is not enough to keep the victim silent any more, and the abuser resorts to threats—threats that play off of a child’s guilt over the sexual contact.
- ✓ During the grooming process and abuse, victims often begin to show signs such as sexual behaviors or strong sexual language that is too adult for their age. Many children feel at fault after the abuse and begin to suffer guilt and depression, even resorting to self-harm. They may begin to display cuts and scratches or other self-inflicted injuries. However, some children are naïve and unaware of the gravity of the abusive nature of their experience. Research shows that children often delay reporting sexual abuse. They should not be disbelieved just because they waited a long time to seek help.

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

- At the State level:
 - 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
 - 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.
 - 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.
- At the local level:
 - Educational professionals have the most contact with children, meaning they are often the first to detect issues.

- Housing Authority employees may also frequently come into contact with children.
- Municipalities and counties operate or sponsor a variety of programs that involve children including but not limited to:
 - Recreation programs
 - Before and After Care programs
 - Youth sports leagues
 - Youth centers
 - Youth in Government programs
 - Junior law enforcement training programs
- The role of **Police and law enforcement agencies** is especially important. Police officers assist in resolving reported situations, often acting as first identifiers. In New Jersey, police are given broad authority to protect children, including the authority to remove them from their parents or caregivers without a court order if necessary to prevent imminent danger to a child. Under the **Prevention of Domestic Violence Act**, a law enforcement officer must make an arrest when the officer finds “probable cause” that domestic violence has occurred. This holds even if the victim refuses to make a complaint. The Act is invoked in situations where the victim exhibits signs of injury caused by domestic violence, when a warrant is in effect, or when there is probable cause to believe that a weapon has been involved in an act of domestic violence. Abusers often use psychological tactics or coercive control over their partners, such as making threats to prevent a victim from leaving or contacting friends, family or police. But even if these conditions are not met, an officer may still make an arrest or sign a criminal complaint if there is probable cause to believe acts of domestic violence have been committed. Now if there is no visible sign of injury but the victim states that an injury did, in fact, occur, the officer must take other factors into consideration in determining probable cause.

The Employer is committed to the safety of all individuals in its community, however, the Employer has particular concern for those who are potentially vulnerable, including minor children. The Employer 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.

The Employer is fully committed to protecting the health, safety and welfare of minors who interact with officials, employees, and volunteers of the Employer to the maximum extent possible. These Policy and Procedures establish the guidelines for officials, employees, and volunteers who set policy for the Employer 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 Policies provides guidelines that apply broadly to interactions between minors and officials, employees, and volunteers in programs operated by the Employer or affiliated programs or activities. All officials, employees, and volunteers are responsible for understanding and complying with this policy.

II. 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.

III. **Policy:**

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

IV. **Recruitment and Hiring of Employees and Vetting of Individuals Volunteering Their Time:**

- All prospective employees and volunteers shall undergo a thorough and complete background check, including but not limited to a fingerprint identification check, credit check, motor vehicle record check, reference check (personal and professional), and a check of the Megan's Law directory for New Jersey and any other State where the applicant previously resided. ***Written documentation of the background check shall be maintained by the Employer in perpetuity.***
- Background checks that disclose any negative or questionable results must be reviewed and approved by the Employer ***prior to*** the individual being hired and/or working with minors. **Provisional hiring is not permitted.**
- All prospective employees and volunteers must complete the training adopted by the Employer ***PRIOR TO*** starting employment or volunteer service. **In addition to completing the training course adopted by the Employer,** 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.)
- The Employer shall ***annually*** re-check and document the Megan's Law directory for New Jersey to make certain that current employees are not listed.
- Once employed, authorized Adults who are employed are required to notify the appropriate Human Resources representative of an arrest (charged with a misdemeanor

or felony) or conviction for an offense within 72 hours of knowledge of the arrest or conviction.

V. **Procedures and Responsibilities of Officials:**

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 Employer. 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 Employer.

➤ Officials of the Employer are required to:

- i. Complete the initial training course adopted by the Employer, and any updated/refresher course, in order to better understand their legal duties and responsibilities under Federal and NJ State Law. The training program will include the following concepts:
 - Recognizing the signs of abuse and neglect of minors.
 - Establishing guidelines for protecting minors from emotional and physical abuse and neglect.
 - Understanding and being prepared to implement the procedures necessary to eliminate opportunities for abuse.
 - Becoming familiar with the legal requirements to report suspected cases of abuse.
 - Fully understanding the legal consequences for not being diligent in making certain that employees of the Employer adhere to all policies and procedures as adopted.
- ii. 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 Employer to implement whatever changes are necessary as soon as possible to make certain the policy is followed.*
- iii. Conduct ***random and unannounced*** visits to program sites to observe the setup of the programs and conduct of the employees and volunteers of the Employer.

VI. Program Procedures:

All Employer programs operated by, sponsored by, or affiliated with the Employer 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.

VII. Specific Program Procedures:

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

- a. 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, (the local unit type) shall provide information to parents or legal guardians detailing the manner in which the participant can be contacted during the program.
- b. Make certain that all program participants provide a [Medical Treatment Authorization form](#) to the Employer.
- c. Implement and adopt a “***Code of Conduct***” for volunteer and paid staff members which, ***at a minimum***, will include the following:

<i>Code of Conduct</i>

- 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 Employer 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 Employer to be shared on any social

media platform without the expressed written consent of a parent or legal guardian.

- The Employer shall assign a staff member who is at least 21 years of age 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.
- The recommended ratio of counselors to program participants should reflect the gender distribution of the participants, and should meet the following:
 1. One staff member for every six participants ages 4 and 5
 2. One staff member for every eight participants ages 6 to 8
 3. One staff member for every ten participants ages 9 to 14
 4. One staff member for every twelve participants ages 15 to 17
- 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.

VIII. Procedures for Law Enforcement Officers:

Law enforcement officers of the Employer 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 of the Employer 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:

- a. **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.
- b. Directives issued by the NJ State Attorney General pertaining to interaction with minors shall be incorporated into the policy.
- c. 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):
 - i. Officers will, at all times, respect the rights of students and use positive techniques of guidance including positive reinforcement and encouragement.
 - ii. Officers will portray a positive role model for youth by maintaining an attitude of respect, loyalty, patience, courtesy, tact, and maturity.
 - iii. 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.
 - iv. Officers shall make certain that they are neat, clean, and appropriately attired.
 - v. 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.
 - vi. All officers are required to complete the initial training course offered by the NJMEL JIF, and any refresher courses as well.

IX. Training Requirements:

Individual training courses have been designed for each of the following categories and **all** officials, employees, and volunteers of the Employer are required to complete training (and refresher course training) adopted by the Employer. ALL employees of the Employer shall complete the training course whether they interact with children/minors or not. Although

training records will be maintained, it is recommended that each Employer and individual trainees also keep copies of their own training records.

a. **Officials**

Complete the initial training course adopted by the Employer, and any updated/refresher course, in order to better understand their legal duties and responsibilities under Federal and NJ State Law. The training program will include the following concepts.

- Recognizing the signs of abuse and neglect of minors.
- Establishing guidelines for protecting minors from emotional and physical abuse and neglect.
- Understanding and being prepared to implement the procedures necessary to eliminate opportunities for abuse.
- Becoming familiar with the legal requirements to report suspected cases of abuse.
- Fully understanding the legal consequences for not being diligent in making certain that employees of the Employer adhere to all policies and procedures as adopted.

b. **Department Heads**

i. Content of course shall include:

1. Current State NJ State Law pertaining to Sexual Abuse of Minors
2. Recognizing the signs of abuse and neglect
3. Different types of abuse (i.e. Peer to Peer, Adult to Child, etc...)
4. Your legal responsibility for implementing and monitoring procedures and employees
5. Reporting cases of abuse

c. **Volunteers and Employees of the Employer**

i. Content of course shall include:

1. Current State NJ State Law pertaining to Sexual Abuse of Minors
2. Recognizing the signs of abuse and neglect
3. Different types of abuse (i.e. Peer to Peer, Adult to Child, etc...)
4. Your legal responsibility for implementing and monitoring procedures and employees
5. Reporting cases of abuse

d. **Law Enforcement Officers**

i. Content of course shall include:

1. Current Status of NJ Law and Directives from the Attorney General for Law Enforcement personnel
2. Your responsibilities
3. Officers in Schools
4. Reporting Abuse

X. **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 Employer 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 law enforcement at the same time, which is known as “dual reporting.”

For employees or volunteers of programs conducted by the Employer:

- Immediately report suspected cases to the Program Director in charge.
- The Program Director shall immediately investigate the alleged incident. The Director shall document the alleged abuse in writing including the following information, as recommended by the New Jersey Department of Children and Families:
 - 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.
- After documenting all of the facts surrounding the alleged abuse, the Program Director shall 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 Volunteer coaches or other volunteers in charge of programs sponsored by or affiliated with the Employer.

1. The Volunteer shall immediately document the alleged abuse in writing including the following information, as recommended by the New Jersey Department of Children and Families:
 - 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.
2. After documenting all of the facts surrounding the alleged abuse, the Volunteer shall call the Hotline established by the NJ Department of Children and Families @ 1-877-652-2873.

For Officials and Department Heads who witness or become aware of alleged cases of abuse or neglect:

1. The Officials and Department Heads shall immediately document the alleged abuse in writing including the following information, as recommended by the New Jersey Department of Children and Families:
 - 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.
 - After documenting all of the facts surrounding the alleged abuse, the Officials or Department Heads shall call the Hotline established by the NJ Department of Children and Families @ 1-877-652-2873.

For Law Enforcement Officers:

- Immediately report any suspected or alleged cases of abuse or neglect to the County Prosecutor.

XI. 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. The Employer encourages all officials, employees, and volunteers in programs operated by the Employer or affiliated programs or activities to report suspected cases of abuse with the following in mind.

- i. *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.*
- ii. *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.*
- iii. *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.*

XII. Acknowledgement of Receipt and Review of Policy:

All officials, employees/counselors, and volunteers shall sign and date an acknowledgement form that confirms they have received and reviewed the Policy Addressing the Protection and Safe Treatment of Minors, issued to them by the Employer. The same process shall be used for any revised policy issued in the future.

Reviewed by (print name): _____

Signature: _____ Date: _____

Indicators of Child Abuse/Neglect

The New Jersey Department of Children and Families issued the following guidelines to assist in recognizing the indicators of child abuse/neglect.

Indicators of Child Abuse / Neglect

Different types of abuse and neglect have different physical and behavioral indicators.

Physical Abuse

Physical Indicators	Behavioral Indicators
Unexplained bruises and welts: <ul style="list-style-type: none">• On face, lips, mouth• On torso, back, buttocks, thighs• In various stages of healing• Cluster, forming regular patterns• Reflecting shape of article used to inflict (electric cord, belt buckle)• On several different surface areas• Regularly appear after absence, weekend or vacation Unexplained burns: <ul style="list-style-type: none">• Cigar, cigarette burns, especially on soles, palms, back or buttocks• Immersion burns (sock-like, glove-like doughnut shaped on buttocks or genitalia)• Patterned like electric burner, iron, etc.• Rope burns on arms, legs, neck or torso Unexplained fractures: <ul style="list-style-type: none">• To skull, nose, facial structure• In various stages of healing• Multiple or spiral fractures Unexplained laceration or abrasions: <ul style="list-style-type: none">• To mouth, lips, gums, eyes• To external genitalia	Wary of adult contacts Apprehensive when other children cry Behavioral extremes: <ul style="list-style-type: none">• Aggressiveness• Withdrawal Frightened of parents Afraid to go home Reports injury by parents

Physical Neglect

Physical Indicators	Behavioral Indicators
Consistent hunger, poor hygiene, inappropriate dress Consistent lack of supervision, especially in dangerous activities or long periods Constant fatigue or listlessness Unattended physical problems or medical needs Abandonment	Begging, stealing food Extended stays at school (early arrival and late departure) Constantly falling asleep in class Alcohol or drug abuse Delinquency (e.g. thefts) States there is no caregiver

Sexual Abuse

Physical Indicators	Behavioral Indicators
Difficulty in walking or sitting Torn, stained or bloody underclothing Pain or itching in genital area Bruises or bleeding in external genitalia, vaginal or anal areas Venereal disease, especially in pre-teens Pregnancy	Unwilling to change for gym or participate in PE Withdrawn, fantasy or infantile behavior Bizarre, sophisticated or unusual sexual behavior or knowledge Poor peer relationships Delinquent or run away Reports sexual assault by caregiver

Emotional Maltreatment

Physical Indicators	Behavioral Indicators
Habit disorders (sucking, biting, rocking, etc.) Conduct disorders (antisocial, destructive, etc.) Neurotic traits (sleep disorders, speech disorders, inhibition of play)	Behavior extremes: <ul style="list-style-type: none">• Compliant, passive• Aggressive, demanding Overly adoptive behavior: <ul style="list-style-type: none">• Inappropriately adult• Inappropriately infant

Grooming Behavior

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.

Here are some common characteristics of someone attempting to “groom” a child.

- Molesters often refer to their intended victims by pet names and use gifts to foster exclusivity and build a relationship while starting the practice of keeping secrets.
- The molester might begin to spend time with the victim outside of the regular program or schedule, contacting parents to become involved in a child’s life in some capacity, like babysitting. For this reason, many parents are shocked after abuse comes to light simply because the abuser seemed so good – too good to be true, in fact.
- Inevitably, the favoritism is not enough to keep the victim, and the abuser resorts to threats—threats that play off of a child’s guilt over the sexual contact.
- During the grooming process and abuse itself, victims often begin to show tell-tale signs including:
 - Sexual behaviors or strong sexual language that is too adult for their age.
 - Many children feel at fault after the abuse and begin to suffer guilt and depression, even resorting to self-harm.
 - Also look for cuts and scratches or other self-inflicted injuries.