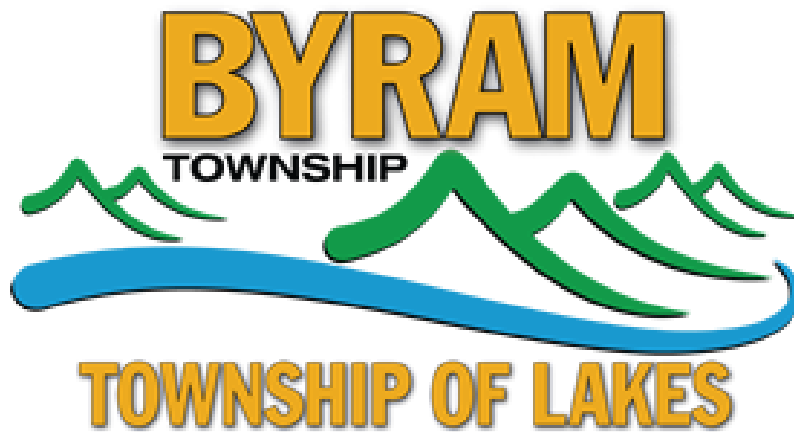


**BYRAM TOWNSHIP
POLICIES & PROCEDURES HANDBOOK
VERSION 7.0**



**Date Revised:
January 1, 2025**

DISCLAIMER

THE CONTENTS OF THIS HANDBOOK ARE PRESENTED AS A MATTER OF INFORMATION ONLY AND SUPERSEDE ANY PRIOR MANUAL AND/OR HANDBOOK. THE PLANS, POLICIES AND PROCEDURES DESCRIBED ARE NOT CONDITIONS OF EMPLOYMENT. THE TOWNSHIP OF BYRAM (THE "TOWNSHIP") RESERVES THE RIGHT TO MODIFY, REVOKE, SUSPEND, TERMINATE OR CHANGE ANY OR ALL SUCH PLANS, POLICIES, OR PROCEDURES, IN WHOLE OR IN PART, AT ANY TIME, WITH OR WITHOUT NOTICE.

THIS HANDBOOK IS NOT A CONTRACT OF EMPLOYMENT, EITHER EXPRESSED OR IMPLIED, NOR A CONTRACTUAL PROMISE OF ANY BENEFIT BY THE TOWNSHIP TO ANY EMPLOYEE. TO THE MAXIMUM EXTENT PERMITTED BY LAW AND COLLECTIVE NEGOTIATIONS AGREEMENTS, THE EMPLOYMENT PRACTICES OF THE TOWNSHIP SHALL OPERATE UNDER THE LEGAL DOCTRINE KNOWN, AS "EMPLOYMENT-AT-WILL." THIS MEANS THAT WITHIN FEDERAL AND STATE LAW (INCLUDING THE NEW JERSEY CIVIL SERVICE ACT) AND ANY APPLICABLE COLLECTIVE NEGOTIATIONS AGREEMENT, THE TOWNSHIP HAS THE RIGHT TO TERMINATE AN EMPLOYEE AT ANY TIME FOR ANY REASON, WITH OR WITHOUT NOTICE.

NEITHER THIS HANDBOOK, NOR ANY TOWNSHIP POLICY, PROCEDURE, NOR COMMUNICATION, (WITH THE EXCEPTION OF APPLICABLE COLLECTIVE NEGOTIATIONS AGREEMENTS) SHALL CREATE ANY RIGHT FOR ANY EMPLOYEE OR GUARANTEE EMPLOYMENT FOR ANY PERIOD. NO ONE IS AUTHORIZED TO PROVIDE ANY EMPLOYEE WITH AN EMPLOYMENT CONTRACT OR SPECIAL ARRANGEMENT CONCERNING TERMS OR CONDITIONS OF EMPLOYMENT UNLESS THE CONTRACT OR ARRANGEMENT IS IN WRITING AND SIGNED BY THE MAYOR ON THE GOVERNING BODY'S BEHALF.

SOME OF THE TOWNSHIP'S EMPLOYEES BELONG TO A UNION. THE PERSONNEL POLICIES AND PROCEDURES CONTAINED IN THIS HANDBOOK ARE NOT INTENDED TO VOID, REPLACE, OR CONFLICT WITH NEGOTIATED UNION CONTRACTS. AS TO UNIONIZED EMPLOYEES, TO THE EXTENT A COLLECTIVE NEGOTIATIONS AGREEMENT CONFLICTS WITH THESE PERSONNEL POLICIES AND PROCEDURES, THE COLLECTIVE NEGOTIATIONS AGREEMENT SHALL SUPERSEDE AND/OR MODIFY THESE PERSONNEL POLICIES AND PROCEDURES.

THIS HANDBOOK APPLIES TO ALL TOWNSHIP EMPLOYEES, ELECTED AND APPOINTED OFFICERS, VOLUNTEERS AND INDEPENDENT CONTRACTORS, REGARDLESS OF DATE OF HIRE, ELECTION OR APPOINTMENT. FOR PURPOSES OF THIS HANDBOOK, "EMPLOYEES" IS DEFINED TO MEAN ALL TOWNSHIP EMPLOYEES, ELECTED AND APPOINTED OFFICERS, VOLUNTEERS AND INDEPENDENT CONTRACTORS. CERTAIN POLICIES INCLUDED HEREIN ONLY APPLY TO PAID REGULAR TOWNSHIP EMPLOYEES, INCLUDING: SECTION 3- LEAVE POLICIES, AND SECTION 4-COMPENSATION & EMPLOYEE BENEFITS.

IN THE EVENT THERE IS A CONFLICT BETWEEN THIS HANDBOOK AND ANY COLLECTIVE NEGOTIATIONS AGREEMENT, OR FEDERAL OR STATE LAW, THE TERMS AND CONDITIONS OF THAT CONTRACT OR LAW SHALL PREVAIL. IN ALL OTHER CASES, THESE POLICIES AND PROCEDURES SHALL PREVAIL.

TABLE OF CONTENTS

Welcome Statement.....	7
General Personnel Policy.....	8
Section One - Rights and Obligations	9
Anti-Discrimination Policy	9
Americans with Disabilities Act Policy/New Jersey Pregnant Worker’s Fairness Act	9
Contagious or Life-Threatening Illnesses Policy	10
Safety Policy.....	11
Transitional Duty Policy	11
Drugs and Alcohol Policy	12
Workplace Violence Policy.....	15
Prohibition of Harassment in the Workplace.....	17
Contact Information for the Township of Byram Prohibition of Harassment in the Workplace Policy	22
Personal Relationships Disclosure Policy	22
Conscientious Employee Protection Act Policy (“Whistleblower” Policy)	23
Complaint Policy.....	25
Complaint Form	26
Grievance Policy	28
Access to Personnel Files	29
Requests for Employment Verification and Reference Procedure	29
Conflict of Interest Policy	30
Political Activity Policy	30
Working Test Period	31
Employee Evaluation Policy	32
Discipline Policy	33
Resignation Policy.....	35
Workforce Reduction Policy.....	35
Confidentiality Policy	35
State Residency Policy.....	35

Section Two - Workplace Policies.....	37
Classification of Employees.....	37
Nepotism Policy	38
Alternative Work Schedule Policy.....	38
Transfer Policy	39
Attendance Policy.....	39
Telecommuting Policy	39
Inclement Weather Policy	40
Dress Code Policy	40
No Smoking Policy	40
Use of Township Equipment Policy	40
Use of Township Vehicles Policy	41
Use of Personal Vehicles for Township Business Policy	42
Driver's License Policy	43
Telephone Usage Policy.....	43
Computer Use, Email and Internet Policy	44
Social Media Policy.....	46
Bulletin Board Policy	47
Communications with Township Council	47
Domestic Violence Policy.....	48
 Section Three - Leave Policies.....	 54
Paid Holiday Policy	54
Vacation Leave Policy	54
Personal Leave Policy.....	55
Sick Leave Policy	56
Bereavement Leave Policy	58
Jury Duty Policy	58
Leave of Absence Policy	58
Family and Medical Leave Policy	59
Paid Family Leave Insurance Program	63
Domestic Violence Leave Policy.....	64
Military Leave Policy	65
Donated Leave Policy	66

Section Four - Compensation & Employee Benefits Policies	69
Payroll Policy	69
Overtime Compensation Policy	69
Health Insurance Policy (Medical, Prescription and Dental).....	70
Retirement Policy.....	71
Training Policy	72
Conference and Seminar Policy	72
Reimbursement for Expenses.....	72
Workers Compensation Policy.....	72
 Section Five– Drug and Alcohol Policy for Employees Required to Possess a Commercial Driver’s License.....	 73
Certificate of Receipt of Policy and Educational Materials.....	94
Release of Information Form	96
Supervisor’s Report of Reasonable Suspicion	98
 Section Six – Supervisory Supplement.....	 100
Introduction.....	100
Avoiding Hiring Discrimination	100
Employment Procedure.....	103
Background Checks and Procedures.....	104
Fingerprint and Background Check Consent Form for Employees, Job Applicants, and Volunteers that May Work or Have Contact with Minors	107
Open Public Meetings Act Procedure Concerning Personnel Matters	108
Notice Pursuant to the Open Public Meetings Act.....	109
Processing and Orientation of New Employees.....	110
Conducting Performance Evaluations.....	110
Employee Evaluation Checklist	112
Employee Counseling Form.....	113
Disciplinary Action Procedure.....	115
Personnel File Procedure	116
Employment Practices Seminars.....	116
Prohibition of Harassment in the Workplace	117
Complaint Investigation Procedure.....	118
Complaint Form	120
Progress Report (and Evaluation Criteria).....	122

Employee Evaluation Reports.....	124
Family Medical Leave	132
Verification of FMLA/NJFLA Availability Request Form	136
Notice of Eligibility and Rights & Responsibilities (FMLA/NJFLA).....	137
Designation Notice (FMLA/NJFLA).....	142
Family and/or Medical Leave Return to Work Medical Certification	144
Alcohol and Drug Free Workplace	146
Supervisor’s Report of Reasonable Suspicion	147
Section Seven – Employment Application and Related Forms.....	149
Application for Employment	150
Voluntary Self Identification Form.....	156
Applicant Relative Disclosure Form.....	157
Employment Application Criminal History Supplement.....	158
Fingerprint and Background Check Consent Form	159
Prospective Employee Drug and Alcohol Test Statement	160
Section 8-Acknowledgments of Receipt Policies/Handbooks	
Acknowledgment of Receipt of Complaint Policy	161
Acknowledgment of Receipt of CEPA Notification.....	163
Acknowledgement of Receipt of Policies & Procedures Handbook.....	165

Welcome Statement

It is my pleasure to introduce Byram Township's Policies & Procedures Handbook.

Our employees, officials, officers and volunteers are Byram Township's greatest asset and each one plays an important part of our team.

Like any team, we are comprised of different people from different backgrounds fulfilling different roles. These differences contribute to Byram Township being one of the best municipalities to work for within the State of New Jersey.

One important message embodied in this Handbook is that to succeed, we must respect the laws, regulations and policies that govern our personal actions, and Byram Township.

This Policies & Procedures Handbook contains many of Byram Township's internal policies. Familiarize yourself with the contents of this Handbook. You will be asked to sign an acknowledgement stating that you have received this Handbook and reviewed its contents. It is impossible to have a policy to address every conceivable issue that may occur in that workplace. If an issue is not addressed in this Handbook, please bring this issue to the attention of your Department Head or the Manager.

All teams are built on the respect for the organization they represent and their fellow teammates. Byram Township is built on the same respect, and by respecting what each employee, official, officer and volunteer brings to the municipality, we can achieve greater things together.

Thank you,

Joseph Sabatini,
Byram Township Manager

GENERAL PERSONNEL POLICY

The Manager and all Department Heads are authorized and responsible for personnel policies and procedures. The Township Council has appointed the Manager to implement personnel practices. The Manager shall also have access to the Labor Counsel, appointed by the Township Council, for guidance in personnel matters.

It is the policy of Byram Township (the “Township”) to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations. The personnel policies and procedures of the Township shall apply to all employees, elected and appointed officials, volunteers and independent contractors regardless of date of hire. Throughout this Handbook, “employees” refers to all employees, elected and appointed officials, volunteers and independent contractors, unless otherwise indicated. In the event there is a conflict between these rules and any collective negotiations agreement, personnel services contract, or any and all Federal or State laws, 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. Unless otherwise provided by a collective negotiations agreement or State or Federal law, Township management retains the right to direct and control the organizations of its operations and business including, but not limited to, the management, assignment, scheduling and direction of employees, and discipline or discharge.

All employees, officers and Department Heads shall be appointed and promoted by the Township Manager, except where prohibited by Federal, State, or Local Law. No person shall be employed or promoted unless there exists a position created by an ordinance or resolution adopted by the Township Council as well as the necessary budget appropriation, salary ordinance, or salary resolution.

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

The Policies & Procedures Handbook adopted by the Township Council is intended to provide policies and procedures for Township employees and is not a contract. This Handbook contains many, but not necessarily all the rules, regulations, and conditions of employment for Township personnel. The provisions of this Handbook may be amended, supplemented, or deleted from time to time without notice and at the sole discretion of the Township, with or without prior notice to employees. This Handbook replaces any prior written and/or oral communications about the subjects contained in it. Some departments may have additional specific policies applicable within certain Township departments.

<p>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 collective negotiations agreement, the Township has the right to terminate an employee at any time and for any reason, with or without notice, except the Township will comply with all Federal and State legal requirements requiring notice and an opportunity to be heard in the event of discipline or dismissal.</p>
--

SECTION ONE - RIGHTS AND OBLIGATIONS

Anti-Discrimination Policy:

The Township is committed to the principle of equal employment opportunity and anti-discrimination pursuant to Title VII of the 1964 Civil Rights Act, as amended by the Equal Opportunity Act of 1972 and the New Jersey Law Against Discrimination as amended by the New Jersey Pregnant Worker's Fairness Act (LAD). The Township takes affirmative measures to eliminate or prevent unlawful discrimination and to ensure that the employees' work environment is free of unlawful discrimination or harassment. Under no circumstances will the Township discriminate on the basis of race, creed, color, national origin, ancestry, religion, age, marital status, civil union status, domestic partnership status, affectional or sexual orientation, genetic information, sex, pregnancy (including childbirth and related medical conditions), breastfeeding, gender identity or expression, disability (including physical, mental, and intellectual disabilities, AIDS or HIV infection), political affiliation (to the extent protected by law), atypical hereditary cellular or blood trait, or because of the liability for service in the Armed Forces of the United States, veteran status, citizenship status, or any other group status protected by law. Decisions regarding the recruitment, hiring, promotion, transfer, training, pay, demotion, termination, or other employment practices 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 Manager.

The Township expects each employee to abide by the principles set forth in this equal employment opportunity policy and provide a non-discriminatory workplace. Any employee suspecting discriminatory conduct on the part of the Township or any of its employees, or any person who feels they have been a victim of discrimination, should immediately notify their supervisor, Department Head, or the Manager. By prompt notification of such situations, an employee assists the Township in taking appropriate action, including investigation and resolution of any complaints of discrimination. Employees should feel free to notify management of such matters without fear of reprisal or retaliation. The Township prohibits any of its employees from retaliating against anyone who in good faith reports an incident of suspected discrimination or who cooperates in an investigation of any alleged discrimination. Any violation by another employee of this policy or retaliation against an individual for asserting their legal rights involving non-discrimination may result in disciplinary action up to and including termination.

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

In compliance with the Americans with Disabilities Act, the ADA Amendments Act and the New Jersey Law Against Discrimination as amended by the New Jersey Pregnant Worker's Fairness Act (LAD), the Township does not discriminate based on disability, pregnancy, pregnancy related medical conditions or childbirth. The Township also does not discriminate based on the perception that an individual suffers from a disability or based on an individual having a record of a disability. The Township will endeavor to make every work environment handicap accessible and all future construction and renovation of facilities will be in accordance with applicable barrier-free Federal and State regulations and the Americans with Disabilities Act Accessibility Guidelines, as well as the ADA Amendments Act.

It is the policy of the Township to comply with all relevant and applicable provisions of the Americans with Disabilities Act, the ADA Amendments Act and the New Jersey Law Against Discrimination. The Township will not discriminate against any qualified employee or job applicant with respect to any terms, conditions, or privileges of employment on the basis of a known disability, pregnancy, childbirth,

breastfeeding, or pregnancy related medical condition. Upon notice of a need, the Township will also make reasonable accommodations to known physical or mental limitations of all employees and applicants with disabilities or who are pregnant, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided that the accommodation does not impose undue hardship/burden on the Township.

If a qualified employee feels they need accommodations to perform the essential functions of their assigned job, the employee should request such accommodations from the Manager. Subject to public health requirements, any employee who requires an accommodation shall provide a letter from a physician setting forth what accommodations are necessary to allow the employee to perform the essential functions of their job.

The Manager will initiate an interactive dialogue with disabled/pregnant employees and prospective disabled/pregnant employees, or their respective physician, to identify reasonable accommodations that do not create an undue hardship/burden on the Township. In the case of an employee breastfeeding an infant child, the accommodation shall include reasonable break time each day for 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.

Employees who are temporarily reassigned to a different position shall receive the salary of their new position. Accommodations shall not be unduly expensive, extensive and disruptive or fundamentally alter the nature of the operation. The law does not require the Township to offer permanent “light duty”, relocate essential functions or provide personal use items such as eyeglasses, hearing aids, wheelchairs, etc. All decisions with respect to reasonable accommodations shall be made by the Manager or Township Council, as appropriate.

Contagious or Life-Threatening Illnesses Policy:

The Township encourages employees with contagious diseases or life-threatening illnesses such as cancer, heart disease, Hepatitis C and HIV/AIDS to continue their normal pursuits, including work, to the extent allowed by their condition. As in the case of other disabilities, notice and following an interactive dialogue, the Township shall make reasonable accommodations to known physical and mental limitations of employees, provided the employee is otherwise qualified to safely perform the essential functions of the job, and also provided the accommodations do not impose an unreasonable hardship/burden to the Township.

Subject to public health requirements, any employee who requires an accommodation shall provide a letter from a physician setting forth the accommodations necessary to enable the employee to perform the essential functions of their job.

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 prior written consent to qualified individuals for the purpose of conducting management audits, financial audits, and program evaluations, but these individuals shall not identify, either directly or indirectly, the person who is the subject of the record in a report or evaluation, or otherwise disclose the person’s identity in any manner. Information shall not be released to these individuals unless it is vital to the audit or evaluation; and

- 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 may be subject to disciplinary action.

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

Safety Policy:

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

Employees are encouraged to discuss safety concerns with their supervisor, Department Head, or the Manager.

Transitional Duty Policy:

The Township will endeavor to bring employees with temporary disabilities back on the job as soon as possible and may assign transitional duty to employees who temporarily cannot perform the essential functions of their positions because of injury or illness. Transitional duty is not guaranteed and will not exceed forty-five (45) workdays in duration. If a department already has one employee on transitional duty, it is unlikely that another employee from that department will be assigned transitional duty.

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

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

Employees on transitional duty will receive their regular salaries and are prohibited from engaging in any outside employment of any kind unless they receive prior written approval from the Manager. If transitional

duty is approved, the employee or Workers Compensation Physician must keep the Manager informed of the medical progress. If at the end of transitional duty period the employee is not able to return to work without restrictions the Township reserves the right at its sole discretion to terminate employment, extend transitional duty or place the employee back on Workers Compensation or disability. This policy does not affect an employee's rights under the Americans with Disabilities Act, the Family and Medical Leave Act, the Fair Labor Standards Act, the Contagious or Life-Threatening Illnesses Policy and other Federal and State laws.

Drugs and Alcohol Policy:

The Township is committed to providing a safe work environment and to fostering the well-being and health of its employees. That commitment is jeopardized when any Township employee improperly consumes alcohol, cannabis, or illegal drugs on the job; comes to work under their influence; or possesses, distributes or sells alcohol, cannabis or illegal drugs in the workplace. Therefore, the Township has established the following policy:

1. It is a violation of Township policy for any employee to possess, manufacture, distribute, sell, trade, transfer, receive or offer for sale alcohol, cannabis, or illegal drugs, or otherwise engage in the consumption of these substances, on Township premises, in Township vehicles, or while on Township business or during working hours.
2. It is a violation of Township policy for anyone to report to work under the influence of or exhibit signs of consumption of alcohol, cannabis, illegal drugs, or illegally used prescription drugs. (Nothing in this policy, however, precludes the appropriate use of legally prescribed medications).

Violations of this policy are subject to disciplinary action up to and including termination.

Everyone shares responsibility for maintaining a safe work environment and co-workers should encourage anyone who may have an alcohol or drug problem to seek help.

In keeping with U.S. Department of Transportation requirements, the Township has adopted testing practices for applicants for positions that require a Commercial Driver's License ("CDL") and for employees holding CDLs to identify persons who improperly consume alcohol or use illegal drugs either on or off the job. All applicants for positions that require a CDL license, and all employees whose job requires them to possess a CDL license, shall be excluded from this Alcohol and Drug-Free Workplace policy. Instead, they are covered by the Township's Drug and Alcohol Policy for Employees Required to Possess a Commercial Driver's License.

All drug testing of police officer applicants and employees shall be in accordance with the New Jersey Attorney General's Law Enforcement Drug Testing Policy.

The Township adopts pre-employment illegal drug testing, reasonable suspicion drug and alcohol testing, and follow-up illegal drug and alcohol testing. Illegal drug testing will be conducted through split-sample urinalysis, while alcohol testing will be conducted through breath or saliva screening. Testing will be conducted by an independent medical facility chosen by the Township.

The Township adopts NIDA cutoff standards to determine positive results for initial and confirmation illegal drug tests. An alcohol concentration of 0.04% or greater constitutes a positive alcohol screening test.

If an employee receives a positive illegal drug test result, the employee can request a second drug test from a split sample at the employee's own cost. If the results of the second test conflict with the first, the employer will schedule a third and final test at a mutually agreed independent medical lab. All parties will be bound by the result of the third and final test. Both parties will share the cost of the third test. If a false positive test result is proven to have occurred, the cost of the second test and one-half of the cost of the third test will be reimbursed to the employee.

Applicants and employees subject to testing must, prior to testing, sign an approved form agreeing to the testing, authorizing the release of test results to the Manager and authorizing the disclosure of the results to any other person the Manager determines needs to know for the safety and welfare of the other employees and the residents of Byram.

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

A. Pre-Employment Illegal Drug Testing

All job applicants, including rehires, extended a conditional offer of employment for a position with the Township will undergo testing for the presence of illegal drugs as a condition of employment. Job offer letters will advise all applicants that pre-employment drug screening will be required and that the job offer is made contingent upon, among other things, passing the drug screening.

Any applicant with a confirmed positive test result will be denied employment. The Township will not discriminate against applicants for employment because of a past history of alcohol or drug abuse. Therefore, individuals who have failed a pre-employment drug test may initiate another inquiry with the Township after a period of no less than twelve (12) months but must present themselves drug-free. The Township will cover the cost of pre-employment drug testing.

B. Reasonable Suspicion Drug and Alcohol Testing

All employees must submit to alcohol and/or drug testing when the employee's behavior and/or work performance causes a reasonable suspicion that that employee is impaired due to current intoxication, drug or controlled substance use. Post-accident suspicion may also be cause for random testing. The supervisor or Department Head will immediately report any reasonable suspicions to the Manager, both of whom shall complete a Supervisor Report of Reasonable Suspicion [See Forms Section] to support the reasonable suspicion testing.

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.

An employee reasonably believed to be under the influence of alcohol or illegal drugs must not engage in further work and must wait for an authorized Township representative to transport the employee from the work site. The Township will cover the cost of reasonable suspicion drug and/or alcohol testing.

C. Follow-Up Alcohol and Drug Testing

All employees must submit to alcohol and/or illegal drug testing where employment has been conditioned upon remaining alcohol or illegal drug free following treatment. The employee will cover the cost of follow-up illegal drug and/or alcohol testing.

CANNABIS/MARIJUANA USE

Applicants for non-CDL positions will not be denied employment based solely on a positive pre-employment drug test for marijuana/cannabis. Additionally, the Township will not discipline employees in non-CDL positions solely based on their status as registered medical marijuana/cannabis patients or a recreational marijuana/cannabis user. However, all other aspects of New Jersey State law shall apply regarding prohibited activities of persons with or without a valid medical marijuana/cannabis card, including the prohibition against using or being under the influence of medical or recreational marijuana/cannabis in the workplace or during work hours.

To summarize, a positive test for cannabis/marijuana alone will not result in discipline; however, a positive test for cannabis supported by documented observations of behavior and/or work performance which creates a reasonable suspicion of workplace cannabis use/intoxication will lead to disciplinary action, up to and including termination.

REFUSAL TO TEST

Any employee who refuses to comply with a request for alcohol and/or drug testing shall be considered as having produced a positive test result and will be discharged. Any employee who provides false information in connection with a test, or who attempts to falsify test results through tampering, contamination, adulteration, or substitution, shall be terminated. If the laboratory detects that a substance has been added to the sample to interfere with the normal testing process, the employee will be deemed to have refused to test and the same sanctions will apply.

PRESCRIPTION DRUGS

Prescription drugs must not be used by any person other than the individual to whom it is prescribed. Prescribed drugs and over-the-counter drugs should be used only as prescribed or indicated. Employees are prohibited from consuming or being under the influence of prescription drugs that are not prescribed in their name on Township property or while performing Township business. Soliciting or distributing prescription drugs for or to other employees is also strictly prohibited.

If an employee takes an over-the-counter medication or a prescribed drug, the employee must consult his or her prescribing medication professional to determine whether the drug may have an adverse effect on their or another's personal safety or job performance while at work. If the effects of the medication could pose a danger to the employee's safety, or the safety of a co-worker or any other person, or otherwise impair the employee's ability to perform their job, the employee must inform the Manager. The Manager, in conjunction with the Department Head, will determine whether the Township should temporarily change the employee's job assignment during treatment. The Manager is required to maintain the confidentiality of any information regarding an employee's medical condition.

The Manager may require the employee to produce acceptable medical documentation of the employee's ability to safely and properly perform all of their job duties. Failure, or refusal, by an employee to properly inform the Manager or to produce acceptable medical documentation, upon request, may result in discipline, up to and including termination of employment.

The Township does not accommodate the medical use of cannabis/marijuana in its workplace or on any Township premises. The medical use of marijuana in the workplace means the use of cannabis/marijuana at any time which produces a level of THC (Tetrahydrocannabinol), or its metabolite, within a person's bodily systems that equals or exceeds the detection levels established by the Federal Motor Carrier Safety Regulations, 49 CFR Part 40.

RIGHT TO INSPECT

The Township reserves the right to inspect, investigate, and search for controlled substances at any time, with or without prior notice, on Township premises or in any Township vehicles. Township premises include Township offices, work locations, lockers, desks, parking lots and any vehicle engaged in Township operation. Searches of Township premises, including personal effects when entering Township premises and employee vehicles parked at Township premises, may be conducted pursuant to a lawful investigation. Employees have no expectation of privacy regarding illegal drug activities.

Refusal to cooperate with any inspection, investigation, or search that is authorized by a Township representative will result in termination of employment. The Township may take into custody any alcohol found on Township premises and use it as evidence in disciplinary proceedings. Illegal drugs will be confiscated and turned over to law enforcement officials as appropriate.

Employees who refuse to comply with a lawful legal investigation as described in this policy will be subject to discipline, up to and including termination.

RESPONSIBILITY

The Manager or designee will be responsible for the overall implementation of the Township's Alcohol and Drug-free Workplace Policy. Among other things, the Township Manager or designee will select a qualified laboratory to perform the appropriate drug and/or alcohol screening tests and require drug and/or alcohol screening tests in accordance with this policy.

Workplace Violence Policy:

The Township will not tolerate workplace violence. Violent acts or threats made by an employee against another person or property shall result in immediate discipline up to and including termination and may also be prosecuted.

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

- All threats or acts of violence occurring on Township property, regardless of the relationship between the Township and the parties involved in the incident.
- All threats or acts of violence not occurring on Township property but involving someone who is acting in the capacity of a representative of the Township.
- All threats and acts of violence not occurring on Township property involving an employee of the Township if the threats or acts of violence affect the legitimate interest of the Township.
- Any threats or acts of violence resulting in the conviction of an employee or agent of the Township, or of an individual performing services on the Township's behalf on a contract or temporary basis, under any criminal code provision relating to threats or acts of violence that adversely affect the legitimate interests and goals of the Township.

Prohibited conduct may include, but is not limited to:

- Causing physical injury to another person;
- Making threatening remarks;
- Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
- Intentionally damaging employer property or property of another employee or any individuals on the Township premises;
- Possession of a weapon while on Township property or while on Township business, except with the authority of the Police Chief; and
- Committing acts motivated by, or related to, sexual harassment or domestic violence.

While employees of the Township may be required as a condition of their work assignment to possess firearms, weapons or other dangerous devices, or permitted to carry them as authorized by law, employees are to use them only in accordance with departmental operating procedures and all applicable State and Federal laws.

Application of Prohibition

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

Warning Signs, Symptoms and Risk Factors

The following are examples of warning signs, symptoms, and risk factors which may indicate an employee's potential for workplace violence:

- Dropping hints about a knowledge of firearms;
- Making intimidating statements like: "You know what happened at the Post Office," "I'll get even" or "You haven't heard the last from me."
- Possessing reading material with themes of violence, revenge and harassment;
- Physical signs of hard breathing, reddening of complexion, menacing stare, loudness, fast profane speech;
- Acting out either verbally or physically;
- Disgruntled employee or ex-employee who is excessively bitter;
- Being a loner, incessant talking to oneself;
- Having a romantic obsession with a co-worker who does not share that interest;
- History of interpersonal conflict;
- Intense anger, lack of empathy;
- Domestic problems, unstable/dysfunctional family;
- Brooding, depressed strange behavior, "time bomb ready to go off."

Supervisors and Department Heads should be alerted to and aware of these indicators. If an employee exhibits such behavior, the employee should be monitored, and such behavior should be documented.

Procedures for Dealing with Acts of Workplace Violence

When a violent act occurs in the workplace:

- If a violent act or altercation constitutes an emergency, call 9-1-1. In instances that are not emergency situations, contact your supervisor, Department Head or the Township Manager.
- If possible, separate the parties involved. If the parties cannot be separated, or if it would be too dangerous for the employee to separate the parties, call 9-1-1, and contact your supervisor, Department Head or the Township Manager. The Department Head will contact the Township Manager, who will take responsibility for coordinating a response to the incident.
- In instances that involve criminal situations, the Township Manager will contact the Township Police Department for assessment, and if necessary, a criminal investigation.

Reporting Obligations and Procedure

Each Township employee and every person on Township property is encouraged to report incidents or threats or acts of physical violence of which they are aware. In cases where the reporting individual is not a Township employee, the report should be made to the Township Police Department.

In cases where the reporting individual is a Township employee, the report should be made to the employee's supervisor, Department Head or the Township Manager. Each supervisor or Department Head will promptly refer any such incident to the Township Manager. The Township will promptly and thoroughly investigate all reports of threats of (or actual) violence and/or suspicious individuals or activities. Any individual determined to be responsible for conduct in violation of this policy will be subjected to disciplinary action up to and including termination of employment, and may be arrested and/or prosecuted, as appropriate.

Confidentiality and Retaliation

This policy prohibits retaliation against any employee who, in good faith, reports a violation of this policy. Every effort to the extent practicable will be made to protect the safety and identity of anyone who comes forward with concerns about a threat or act of violence.

Questions About Policy

Employees shall refer any questions regarding their rights and obligations under the policy to the Township Manager.

Prohibition of Harassment in the Workplace:

The Township is committed to providing a work environment that is free of discrimination. The Township will not tolerate harassment of or by Township employees toward anyone.

APPLICABILITY

This policy applies to all people employed by the Township including, but not limited to elected officials and volunteers working on behalf of the Township and prohibits such conduct by or towards all such

employees/volunteers. Independent contractors, vendors and all other parties engaged in a professional business relationship with the Township are also expected to abide by this policy. In addition, no Township employee shall be required to withstand behavior from the public that violates this policy.

PURPOSE

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

PROVISIONS

1. All Township employees are expected to avoid any behavior or conduct of a harassing or discriminatory nature. The Township prohibits any form of harassment or discrimination related to an employee's actual or perceived protected group status, including race, creed, color, national origin, ancestry, religion, age, marital status, civil union status, domestic partnership status, affectional or sexual orientation, genetic information, sex, pregnancy (including childbirth and related medical conditions), breastfeeding, gender identity or expression, disability (including physical, mental, and intellectual disabilities, AIDS or HIV infection), political affiliation (to the extent protected by law), atypical hereditary cellular or blood trait, or because of the liability for service in the Armed Forces of the United States, veteran status, citizenship status, or any other group status protected by law. Harassment includes, but is not limited to:
 - A. Treating an individual less favorably based on a person's protected group status;
 - B. Using derogatory or demeaning slurs to refer to a person's protected group status;
 - C. Calling another by an unwanted nickname which refers to one or more protected group statuses, or telling ethnic jokes that harass an employee or create a hostile work environment;
 - D. Using derogatory references regarding a protected group status in any job-related communication;
 - E. Engaging in threatening, intimidating, or hostile acts, in the workplace, based on a protected group status; or
 - F. Displaying or distributing material in the workplace that contains language or images that are derogatory or demeaning, based on any protected group status.

Any form of harassment or discrimination related to an employee's protected group status violates this policy. This policy applies to all employment practices such as recruitment, selection, hiring, training, promotion, transfer, assignment, layoff, return from layoff, termination, compensation, fringe benefits, working conditions and career development. Violations of this policy will result in appropriate disciplinary action up to and including termination of employment.

2. Sexual Harassment: The Township prohibits sexual harassment of its employees in any form. Such conduct shall result in appropriate disciplinary action up to and including dismissal from employment.

A. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct, gestures or communication, expressed or implied, of a sexual nature when:

- (1) Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment; or
- (2) Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment, or
- (3) That conduct, or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment, or creating an intimidating hostile or offensive employment environment.

B. Prohibited Conduct:

No supervisory employee shall threaten or insinuate either directly or indirectly, that an employee's refusal to submit to sexual advances will adversely affect the employee's continued employment, evaluation, compensation, assignment, advancement, or any other condition of employment. Similarly, no supervisory employee shall promise or suggest either directly or indirectly, that an employee's submission to sexual advances will result in any improvement in any term or condition of employment for the employee.

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

- (1) Sexual flirtations, advances, propositions, subtle pressure for sexual activity, flirtatious whistling, discussing sexual activities;
- (2) Verbal abuse of a sexual nature including sexually oriented "kidding" or "teasing," "practical jokes," jokes about gender-specific traits, and foul or obscene language or gestures;
- (3) The display of sexually graphic pictures or pictures of an offensive nature, or object in the work place, including sexually suggestive written material such as letters, notes, facsimiles, text messages and e-mails;
- (4) Any unwelcome sexually motivated intentional touching, including, for example, grabbing, patting, pinching, hugging, blocking or impeding movement, and brushing against another employee's body.

Sexual harassment also occurs when one person harasses another solely because of the victim's gender. This type of sexual harassment may involve unwelcome sexual demands or overtures, but it may also take the form of other harassing conduct not necessarily sexual

in nature. For example, this would include gender stereotyping such as comments about the lesser abilities, capacities, or the "proper role" of females. It also includes subjecting a woman or a man to non-sexual harassment solely because of her or his gender. Sexual harassment is prohibited whether the harasser is male or female, and whether the harassment is opposite sex or same-sex harassment.

3. Complaint Procedure:

Any employee who feels they have been subjected to harassment should report the incident directly to the Manager. Alternatively, any employee who feels they have been subjected to harassment may report the incident directly to the Clerk. The names and telephone numbers of the Manager and the Clerk are contained in the Contact Information that follows this policy.

The Manager or Clerk will ask the employee to complete a Harassment Complaint Form. Employees, however, are not required to complete the complaint form to initiate a harassment complaint under this policy. The Manager or the Clerk will record oral complaints in writing.

Any individual uncomfortable reporting an incident to the Manager or the Clerk should feel free to go to their Department Head or any upper management representative with whom they feel comfortable to relay the problem. When any upper management representative learns of a violation of this policy, the upper management representative must promptly assist the victim in reporting the alleged incident(s) of harassment to the Manager or Clerk. The upper management representative must also promptly report the matter to the Manager or Clerk.

Any Township employee who feels they have been harassed should notify the alleged harasser that the behavior in question is thought to be offensive and unwelcome. The failure to inform the alleged harasser that the behavior is unwelcome, however, does not prevent the victim from filing a complaint pursuant to this policy. The harassment or discrimination does not have to occur on Township property during regular work hours for an employee to file a complaint under this policy.

The Township strongly encourages employees who witness conduct that they believe violates the Township's Prohibition of Harassment Policy to report the violation pursuant to this complaint procedure.

See Employee Complaint Policy for additional information on reporting a harassment incident.

The Township encourages the prompt reporting of complaints so that rapid response and appropriate action may be taken. Nevertheless, due to the sensitive nature of these problems, all complaints will be investigated, regardless of when they are filed.

4. Investigation Procedure:

The Township will investigate the harassment complaint to determine the merits of the allegations. An investigation will generally include interviews with the parties involved in the incident, and if necessary, with individuals who may have observed the incident or conduct or who have other relevant knowledge. The investigation will be completed in a reasonable time to resolve the issue and minimize the effects of such investigation on the parties involved.

The investigator will produce a report documenting the Township's investigation. The report is a confidential internal document. The Township will not release the report to the complainant or the accused. The Township, however, in its discretion, may opt to release the report if, for example, the matter proceeds to litigation or an administrative agency, or under other circumstances it deems appropriate. It will also release the report if required by law or regulation.

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

At the conclusion of the investigation, the complainant and the accused will be notified in writing of the outcome of the investigation. Upon completion of the investigation, the entire file shall be maintained in a secure location in the Manager's Office.

If the Township determines the complaint was dishonest and brought in bad faith, appropriate disciplinary action may be taken against the employee who caused the complaint to be filed. Complaints that are brought in good faith, even if unsubstantiated, do not constitute an intentionally dishonest accusation.

5. Privacy:

The Township will strive to maintain confidentiality to the extent possible. The Township has a compelling interest in protecting the integrity of its investigations. In every investigation, the Township has a strong desire to protect witnesses from harassment, intimidation and retaliation, to keep evidence from being destroyed, to ensure that testimony is not fabricated, and to prevent a cover-up. The Township may decide in some circumstances that to achieve these objectives, employees must maintain the investigation and their role in it in strict confidence. If the Township reasonably imposes such a requirement and an employee does not maintain such confidentiality, the employee may be subject to disciplinary action up to and including immediate termination.

6. Responsibility of Supervisory Personnel:

Supervisors are to monitor the work environment to ensure that all subordinates comply with this Prohibition of Harassment Policy. When a supervisor learns of a violation of this policy, the supervisor must assist the victim in reporting the alleged incident(s) of harassment to the Manager or Clerk. Any supervisor who receives a harassment complaint from any employee must bring it to the attention of the Manager or Clerk for resolution.

Supervisors who do not fulfill their responsibilities under this Policy will be subjected to disciplinary action.

7. Retaliation Prohibited:

The Township encourages victims of harassment to bring their complaints to management by ensuring that no reprisals or retaliation will result from the good faith reporting of harassment. The filing of a complaint, in good faith, shall not, under any circumstances provide cause for discipline.

Additionally, it is a violation of this policy for any employee to retaliate against another because they filed a complaint or otherwise participated in the complaint procedure.

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

8. Training:

The Township periodically provides training sessions to its employee to enhance their sensitivity to and ability to identify and rectify incidents of harassment, including sexual harassment. The training is intended to develop a level of awareness among Township employees of the potential effects and consequences of harassment, including sexual harassment, so that employees who believe they have been subject to harassment may exercise their rights in accordance with this policy.

The administration of harassment complaints is not subject to the limitations in the Grievance Policy.

Any employee with questions regarding the Township's Prohibition of Harassment Policy should contact the Manager.

Contact Information for the Township of Byram Prohibition of Harassment in the Workplace Policy

Manager

Joseph Sabatini
Township Manager
Township of Byram
10 Mansfield Drive
Stanhope, NJ 07874

Telephone: (973) 347-2500 Ext. 129
E-Mail: jsabatini@byramtwp.org

Clerk

Cindy Church
Township Clerk
Township of Byram
10 Mansfield Drive
Stanhope, NJ 07874

Telephone: (973) 347-2500 Ext. 127
E-Mail: cchurch@byramtwp.org

Personal Relationships Disclosure Policy

The Township recognizes the right of employees to engage in social relationships with each other, including relationships of a close friendly, romantic or intimate nature. The Township, however, also recognizes that such relationships can be a problem in the workplace. Such workplace relationships may result in favoritism, discrimination, unfair treatment, friction among coworkers, interference with Township operations or the perception that the relationship generates such problems.

To achieve a balance between employee rights and workplace needs, the Township has adopted this policy on supervisor/subordinate personal relationships.

For the purposes of this policy, a supervisor/subordinate personal relationship status means a situation where one employee, irrespective of job title, makes or has the authority to make decisions or to take action concerning the compensation, promotion, demotion, discipline, daily tasks, or any other terms, conditions or privileges of employment of a Township employee with whom they have a close personal relationship which could or may create the possibility of actual or perceived favoritism.

If such a close personal relationship exists or develops between a supervisor and their subordinate, both parties involved shall report this fact to the Manager. The Township will explore potential accommodations. Management may take any action which it deems appropriate, up to and including transferring one of the parties to an available position for which the employee is qualified so that there is no longer a supervisor/subordinate relationship between them. In addition, management reserves the right to address any workplace issues that may result from that relationship in the manner it deems appropriate.

Any employee who violates this policy will be subject to disciplinary action, up to and including discharge. The municipality regards a violation of this policy as particularly serious because such workplace relationships can cause favoritism, discrimination, unfair treatment or other interference with municipal operations. Further, failure of an employee to give proper notice of such a relationship may result in the denial of legal representation and indemnification in the event that a lawsuit is filed in connection with the relationship.

Nothing in this policy alters an employee's at-will status.

Conscientious Employee Protection Act Policy ("Whistleblower" Policy):

The New Jersey Conscientious Employee Protection Act, also known as "CEPA" or the "Whistleblower Act" makes it unlawful for employers to take adverse employment action against employees who disclose, object to, or refuse to participate in certain actions that the employee reasonably believes are either illegal or in violation of public policy. Employees have the right to complain about any activity, policy or practice that the employees reasonably believe is in violation of a law, rule or regulation promulgated pursuant to law, without fear of retaliation or reprisal. This right will be communicated to all employees in an annual notification letter and in a posted notice. A written acknowledgment that the employee received, read, and understood this letter will be included in the employee's personnel file. The annual notice will be in English and Spanish and contain the name of the person who is designated to receive written notification of policies or practices that might violate CEPA.

All complaints will be taken seriously and promptly investigated. See Employee Complaint Policy for additional information on reporting an incident.

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

- Disclosing or threatening to disclose to a supervisor, Department Head, the Manager, other official, or to a public body, as defined in the Conscientious Employee Protection Act (N.J.S.A. 34:19-1, et seq.) an activity, policy or practice that the employee reasonably believes is in violation of a law, rule or regulation promulgated pursuant to law; or
- Providing information to, or testifying before any public body conducting an investigation, hearing, or inquiry into any violation of law, or a rule or regulation promulgated pursuant to law; or
- Providing 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 any governmental entity; or
- Objecting to, or refusing to participate in any activity, policy, or practice that the employee reasonably believes is a violation of a law, rule or regulation promulgated pursuant to law; is fraudulent or criminal; or is incompatible with a clear public policy mandate concerning the public health, safety, or welfare.

In accordance with the law, the employee must bring the violation to the attention of the Township. Disclosure, however, is not required where: (1) the employee is reasonably certain that the violation is known to one or more supervisors; (2) where the employee reasonably fears physical harm; or (3) the situation is an emergency in nature. Employees are encouraged to complain in writing pursuant to the Employee Complaint Policy but may make a verbal complaint at their discretion. All complaints will be taken seriously and promptly investigated. Under the law, the employee must give the Township a reasonable opportunity to correct the activity, policy or practice. The administration of whistleblower complaints is not subject to the limitations in the Grievance Policy.

There shall be no retaliation against anyone for the good faith reporting of a workplace wrongdoing. In addition, anyone who assists in the good faith filing of a complaint or in the investigation of a workplace wrongdoing shall be protected from retaliation.

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):

Township Manager

Joseph Sabatini, Manager

Township of Byram
10 Mansfield Drive
Stanhope, NJ 07874

Telephone: (973) 347-2500 Ext. 129
E-Mail: jsabatini@byramtwp.org

Complaint Policy:

Employees who observe actions they believe constitute harassment, including sexual harassment, or any other workplace wrongdoing, including whistleblower concerns, should immediately report the matter to the Manager or Clerk. Any individual uncomfortable reporting an incident to the Manager or Clerk should feel free to go to their Department Head or any upper management representative with whom they feel comfortable to relay the problem.

Reporting of such incidents is encouraged both when employees feel that they are subject to such incidents or observe such incidents in reference to other employees. Employees are encouraged to complain in writing using the Employee Complaint form but may make a verbal complaint at their discretion. All reports of harassment, including sexual harassment or any other workplace wrongdoing will be promptly investigated by a person who is not involved in the alleged harassment or wrongdoing.

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

If the investigation substantiates the complaint, appropriate corrective and/or disciplinary action, up to and including discharge, will be pursued. Disciplinary action up to and including discharge may also be taken against individuals who make false, malicious or frivolous accusations. Actions taken internally to investigate and resolve harassment complaints will be conducted as confidentially as possible. Any investigation will generally include interviews with the parties involved in the incident, and if necessary, with individuals who may have observed the incident or conduct, or who have relevant knowledge. The complaining employees will be notified of the general conclusions at the end of the investigation, within a reasonable time from the date of the report of an incident.

Byram Township Complaint Form

Dated_____

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.

Byram Township will strive to maintain confidentiality to the extent possible. The Township has a compelling interest in protecting the integrity of its investigations. In every investigation, the Township has a strong desire to protect witnesses from harassment, intimidation and retaliation, to keep evidence from being destroyed, to ensure that testimony is not fabricated, and to prevent a cover-up. The Township may decide in some circumstances to achieve these objectives, employees must maintain the investigation and their role in it in strict confidence. If the Township reasonably imposes such a requirement and an employee does not maintain such confidentiality, the employee may be subject to disciplinary action up to and including immediate termination.

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

BY: _____ DATE: _____

Grievance Policy:

A grievance is any formal dispute concerning the interpretation, application and enforcement of any personnel policy or procedure of the Township. Grievances from union employees will be handled pursuant to the terms of the applicable collective negotiations agreement. The informal resolution of disputes by discussion of complaints between an individual (with a representative, if so desired) and their immediate superior is encouraged, and if such discussion fails to produce a satisfactory adjustment of the complaint, it shall be reduced to writing and submitted as a grievance.

All grievances from non-union employees must be presented to an immediate supervisor in writing within ten (10) working days after arising, and failure to report a grievance within such time shall be deemed as a waiver/abandonment of the grievance.

Step 1. Once timely filed, the aggrieved employee shall discuss the grievance with their immediate superior. If the grievance is not resolved satisfactorily or if no resolution is made within three (3) working days by the immediate superior, the employee must present the grievance to their Department Head, in the event their immediate superior is not the Department Head. The procedure and the time limits for resolution at that level are the same as that discussed above for the immediate superior.

Step 2. In the event there is not a satisfactory resolution of the grievance at Step 1 or a decision is not rendered within the time provided, the aggrieved employee may present their grievance in writing to the Manager, or the Manager's designee, within seven (7) working days after the response from the department head is due. Such statement shall set forth the reasons why the grievant contends the department head's decision is incorrect and shall specify the provision or provisions of any agreement, policy or Civil Service Commission Rule alleged to be violated. The Manager, or the Manager's designee, shall review the decision of the department head, together with the statement submitted by the grievant and such other evidence as may be submitted, and shall respond to the grievant and/or representative within ten (10) working days.

Step 3. Should the grievant disagree with the decision of the Manager or the Manager's designee, the grievant may, within seven (7) working days after the response from the Manager or designee is due, submit to the Township Council by service upon the Manager or designee, a signed statement in writing as to the issue or issues in dispute. Such statements shall be filed along with:

1. Copy of the written grievance.
2. A statement of the results of prior discussions thereon.
3. A statement of the grievant's dissatisfaction with such results.

If the grievant submits a written request for a hearing before the Township Council, a hearing will be held before the Township Council or the governing body's designee, at the Council's discretion. If the grievant in their appeal does not request a hearing, the Council may consider the appeal on the written record submitted to it, or may on its own (or through the governing body's designee) conduct a hearing, or may request the submission of additional written material. When additional written materials are requested, copies of those materials will be given to the aggrieved employee. The aggrieved employee will be entitled to have a representative at a hearing, if one is held. The Council will strive to reach a determination within ten (10) working days after a hearing, if one is held, or if no hearing is held, twenty (20) working days after the grievant submits the grievance to the Manager or the Manager's designee. The determination will be given in writing to the aggrieved employee, and their representative, if there is one. The decision of the Township Council is final and binding.

These limitations do not apply to employee complaints made under the Policy Prohibiting Harassment in the Workplace, the Workplace Violence Policy or the Whistleblower Policy.

Access to Personnel Files:

The official personnel file for each employee shall be maintained by the Manager. Personnel files are confidential records that must be secured in a locked cabinet and will only be available to authorized managerial and supervisory personnel on a need-to-know basis. Personnel records are also available to the Township's legal counsel, and members of the governing body on a need-to-know basis. Police personnel records shall be maintained by the Chief of Police, except that police personnel hiring and personnel benefits records subject to the Open Public Records Act may be maintained by the Manager. Records relating to any medical condition will be maintained in a separate file in a locked cabinet.

Personnel files do not contain confidential employee medical information. Any such information that the Township may obtain will be maintained in separate files and treated as confidential information. Any such medical information may be disclosed under very limited circumstances in accordance with any applicable legal requirements.

The Township endeavors to maintain the privacy of personnel records. There are limited circumstances in which the Township will release information contained in personnel or medical records to persons outside the Township. These circumstances include:

- In response to a valid subpoena, court order or authorized administrative agency order;
- 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; and
- To a potential employer or other person requesting verification of an employee's employment as described in "Requests for Employment Verification and Reference Procedure."

Any active employee may review their file in the presence of the Manager or designee upon twenty-four (24) hours' written notice. Employees will be allowed to have a copy of any document they have signed relating to their obtaining employment. Employees may not remove or alter any documents in their personnel file.

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 Manager. No employee may issue a reference letter without the permission of the Manager. Under no circumstances should any information be released over the phone.

In response to a request for information, the Manager will only verify an employee's name, dates of employment, and job title. 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.

Conflict of Interest Policy:

Employees, including Township officials must conduct business according to the highest ethical standards of public service. Employees are expected to devote their best efforts to the interests of the Township. Violations of this policy may result in appropriate discipline including termination.

The Township recognizes the right of employees to engage in outside activities that are of a private nature and unrelated to Township business. However, business dealings that appear to create a conflict between the employee and the Township's interests are unlawful under the New Jersey Local Government Ethics Act. Under the Act, certain employees and officials are required to annually file with the Township Clerk a State mandated disclosure form. The Township Clerk will notify employees and Township officials subject to the filing requirements of the Act.

A potential or actual conflict of interest occurs whenever an employee, including a Township official, is in a position to influence a Township decision that may result in a direct or indirect financial or personal gain for the employee or an immediate relative including a spouse or significant other, child, parent, stepchild, sibling, grandparents, daughter-in-law, son-in-law, grandchildren, niece, nephew, uncle, aunt, or any person related by blood or marriage residing in an employee's household. Employees are required to disclose possible conflicts so that the Township may assess and prevent potential conflicts. If there are any questions whether an action or proposed course of conduct would create a conflict of interest, immediately contact the Manager or the Labor Counsel to obtain clarification.

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

Employees, including Township officials, may not accept donations, gratuities, contributions or gifts that could be interpreted to affect their Township duties. Employees including Township officials must not accept donations, gratuities, contributions or gifts from a vendor doing business with or seeking to do business with the Township or any person or firm seeking to influence Township decisions. Meals and other entertainment valued in excess of \$50.00 are also prohibited. Employees, including Township officials are required to report to the Manager any offer of a donation, gratuity, contribution or gift including meals and entertainment that is in violation of this policy.

Political Activity Policy:

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

No employee in the career service shall directly or indirectly use or seek to use his or her position to control the political action of another person or engage in political activity during working hours (see N.J.S.A. § 11A:2-23). No employee in the career or unclassified services whose principal employment is in connection with a program financed in whole or in part by federal funds or loans shall engage in any of the following prohibited activities under the Hatch Act (5 U.S.C. § 1501 et seq.):

- Be a candidate for public office in a partisan election. The provision does not apply to the mayor of a city, the elected head of an executive department or an individual holding elective office, where that office is the sole employment connection to federally funded programs;
- Use official authority or influence to interfere with or affect the results of an election or a nomination for office; or
- Directly or indirectly coerce contributions from any Township employee to support a political party or candidate.

Also, no Township representative shall take or threaten to take any action against any employee based on the employee's permissible political activities or affiliation. Any violation of this policy must be reported through the line of authority.

Working Test Period:

New employees (or present employees transferring to new positions) must satisfactorily complete a three-month working test period before acquiring permanent status. Persons appointed to entry level law enforcement serve a twelve-month working test period. The working test period does not include any time served as a provisional, temporary or interim appointment. The working test period is designed to permit the Township to determine if an employee can successfully perform the duties of the position.

At the completion of the second month of service (six months for law enforcement titles), the Department Head will complete an interim progress report of the employee's performance, both positive and negative, including the quality of work, the quantity of work, manner of performance, and cost and time factors. The Department Head will review the evaluation with the employee. The original progress report will be forwarded to the Manager and a copy will be provided to the employee.

At the completion of the third month of service (twelve months for law enforcement titles), the Department Head will complete a final progress report of the employee's performance using the same criteria as the interim progress report. The Department Head will review the progress report with the employee. The final progress report will be forwarded to the Manager and a copy will be provided to the employee.

At the end of the working test period, based on at least two progress reports of the employee's performance, the appointing authority will decide whether to grant the employee permanent status or to terminate the employee for unsatisfactory performance. The working test period may not be extended beyond three months (twelve months for law enforcement titles).

Copies of both the interim and final progress reports must be placed in the employee's personnel file.

If the appointing authority decides to terminate an employee at the end of the working test period for unsatisfactory performance, the appointing authority must provide the employee with written notice via

hand delivery or certified mail. The written notice must inform the employee that they have the right, within twenty (20) days of receipt of the notice, to request a hearing before the Civil Service Commission. The written notice must be served not more than five (5) working days prior to or five (5) working days following the last day of the working test period. A written notice served after this period creates a presumption that the employee has attained permanent service.

To the maximum extent permitted by law, nothing in this policy alters the Township's employment at-will policy.

Employee Evaluation Policy:

The Township recognizes that an employee job performance evaluation system is the basis for assisting in employee growth and development. The Township requires Department Heads and supervisors to conduct performance evaluations to ensure that:

- (1) each employee receives feedback on objectives, accomplishments, strengths, and areas for improvement; and
- (2) each employee receives advice from their Department Head or supervisor on ways to improve performance and has the chance to identify with their Department Head or supervisor areas where greater contribution is possible, or where either feels more development would be beneficial.

The performance appraisal provides the vehicle for a dialogue between the employee and the Department Head or supervisor and ensures shared expectations of the requirements for the employee's job and the employee's performance in the job. Accordingly, the Township will use a performance review/evaluation system for all employees.

During performance reviews, Department Heads and supervisors will consider, among other things:

- Attendance and tardiness
- Initiative, dependability and effort
- Knowledge of work
- Attitude and willingness
- Customer service
- Quantity and quality of work
- Educational courses completed
- Disciplinary record

An Employee Evaluation Report will be used in reviewing and evaluating the job performance of employees on an annual basis. After completing the evaluation, the supervisor or Department Head will review the results with the employee. At the time of the evaluation, the employee will have an opportunity to discuss their individual position with their supervisor or Department Head and must acknowledge that they have reviewed the evaluation.

Supervisors will forward all performance evaluations, with a signed acknowledgment, to their Department Head. Department Heads will forward all performance evaluations, with a signed acknowledgement, to the Manager for review. The Manager will retain the performance evaluation in the employee's personnel file. As a part of the evaluation, employees have the right to request a conference with the Manager.

PERIODS OF EVALUATION

Performance evaluations are an ongoing activity and include communications, observations and documentation to provide a fair and useful appraisal of the employee's job performance. Formal performance appraisals will be conducted as described below:

Working Test Period: At the completion of the second month and the third month (sixth months and twelfth month for law enforcement titles), the employee's Department Head or designee will prepare a performance report and recommend the retention or dismissal of the employee. For more information, please see the policy on Working Test Period. New employees must receive a "satisfactory" rating at the end of their working test period to continue their employment with the Township.

Annual: Full-time and part-time employees will receive an annual evaluation of their performance. Supervisors/Department Heads must correct any weak points using the Employee Counseling form or by implementing a Performance Improvement Plan. Performance reviews can be done more frequently than once per year as a Department Head or the Manager deems appropriate.

Special: A special performance evaluation must be completed whenever there is a significant trend either upward or downward in the employee's performance, as determined by the employee's supervisor, Department Head, or the Manager. Supervisors/Department Heads must document performance weaknesses using an Employee Counseling form or by implementing a Performance Improvement Plan. A special performance evaluation must also be completed when a supervisor permanently leaves their position. The supervisor will complete a performance report on each employee supervised who has not been evaluated in the six (6) months prior to the date the supervisor is to leave. The purpose of such a special performance evaluation is to provide the new supervisor with current information regarding the performance of employees.

Discipline Policy:

The Township cannot possibly provide its employees with an exhaustive list of impermissible behavior; however, the following provides some examples:

- Incompetence, inefficiency or failure to perform duties;
- Insubordination;
- Soliciting or accepting gratuities from residents or vendors of the Township;
- Neglect of duties;
- Failure to treat all residents, visitors, and fellow employees in a courteous manner;
- Deliberate delay or restriction of work effort, or incitement of others to delay or restrict their work effort;
- Conduct unbecoming a public employee;
- Unauthorized disclosure of confidential Township information;
- Fighting, physically or verbally, on Township property at any time;
- Entering non-public areas of Township facilities without permission during non-scheduled work hours;
- Sleeping on the job;
- Gambling on Township premises;
- Horseplay, disorderly conduct or use of abusive or obscene language on Township premises;
- Being under the influence of intoxicants (e.g., liquor, cannabis/marijuana) or illegal drugs (e.g., cocaine) on Township property and at any time during work hours;

- Possession, sale, transfer or use of intoxicants or illegal drugs on Township property and at any time during work hours;
- Violation of Township policies, procedures and regulations;
- Violation of established safety and fire regulations;
- Falsification of public records including attendance and personnel records;
- Failure to report absence;
- Any unauthorized absence from work; chronic or excessive absences;
- Unauthorized failure to report to work on day(s) prior to or following a vacation, holiday and/or leave;
- Unauthorized absence from work area or roaming or loitering on the premises, during scheduled work hours;
- Harassment of co-workers, volunteers or visitors;
- Theft or attempted theft of property belonging to the Township, fellow employees, volunteers or visitors;
- Violation of Federal, State or Township regulations concerning drug and alcohol use and possession;
- Conviction of a crime or disorderly persons offense;
- Chronic or excessive absenteeism or lateness;
- Careless waste of materials or abuse of tools, equipment or supplies;
- Misuse of public property, including motor vehicles;
- Deliberate destruction or damage to Township property;
- Carrying weapons of any kind on Township premises and/or during work hours, unless carrying a weapon is a function of your job duties.
- Soliciting on Township premises during work time;
- Substandard performance;
- Conduct unbecoming a public employee;
- Unauthorized use of telephones, computers, Internet and e-mail;
- Violations of Township law, rules, policies, procedures or regulations; and
- Other sufficient cause.

Major disciplinary action includes termination, disciplinary demotion or suspension or fine exceeding five (5) working days. Minor discipline includes a formal, written reprimand or a suspension or fine of five (5) working days or less. All disciplinary action taken will be in accordance to Federal and State laws, as well as collective negotiations agreements. Classified employees subject to major discipline who object to the terms or conditions of the discipline are entitled to a hearing under applicable Civil Service Commission procedures. Employees subject to minor discipline who object to the terms or conditions of the discipline are entitled to a hearing under the applicable grievance procedure. All discipline will be approved by the Manager.

In cases of illegal behavior, the Township may notify law enforcement officials.

Neither this Handbook nor any other Township guidelines, policies or practices create an employment contract. To the maximum extent permitted by law, employment with the Township may be terminated at any time with or without cause by the employee or Township.

Resignation Policy:

An employee who intends to resign must notify the Department Head in writing at least two (2) 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. To the maximum extent permitted by law, during the last two (2) weeks of employment the employee will not be allowed to use paid time off. The Department Head will prepare an Employee Action form showing any pay or other money owed to the employee. The Manager will conduct a confidential exit interview to discuss benefits including COBRA options, appropriate retirement issues, and pay due. A COBRA notification letter will be sent to the employee's home address. The exit interview will also include an open discussion with the employee. The Township is not obligated to support the two (2) week notice and can terminate employment earlier than the end of the two (2) week notice period.

On the last day of work, and prior to receiving the final paycheck, the employee must return all keys, equipment, and other Township property. Employees are not permitted to take any Township property with them on their last day, including but not limited to electronic or paper files, books, and Township resources. On their last day, employees must leave their workspace neat and tidy. At this time, the employee will sign the separation/resignation memo designating all money owed and this memo will be retained in the official personnel file.

Workforce Reduction Policy:

Pursuant to N.J.A.C. 4A: 8-1.1, et seq., the Township may institute layoff actions for economy, efficiency or other related reasons, but will first consider voluntary alternatives. If layoff actions need be taken, seniority, lateral or other reemployment rights for the employees in career service titles will be determined in accordance with Civil Service requirements.

Confidentiality Policy:

Employees of the Township may have access to confidential information due to their employment or role within the Township. Some of the business conducted by the Township, such as awarding of contracts, acceptance of bids, litigation and specific personnel issues, are of a proprietary, sensitive and/or confidential nature. It is therefore essential that Township employees do not discuss such confidential issues outside of work. While some of the Township's actions are public actions which, under the law, are subject to public disclosure, the decision to disclose confidential information rests with the Mayor and Council and the Manager, not with any other employee. Accordingly, Township employees should not discuss confidential Township business with non-employees. All questions concerning confidential Township business should be referred to the supervisor or Department Head.

This policy does not prohibit or prevent any collective bargaining or protected concerted activities of employees.

State Residency Policy:

With few exceptions (i.e. hardship or critical need), every employee shall have their principal place of residence in the State of New Jersey. New hires shall have one (1) year from the time of taking office, employment or position to satisfy the requirement of principal residency. Failure to satisfy this requirement shall render the employee unqualified for holding office, employment or position with the Township.

If, however, an employee holds an office, employment, or position with the Township as of September 1, 2011 (the effective date of the “New Jersey First Act”), but does not have their principal residence in this State on that effective date, they will not be subject to the residency requirement while that employee continues to hold office, employment, or position without a break in public service of greater than seven (7) days.

Any employee with questions regarding this policy should contact the Township Manager.

SECTION TWO - WORKPLACE POLICIES

Classification of Employees:

The following explanations of the Township's positions are intended to clarify the definitions of these positions so that employees may understand their employment status and their benefit eligibility.

Full-time employees are those employees who work thirty (30) or more hours per week. Part-time employees are those employees who work less than thirty (30) hours per week.

The Township is a civil service municipality. Employment is subject to regulations promulgated by the New Jersey Civil Service Commission. N.J.A.C. 4A:4-1.1, et seq.

Employees in the civil service competitive division will be required to apply for and/or take civil service examinations before permanent employment status is granted. Notice of open competitive examinations will be sent to the State for advertisement and shall be posted at the Township.

All job titles shall be allocated to the career service, except that the Township Council may make unclassified appointments to any title or position allocated to the unclassified service by statute or the Civil Service Commission.

All positions within the career service will be assigned job titles by the New Jersey Civil Service Commission which describes the duties and responsibilities performed, the level of supervision exercised and received and the minimum educational and experience qualifications. If the duties and responsibilities of a position change, rendering the job title no longer appropriate, then the Township Council will request that such position be reclassified by the New Jersey Civil Service Commission.

Unclassified Positions. The Township Council may make unclassified appointments to any title or position allocated to the unclassified service by statute or the Civil Service Commission. Permanent employment rights of New Jersey Civil Service Act, N.J.S.A. 11A:1-1, et seq. are not applicable to unclassified positions.

The status of employees will be reviewed periodically or shortly after any significant change in hours, duties or job restructuring. Any employee having a question as to their classification should direct their inquiry to their direct supervisor, Department Head, or the Manager.

Each employee is assigned to one of the following categories of employment: full time, part time or temporary. While certain job classifications are defined in terms of hours worked, definitions of employee classifications do not guarantee or imply a right to work a specific number of hours or days.

Each employee is designated as either exempt or non-exempt in accordance with the Fair Labor Standards Act (FLSA). An employee's duties, authority and compensation determine if the employee is designated as an exempt or non-exempt employee. Non-exempt employees are subject to the minimum wage and overtime provision of the FLSA. Secretarial, clerical, labor and non-professional employees are non-exempt and are eligible for overtime. Exempt employees are not required to be paid overtime and generally include management, professional and administrative positions.

Nepotism Policy:

This Nepotism Policy applies to all employees hired after January 1, 2010. Unless otherwise provided by law, Civil Service rule, or collective negotiations agreement, immediate relatives will not be hired, promoted or transferred to a regular full-time or regular part-time position where:

- One relative would have the authority to appoint, remove, discipline or evaluate the performance of the other;
- One relative would be responsible for auditing the work of the other; or
- Other circumstances exist that place the relatives in a situation of actual or reasonably foreseeable conflict of interest.

For purposes of this policy, an immediate relative includes spouse or significant other, civil union partner, domestic partnership partner, child, parent, stepchild, sibling, grandparent, daughter-in-law, son-in-law, grandchild, niece, nephew, uncle, aunt, or any person related by blood or marriage residing in an employee's household.

Alternative Work Schedule Policy:

The purpose of the Alternative Work Schedule Policy is to provide Township employees with written guidelines on alternative work schedules. Alternative work schedules are only available to employees who work less than full-time. Work schedules may not be feasible for certain employees due to the design and preset schedule of a particular department and position.

Employees may request an alternative work schedule or a change in an alternative work schedule by December 1, for a proposed effective date of the following January 1. Employees must propose an alternative work schedule in writing to their department head with final approval of the Manager.

All alternative work schedules must be approved in advance and the Township can change or eliminate alternative work schedules at any time, without prior notice.

Employees may propose an alternative work schedule with varying start and end times, but the pattern should recur predictably over each work week. Employees may also propose a compressed schedule where employees report to work less than five (5) days per week.

Proposals of alternative work schedules must ensure:

1. The level and quality of service to Township residents is maintained or increased.
2. Schedules are coordinated with the needs of residents in mind.
3. Schedules are coordinated effectively with other Township departments that may be impacted.
4. Resources are used efficiently and effectively.
5. Operational commitments are met without increased overtime or comp time accrual.

Whether a request for an alternative work schedule is made by an individual employee or a group request of a department, proposed alternative work schedules should be coordinated within the entire department or work group. Contingency plans need to be developed in the event of planned or unplanned short-term and long-term employee absences, emergencies and vacations.

Department heads are required to continually monitor the effectiveness of alternative work schedules. Adjustments to alternative work schedules must be in the best interest of the Township's residents and productivity of the workforce and all adjustments must be made in writing with final approval by the

Manager. Temporary deviations from an approved alternative work schedule may only be made with the prior, written approval of the department head or Manager.

Employees that are approved to work alternative work schedules are accountable for completing assigned work within the time designated, using work time effectively, reporting for duty when assigned, assuring the same or improved level of service to resident, and maintaining dependable attendance.

Part-time employees and employees working alternative work schedules will receive pro-rated sick, vacation and holiday time benefits based on the number of days worked in the work week and the number of hours worked per day. Pro-rated holiday time benefits will only be granted if the employee's regularly scheduled workday falls on a holiday.

Transfer Policy:

Township employees may be transferred from one department to another within the Township. They may also be transferred among other governing bodies and their departments, subject to applicable laws and New Jersey Civil Service Commission regulations.

Attendance Policy:

On each scheduled workday, all employees are expected to be at work and ready to assume their duties at the beginning of the scheduled workday. Lateness and/or absences will be tolerated only in emergencies or when the supervisor gives prior approval. All absences must be reported to the supervisor as soon as possible but not later than one-half hour prior to the start of the normal workday. Supervisory employees, including Department Heads, shall notify the Manager of all absences prior to the start of the normal workday. The normal working hours for administrative departments are 8:30 AM to 4:30 PM. The working hours for other departments are established by departmental procedures and collective negotiations agreements. Employees who are excessively late or absent and/or who fail to provide proper notice of lateness or absences may be subject to discipline, up to and including termination.

Telecommuting Policy

The Township Manager has discretion to approve a Township employee working remotely. Employees are subject to all Township policies while telecommuting, including the Township's Emergency (COVID-19) Work Policy and Procedures. The Township has the right to approve, cancel or suspend employee telecommuting privileges at any time, for any reason or for no reason.

Telecommuting is a work arrangement that allows employees to work at an offsite location, other than the office, for all or some of their regularly scheduled work hours. Although not all jobs can be performed satisfactorily from other locations, the Township recognizes that, in some cases, telecommuting arrangements can provide a mutually beneficial option for both the Township and employees. It is the policy of the Township to permit telecommuting work arrangements as provided by this policy only when it is in the best interests of the Township and when it will enhance the productivity of the employee, and only if pre-approved by the Manager.

Inclement Weather Policy:

The Township will be open for business unless the Township Manager closes the office. If an employee chooses not to report to work when the Township is open, a full vacation day or compensatory time will be charged. If the Township is closed, no time will be charged for the day.

This policy does not apply to the Police, Public Safety, the Department of Public Works, or any personnel who may be required to assist in an emergency.

Dress Code Policy:

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. Employees shall not wear suggestive attire, athletic clothing, shorts, flip flops, T-shirts, novelty buttons, and similar items of casual attire that do not present a businesslike appearance. Some Township departments have additional dress code policies that require approval of the Department Head and Manager. With the advance approval of the 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, may be sent home without pay, and may be subject to discipline.

No Smoking Policy:

The New Jersey Legislature has declared that in all governmental buildings the rights of non-smokers to breathe clean air supersedes the rights of smokers. In accordance with State law, the Township 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 at such locations as not to allow the re-entry of smoke into building entrances. Smoking inside Township-owned vehicles 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.

The Township does not discriminate in recruitment, hiring, training, promotion, compensation, or other employment practices because a person does or does not smoke or use other legal tobacco products, unless there is a rational basis which is reasonably related to the employment, including the responsibilities of the employee or prospective employee.

Use of Township Equipment Policy:

Employees are expected to take all precautions necessary to assure that Township equipment, office supplies, and other property is not lost, damaged, or stolen. Any suspicious activity or theft should be reported immediately to the employee's supervisor and/or department head.

Any equipment which needs to be modified, adjusted, or repaired should be reported immediately to the employee's supervisor.

Use of Township equipment and/or office supplies for personal business is strictly prohibited unless authorized in advance by the Manager. This policy applies to all Township machines and equipment including, but not limited to, computers, copying equipment, etc.

Use of Township Vehicles Policy:

The purpose of this policy is to provide the Township's employees and volunteers with the guidelines for operation of Township-owned vehicles, including leased vehicles or rented vehicles, and non-owned personal vehicles used for Township business. These guidelines and procedures must be followed for the protection of the individuals operating Township vehicles and to minimize the Township's potential liability exposure.

Township-owned vehicles shall be used only on official business and all passengers must be on Township business. At no time shall children or family members (who are not employees) be passengers in the Township vehicle. The use of Township-owned vehicles for events that are not within normal Township daily operations requires the approval of the Manager. These events include but are not limited to fundraising activities, parades, training and wet downs. All employees and volunteers operating Township-owned vehicles must furnish a valid driver's license and sign motor vehicle authorization forms to receive vehicle abstracts.

Township-owned vehicles may be taken home only with the advance approval of the Manager, except a Department Head may also grant temporary approval to facilitate responses to after-hours emergency calls. Temporary approval is only for the duration of the emergency call and any extended use requires the approval of the Manager. When an individual takes a Township vehicle home, it must be used only for official Township business; no other use is permitted. Any violation of this policy constitutes cause for disciplinary action.

A fringe benefit value will be added to the gross income reported on an employee's W-2 for employees authorized to use a municipal vehicle for commuting to and from work, unless the vehicle meets the "qualified non-personal vehicle" criteria specified by the IRS.

Operation of any motor vehicles, Township-owned or personal, for Township business must be in accordance with all pertinent laws and motor vehicle regulations. Employees are expected to adhere to all posted speed limits, seat belt laws, hands-free laws, and must always safely operate vehicles. The use of hand-held cell phones or texting while driving Township vehicles or while driving on Township business is prohibited. If an individual receives a moving violation or parking citation while operating a vehicle on Township business, payment of any fines is the responsibility of the individual. Individuals must report receipt of any moving violation citation while using a Township-owned vehicle or otherwise on Township business to their Department Head. Any violation resulting in loss of driving privileges requires immediate notice to the Manager and the employee or volunteer may not operate Township-owned or personal vehicles on Township business.

Volunteer first responders are authorized to use Township vehicles or personal vehicles with required approval, to respond to Township emergency calls. Approval is granted by the Manager in accordance with this policy, the Driver's License Policy and the Use of Personal Vehicles for Township Business Policy.

Volunteers must adhere to the following procedures for use of Township vehicles:

- a) Document the location of the vehicle during business hours and the home address after hours, and any change in location must have written approval.

- b) If the vehicle is authorized in writing to be taken to volunteer's place of employment, the following guidelines must be met.
- The location must be within the Township or in an adjacent town to Byram Township: Allamuchy, Andover Borough, Andover Township, Green Township, Hopatcong Borough, Mt. Olive, Sparta Township or Stanhope Borough.
 - The vehicle cannot be used in the operation of the volunteer's employment and can only be parked at the approved place of employment.
 - The Volunteer First Responder must provide his or her work schedule.
 - The Volunteer First Responder must provide a letter from his or her employer acknowledging unrestricted release from work to respond to emergency calls.
 - If the Volunteer First Responder does not plan to respond to all emergency calls when called out, then the individual will not be permitted to take the vehicle to the volunteer's place of employment.
 - All other terms and conditions of the vehicle policy will apply.
- c) The Township vehicle may be recalled from use without prior notice at any time and for any reason by the Manager.

All accidents in a Township vehicle or an individual's personal vehicle while on Township business must be reported immediately, regardless of severity, to the department head and local police department. All reports must be filed with the immediate supervisor and copies of all reports should be forwarded to the Manager. A police report must be filed. While at the scene of the accident, only identifying information should be provided to other party(ies) involved. There should be no comments about assuming responsibility, fault or blame and offer no apology as it may be construed as admitting guilt. If you are injured in the accident, the injury must be reported in accordance with the Township's Worker Compensation Policy. Failure to report a motor vehicle accident will result in disciplinary action up to and including termination of employment.

Use of Personal Vehicles for Township Business Policy:

If a vehicle is required for Township business, employees shall use Township vehicles when a vehicle is available.

An employee's use of their personal vehicle requires prior written approval by the Manager or designee, unless other arrangements have been agreed to in writing by the Manager.

If an employee is required to use their personal vehicle in the pursuit of proper and necessary Township business, the employee will be reimbursed at the then current IRS reimbursement rate per mile, unless otherwise provided by a collective negotiations agreement.

All employees and volunteers using personal vehicles for Township business, including volunteer services, must furnish a valid driver's license, vehicle registration, and current certificate of insurance upon request.

Individuals who use their personal vehicle for Township business are required to maintain the minimum personal auto insurance coverage for combined bodily injury and property damage as required by the Township's insurance carrier.

Driver's License Policy:

Any employee or volunteer required to operate a vehicle for Township business, including volunteer services, must hold a valid driver's license. All new employees and volunteers who will be assigned to Township business involving the operation of a Township vehicle will be required to submit to a Department of Motor Vehicles driving records check as a condition of employment and volunteering. A report indicating a suspended or revoked license status may be cause to deny or terminate employment, or may result in suspension.

Periodic checks of an individual's driver's license record, through visual and formal Department of Motor Vehicles review checks may be made by Department Heads or supervisors. Any individual 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.

Any individual performing Township business which requires the operation of a Township vehicle or personal vehicle must immediately 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 individual that fails to immediately report such an instance is subject to disciplinary action, including demotion, suspension or termination of employment, or in the case of a volunteer, suspension or termination of authorization to drive Township-owned vehicles and other disciplinary action.

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

Telephone Usage Policy:

Township telephones are only to be used for the daily business of the Township. Personal calls should be limited to cellular phones.

Office telephones should be staffed during the workday. Telephones should be answered promptly and courteously. The employee should identify the Township Department (or Office) and themselves by name.

All employees are responsible for:

- restricting personal calls including personal calls made on cellular telephones during business hours to occasional, brief reasonable use;
- confining personal calls to lunch and rest periods;
- spending as little time as possible on any personal call whenever made during business hours;
- using a personal cellular telephone for a personal call.

Township employees should make every effort to confine personal use of all cellular telephones to authorized break times or lunch or meal periods. Employees shall not take photographs, video recordings and/or sound recordings without the prior written approval of the Department Head while on Township premises or while performing Township business.

Township-issued cellular telephones, service plans, and related equipment, including but not limited to, earpieces, headsets, hands free car kits, power chargers, power adapters, batteries, cases, belt clips, etc., funded and purchased by and/or through the Township are Township property.

Employees must insure that the equipment assigned and entrusted to them is not lost, damaged, misused, or destroyed, and all equipment must be returned upon request and termination of employment. Employees must protect the equipment from theft, damage, destruction, misuse and tampering. The employee shall reimburse the Township for any lost, damaged misused, and/or destroyed equipment.

Township-provided cellular equipment assigned to the employee is intended for the authorized use by the employee and is not intended for use by non-Township employees or any other unauthorized individuals. The employee must insure that all Township provided cellular equipment is not used in an unauthorized manner and is not used by any non-Township employee or by any other unauthorized individuals.

Use of Township provided cellular telephones is strictly limited to use by Township employees for conducting official Township business. Personal use of Township provided cellular telephones is strictly limited to occasional, brief use.

Employees may be subject to discipline, up to and including discharge, if they do not adhere to the Telephone Usage Policy.

Computer Use, Email and Internet Policy:

The Township's e-mail, voicemail, computer systems and Internet service are for official Township business and use for all other non-business purposes is prohibited. This includes, but is in no way limited to, the use of computers or Township-issued mobile devices, use of social networking, gaming or TV/video.

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

The Township operates in an environment where the use of computers, e-mail and the Internet are essential tools for certain employees. Those employees are encouraged to use computers, e-mail and the Internet; however, it is the responsibility of the employee to guarantee that these systems are solely used for business-related purposes and are used in a proper and lawful manner at all times.

- Employees are advised that all computers owned by the Township are to be used for business purposes only and that they have no expectation that any information stored on an Township computer is private. Because e-mail messages are considered as business documents, the Township expects employees to compose e-mails with the same care as a business letter or internal memo.
- Downloading or misusing software available through the Internet could violate copyright laws or licensing requirements.
- Personal use of any Township computer is prohibited, unless expressly authorized by the employee's supervisor.

- The Township reserves the right to block or cancel an employee's access to specific Internet sites or the Internet as a whole while using its computers.
- The e-mail, telephone, and Internet systems, as well as the messages thereon, are the property of the Township.
- The Township reserves its right to monitor its computer systems, including but not limited to, e-mail messages, computer files and Internet usage, with or without notice, at any time, at the Township's discretion. The Township also reserves the right to access and disclose such communications and recordings to third parties in certain circumstances. Therefore, employees shall have no expectation of privacy in any transmissions made or received using Township computers or email accounts.
- Employees must be aware that the mere deletion of a file or message may not fully eliminate that file or message from the system.
- The existence of personal access codes, passwords and/or "message delete functions," whether provided by the Township or generated by the employee, do not restrict or eliminate the Township's access to any of its electronic systems as the employees shall be on notice that they should not have any expectation of privacy when using these systems.
- Employees shall not share personal access codes or passwords, provide access to an unauthorized user, or access another's e-mail or Internet account without authorization.
- The Township's network, including its connection to the Internet, is to be solely used for business-related purposes. If permission is granted by a supervisor, an employee's personal use of the Township's computer, e-mail and connection to the Internet shall not interfere with the employee's duties and shall comply with the Township's policies and all applicable laws.
- Any messages or transmissions sent outside of the organization via e-mail or the Internet will pass through a number of different computer systems, all with different levels of security. Accordingly, employees must not send privileged and/or confidential communications (i.e. Social Security numbers, medical and/or HIPAA protected information, dependent information or other information protected from unlawful disclosure), via e-mail or the Internet unless the message is properly encrypted, and should consider a more secure method of communication for such data.
- Because postings placed on the Internet may display the Township's address or other Township-related information, and thus reflect on the Township, make certain before posting such information that it exhibits the high standards and policies of the Township. Under no circumstances shall data of a confidential nature (i.e. Social Security numbers, medical and/or HIPAA protected information, dependent information or other information protected from unlawful disclosure) be posted on the Internet.
- If you identify yourself as an employee in any manner on any internet posting, blog or social media site, or comment online on any aspect of the Township's business or post a link to the Township, you must include the following disclaimer in an openly visible location: "the views expressed on this post are mine alone and do not necessarily reflect the views of the Township or anyone associated/affiliated with the Township."
- Subscriptions to news groups or mailing lists are permitted only when the subscription is for a work-related purpose and authorized by Township. Any other subscriptions are prohibited.

- All files downloaded from the Internet, e-mail attachments or the like should be checked for possible viruses. If uncertain whether your virus-checking software is current, you must check with the Township's Network Administrator before downloading.
- Any "unauthorized use" of e-mail or the Internet is strictly prohibited while at work or while using an Township computer. "Unauthorized use" includes, but is not limited to: connecting, posting, or downloading obscene, pornographic, violent, sexually suggestive, or discrimination based material; attempting to disable or compromise the security of information contained on the Township's computer systems; or sending or receiving obscene, violent, harassing, sexual or discrimination based messages. If an employee receives a message that is representative of an "unauthorized use" of the Township's electronic media from someone outside of the Township, it is the employee's duty to immediately inform the sender of such materials that he or she must refrain from sending such materials.
- Your Internet postings **SHOULD NOT VIOLATE ANY OTHER APPLICABLE TOWNSHIP POLICY**, including, but not limited to, the following: the Township's Anti-Harassment and Discrimination Policies.
- Township business which is conducted by an employee on his or her personal computer or device may be subject to the provisions of OPRA.

Any employee who violates this policy shall be subject to disciplinary action, up to and including termination.

Social Media Policy:

For purposes of this policy, a social media 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 media networking sites, including but not limited to Instagram, Facebook, and X (formerly Twitter), is a popular activity; however, employees must be mindful of the negative impact of inappropriate or unauthorized postings upon the Township and its relationship with the community. This provision identifies prohibited activities by 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 Township 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 Township by other employees or third parties. Engaging in any conduct or behavior, including social media posts, that demonstrates, espouses, advocates or supports discrimination or violence against any protected class of people is strictly prohibited. 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 coworkers, supervisors, Mayor or Council reading your words, you should not write them.

Be advised that employees can be disciplined for commentary, content, or images that are defamatory, pornographic, harassing, disclose confidential information (such as social security numbers, and medical information), libelous, or that can create a hostile work environment. You can also be sued by Township employees or any individual who views your commentary, content, or images as defamatory, pornographic, confidential, harassing, libelous or creating a hostile work environment. What you say or post on a social media network, or what is said or posted on your social media network 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.

Bulletin Board Policy:

The bulletin boards located in the Township administrative building and at other facilities are intended for official notices only. Only personnel authorized by the Manager may post, remove, or alter any notice.

Communications with Township Council:

All correspondence between Township employees and the Township Council shall be made through the Township Manager. The only exception to communicating through the Township Manager to communicate with any member of the Township Council is if and when an employee and Council member are both members of a committee, and the communication concerns the committee work that has been authorized by a majority of the Township Council.

In accordance with New Jersey Statutes, Title 40 – Municipalities and Counties, Section 69A-91, the Municipal Council is to act as a body and the administrative service is to be performed through the Manager; committees or commissions.

N.J.S.A. 40:69A-91. - Municipal Council To Act As A Body; Administrative Service To Be Performed Through Manager; Committees Or Commissions

It is the intention of this article that the municipal council shall act in all the matters as a body, and it is contrary to the spirit of this article for any of its members to seek individually to influence the official acts of the municipal manager, or any other officer, or for the council or any of its members to direct or request the appointment of any person to, or his removal from, office; or to interfere in any way with the performance by such officers of their duties. The council and its members shall deal with the administrative service solely through the manager and shall not give orders to any subordinates of the manager, either publicly or privately. Nothing herein contained shall prevent the municipal council from appointing committees or commissions of its own members or of citizens to conduct investigations into the conduct of any officer or department, or any matter relating to the welfare of the municipality, and delegating to such committees or commissions such powers of inquiry as the municipal council may deem necessary. Any council member violating the provisions of this section shall, upon conviction thereof in a court of competent jurisdiction, be disqualified as a council member.

Domestic Violence Policy:

PURPOSE

The purpose of this policy is 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 the Township with a human resources job title, or its equivalent, who is responsible for orienting, training, counseling, and appraising staff. Persons designated by the Township as the primary or secondary contact to assist employees in reporting domestic violence incidents.

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

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

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

Workplace-Related Incidents - Incidents of domestic violence, sexual violence, dating violence, and stalking, including acts, attempted acts, or threatened acts by or against employees, the families of

employees, and/or their property, that imperil the safety, well-being, or productivity of any person associated with a public employee in the State of New Jersey, regardless of whether the act occurred in or outside the Township's physical workplace. An employee is considered to be in the workplace while in or using the resources of the Township. 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 are covered under this policy, including full and part time employees, casual/seasonal employees, interns, volunteers and temporary employees at any workplace location.

DESIGNATION OF HUMAN RESOURCES OFFICERS

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

Primary HRO:

TOWNSHIP MANAGER
973-347-2500 x129

Secondary HRO:

DEPUTY TOWNSHIP MANAGER
973-347-2500 x161

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.

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

DOMESTIC VIOLENCE REPORTING PROCEDURES

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

Each designated HRO shall:

- A. Immediately respond to an employee upon request and provide a safe and confidential location to allow the employee to discuss the circumstances surrounding the domestic violence incident and the request for assistance.
- B. Determine whether there is an imminent and emergent need to contact 911 and/or local law enforcement.
- C. Provide the employee with resource information and a confidential telephone line to make necessary calls for services for emergent intervention and supportive services, when appropriate. The HRO or the employee can contact 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 in this policy. Also see Domestic Violence Leave Policy.
- E. If there is a report of sexual assault or abuse, the victim should be offered the services of the Sexual Assault Response Team. Additional information can be obtained from the Police Department.
- F. Maintain the confidentiality of the employee and all parties involved, to the extent practical and appropriate under the circumstances, pursuant to this policy.
- G. Upon the employee's consent, the employee may provide the HRO with copies of any TROs, FROs, and/or civil restraint agreements that pertain to restraints in the work place and ensure that security personnel are aware of the names of individuals who are prohibited from appearing at the work location while the employee who sought the restraining order is present. All copies of TROs and FROs shall be maintained in a separate confidential personnel file.

CONFIDENTIALITY POLICY

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

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

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

CONFIDENTIALITY OF EMPLOYEE RECORDS

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

THE NEW JERSEY SECURITY AND FINANCIAL EMPOWERMENT ACT

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

The NJ SAFE Act allows a maximum of 20 days of unpaid leave in one 12-month period, to be used within 12 months following any act of domestic or sexual violence. To be eligible, the employee must have worked at least 1,000 hours during the 12-month period immediately before the act of domestic or sexual violence. 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 family member, 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 family member, 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.

See Domestic Violence Leave Policy in this handbook for more information.

DOMESTIC VIOLENCE ACTION PLAN

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

- A. Designate an HRO with responsibilities pursuant to 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 Township.
- D. Advise the employee of information concerning the NJ SAFE Act; Family and Medical Leave Act (FMLA); or New Jersey Family Leave Act (FLA); Temporary Disability Insurance (TOI); or Americans with Disabilities Act (ADA); or other reasonable flexible leave options when an employee, or their family member, 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 Township 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 they have 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 and/or the Township Manager in the event they believe the adverse action is a violation of their collective negotiations agreement, the Conscientious Employees Protection Act (CEPA) or the New Jersey Law Against Discrimination (LAD) and corresponding policies.
- G. The Township, its designated HROs, and employees should familiarize themselves with this policy. This policy shall be provided to all employees. Information and resources about domestic violence will be placed in visible areas, and where other resource information is located.

RESOURCES

The HROs will provide any victim of domestic violence with a list of available resources at the time of reporting. The list of available resources is also available online on www.nj.gov, in the form of an appendix to the “domestic violence policy for public employers.”

DISTRIBUTION OF POLICY

The Township Manager and/or the Manager’s designee will be responsible for reviewing this policy at least annually to determine if it needs to be updated to reflect changes in the organization. The Township Manager and/or the Manager’s designee will be responsible for monitoring and updating this policy at the direction of the Civil Service Commission and the Department of Community Affairs. This Policy will be redistributed if and when changes are made to it.

OTHER APPLICABLE REQUIREMENTS

In addition to this policy, the HRO and the Township’s appointing authority will 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.

Any questions concerning the interpretation or implementation of this policy shall be addressed to the Township Manager.

SECTION THREE - LEAVE POLICIES

These policies cover non-union employees or employees that do not have employment contracts with the Township. These policies cover union employees only where their collective negotiations agreements or employment contracts with the Township do not cover these issues.

Paid Holiday Policy:

Employees (with the exception of law enforcement officers who are employed by the Township police department) are entitled to the following twelve (12) observed holidays:

1. New Year's Day
2. Martin Luther King's Birthday
3. President's Day
4. Good Friday
5. Memorial Day
6. Independence Day
7. Labor Day
8. Veterans Day
9. Thanksgiving Day
10. Day after Thanksgiving
11. Christmas Day
12. Day before or after Christmas (Manager's discretion)

Additionally, employees (excluding law enforcement officers) are entitled to two (2) floating holidays to be used at the employee's discretion with the approval of the Department Head. Floating holidays cannot be carried over into a future calendar year. Employees on payroll as of January 1 of any calendar year shall on that January 1 be credited in advance with two (2) floating holidays, however, if the employee works less than twelve (12) months in the calendar year, he/she is entitled to a pro-rata share of such the two (2) floating holiday entitlement.

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.

Part-time employees are eligible for paid holiday leave only if the part-time employee's regularly scheduled workday falls on a holiday.

Observation of religious holidays other than those listed above will be granted and charged as personal, floating holiday or vacation days. If an observed holiday falls during an employee's vacation, sick, personal or bereavement leave, holiday pay will be provided instead of requiring the employee to use vacation or sick leave.

Vacation Leave Policy:

Full-time employees accrue vacation benefits based on the following schedule:

- One (1) day for each full month of service during the first calendar year (Note: In accordance with NJAC 4A:6-1.2, new hires receive one working day for the initial month of employment if they

begin work on the 1st through the 8th day of the calendar month, and one-half working day if they begin on the 9th through the 23rd day of the month.)

- Twelve (12) days annually for the first full calendar year through fourth calendar year;
- Fifteen (15) days annually for the fifth calendar year through ninth calendar year;
- Twenty (20) days annually for the tenth calendar year through seventeenth calendar year; and
- Twenty-five (25) days annually for the eighteenth calendar year and every year thereafter.

Part-time employees receive vacation leave on a pro-rated basis.

The Manager has discretion to grant new hires credit for prior work experience and service so that vacation benefits of said newly hired employees may be accelerated.

Employees on payroll as of January 1 of any calendar year shall on that January 1 be credited in advance with vacation entitlement in accordance with the foregoing schedule, provided, however, that if the employee works less than twelve (12) months in the calendar year, he/she is entitled to a pro-rata share of such vacation entitlement.

Employees shall submit a request for vacation to their Department Head at least two (2) weeks in advance of the first vacation day, unless exigent circumstances exist. All vacation requests must be in writing and are subject to written approval by the Department Head or Manager. Employees who do not use all their vacation allowance because of business necessity may add their unused days to their allowance for the following year. These days must be scheduled to avoid loss of leave. If these days are not used in the next succeeding calendar year, they are forfeited.

An employee whose service with the Township terminates shall have their earned, unused vacation leave time for the calendar year paid to them or the employee's legal representative in the event of their death. An employee who has used more vacation leave time than they are entitled to at the time of their termination of employment will have an amount equal to their daily rate at time of separation deducted from their final pay for each day of vacation time the employee has used in excess of the number of days to which they are entitled.

No vacation days shall be taken in less than at least one-half (1/2) day increments.

Personal Leave Policy:

Full-time employees are entitled to four (4) personal days per year, to be prorated in the employee's first and last year of employment. Any unused personal days will be forfeited at the end of each calendar year. Employees on payroll as of January 1 of any calendar year shall on that January 1 be credited in advance with four (4) personal days, provided, however, that if the employee works less than twelve (12) months in the calendar year, they are entitled to a pro-rata share of personal days.

Personal days must be requested at least twenty-four (24) hours in advance and require the Department Head or Manager's prior written approval, except for documented emergencies. No personal days shall be taken in less than at least one-half (1/2) day increments.

An employee whose service with the Township terminates shall have their unused, earned personal leave time for the calendar year paid to them or the employee's legal representative in the event of their death. An employee who has used more personal leave time than they are entitled to at the time of their termination of employment will have an amount equal to their daily rate at time of separation deducted from their final pay for each day of personal leave time the employee has used in excess of the number of days to which they are entitled.

Sick Leave Policy:

Full-time employees are entitled to 15 working days or 120 hours of sick leave per calendar year, except during the first year of employment when sick leave is accumulated at the rate of one (1) working day or 8 hours for each full month of service. In accordance with NJAC 4A:6-1.3 new hires accrue one sick day for the initial month of employment if they begin work on the 1st through the 8th day of the calendar months and one-half working day if they begin on the 9th through the 23rd day of the month.

The 15 days or 120 hours shall be credited to the employee on January 1st of each calendar year of service. In an employee's last calendar year of service sick leave shall be prorated on the basis of one (1) working day or eight (8) hours for each month the employee had worked in that last calendar year.

Part-time employees receive sick leave on a prorated basis based on their regular weekly work schedule. Sick leave is accumulated in the first year of employment or last calendar year of service as referenced for full-time employees but prorated based on the employee's regular weekly work schedule.

Sick leave is an authorized absence from duty by an employee due to:

- 1) personal (non-work related) illness or injury;
- 2) exposure to a contagious disease;
- 3) to care, for a reasonable period of time, for a seriously ill member of the employee's immediate family;
- 4) death in the employee's immediate family, for a reasonable period of time; or
- 5) by an employee with a disability for absences related to the acquisition or use of an aid for the disability when the aid is necessary to function on the job. In such cases, reasonable proof may be required by the Township.

"Immediate family" shall include an employee's spouse, domestic partner, civil union partner, child, legal ward, grandchild, foster child, father, mother, legal guardian, grandfather, grandmother, brother, sister, father-in-law, mother-in-law, and other relatives residing in the employee's household or any other individual whose close association with the employee is the equivalent of a family relationship, such as a step-relative.

Employees who are unable to report to work due to illness or injury must notify their Department Head or immediate supervisor as soon as possible but not later than thirty (30) minutes prior to the beginning of their regular workday. The immediate supervisor must also be contacted on each additional day of absence. The notification shall be done by the employee and not a member of the immediate family unless the employee is critically ill and unable to make the telephone call. It is recognized that there may be instances when it is impractical or impossible to give daily notice, as in the case when the employee is hospitalized or seriously disabled, in which case it shall be sufficient that the employee or a member of the employee's immediate family notify the Department Head or the Manager citing the reason for the absence.

No sick leave may be taken in less than one-quarter (1/4) day increments. All unused sick leave may be accumulated from year to year.

Employees absent due to illness or injury for three (3) or more consecutive working days (including partial sick days – increments of less than 8 hours) must submit a physician's certificate (doctor's note) verifying the need for sick leave and the employees' fitness to return to work. A certificate from a physician designated by the Township or the employee's own physician may be required at any time as proof of the need for sick leave. 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, at the Township's expense. If the Township requires verification of fitness for duty, an employee will not be permitted to return to work until the verification is received.

If an employee cares for an ill immediate family member for three (3) or more consecutive working days (including partial sick days – increments of less than 8 hours), a physician's certificate documenting that family member's serious illness must be provided. The physician's certificate shall not state the nature of the illness of the family member.

A sick occurrence is any use of sick leave whether it be a full or partial day of scheduled work. A full or partial day of sick occurrence shall count as one occurrence. For every day an employee exceeds five (5) occurrences in a calendar year (January 1 – December 31), the employee is required to provide a physician's certificate for such absence(s).

The physician's certificate must reflect the date of examination as the same date(s) of the employee's absence. Only an original physician's certificate will be accepted; therefore, no facsimiles or copies will be accepted.

If an employee is absent for reasons that entitle the employee to sick leave, the employee must remain at their place of confinement during the period in which they are scheduled to work for the time in question, with the following exceptions:

1. To report for medical attention, physician's office, urgent care facility, rehabilitation facility, hospital or other health care facility.
2. To attend to a family emergency.
3. To engage in the exercise of their right to vote.
4. To engage in the exercise of their right to attend religious services.
5. To engage in any activity that is approved by the employee's Department Head.
6. To pick up children or dependents from school or school activities.

The Township reserves the right to telephone or send a representative to the home of any employee who has taken sick leave to verify the illness or injury.

A pattern of abuse in the use of sick leave will result in disciplinary action. Patterns of abusive use of sick time include, but are not limited to:

- a. Repeat calling in sick on Mondays and/or Fridays
- b. Repeat or calling in sick on the day before or after a holiday.
- c. Repeat or calling in sick on the day before or after a vacation day.
- d. Any other repeated use of sick time in an abusive manner.

An employee who has used more sick leave than they are entitled to at the time of their termination of employment will have an amount equal to their daily rate at time of separation deducted from their final pay for each day of sick leave time the employee has used in excess of the number of days to which they are entitled.

An employee who is absent from duty for five (5) or more consecutive working days without approval or notification, or fails to return to work for five (5) or more consecutive working days following an approved leave of absence, is deemed to resign not in good standing.

If permissible by law, upon retirement, the Township will pay an employee for one-half (1/2) of their total accumulated unused sick leave up to a maximum of \$15,000.

Bereavement Leave Policy:

Employees are entitled to three (3) consecutive working days leave of absence in the event of the death of a spouse, significant other, civil union partner, domestic partner, child, step-child, parent, step-parent, brother, sister, grandparent, grandchild, mother-in-law, father-in-law, brother-in-law or sister-in-law. The three (3) days shall be consecutive working days, one of which shall be the day of death or the day of the funeral/memorial service. Employees are entitled to one (1) bereavement day for the death of an aunt, uncle, cousin, niece, or nephew which is either the day of death or the day of the funeral/memorial service. Reasonable proof of death may be required by the Township. The employee shall be allowed the three (3) or one (1) day leave per incident, as set forth above, such leave being separate and distinct from any other leave time. If a death occurs during an employee's scheduled vacation time, the employee shall receive additional vacation time equal to the applicable bereavement leave, to be scheduled at a later time.

Jury Duty Policy:

Employees must submit a written request for jury duty leave and a copy of the jury duty summons to their immediate supervisor and the Township Manager within three (3) working days of receipt of the summons.

During jury duty, employees will be required to report for work when their presence as a juror is excused. The Township has the right to request that the employee provide certification of the period of jury duty service from the Clerk of the Court.

Employees will receive their usual compensation for days they were scheduled to work but were required to attend jury duty. Township employees should not receive juror fees because they are municipal employees. If Township employees receive juror fees in error, the check should be returned to the Jury Management Office.

Leave of Absence Policy:

Employees who are not eligible for Family or Medical Leave or who want to take a leave of absence for a reason not covered by the federal Family Medical Leave Act ("FMLA") or the New Jersey Family Leave Act ("NJFLA"), or beyond the leave time provided by those laws, may be granted an unpaid leave of absence for up to (6) six months at the sole discretion of the Mayor and Township Council if the leave does not cause undue operational disruption. The Mayor and Township Council may grant the privilege of a leave of absence without pay and without longevity credit provided all earned vacation, personal and sick (if applicable) leave has been exhausted. The six-month period will include and not be in addition to family and medical leave taken by an employee. The leave may be renewed for up to an additional six (6) months by the action of the Mayor and Township Council, in their sole discretion. During the unpaid leave of absence, the employee will be responsible for the Township and the Employee's costs of maintaining all the employee's benefits, including pension contributions.

Employees should submit their request for a leave of absence in writing, including the reason for the request, the proposed start date and return date, to the Manager. The request must be submitted at least sixty (60) days before the proposed start date. If the request is for an extension of family or medical leave, where the employee has/will take(n) the maximum amount of leave permitted under the FMLA and/or NJFLA, the request for continuation of the leave must be submitted thirty (30) days in advance of the expiration of the FMLA or NJFLA leave. The Township Council can waive these notice requirements in its sole discretion and without precedential effect, depending upon the circumstances for the request for the leave.

The following factors may be considered by the Mayor and Township Council in making the determination of whether to grant leave:

- Reason for leave;
- Anticipated duration of the leave;
- Employee's length of service;
- Employee's job performance;
- Attendance record;
- Effect of the leave on the Township's operational requirements;
- Other relevant factors.

Personal leaves are not granted for the purpose of seeking or accepting employment with another employer, or for extended vacation time. Employees on an unpaid personal leave of absence for more than two (2) weeks in any month will not receive holiday pay, and will not accrue vacation, personal or sick leave for that month. Health benefits may also be impacted. Refer to the Township Health Benefits Policy. A personal leave is granted with the understanding that the employee intends to return to work for the Township. If the employee fails to return to work within five (5) business days after the expiration of the leave, the employee will be considered to have resigned.

Family and Medical Leave Policy:

Employees may be eligible for unpaid family and medical leave under the Federal Family and Medical Leave Act ("FMLA") and/or the New Jersey Family Leave Act ("NJFLA"). To be eligible for NJFLA leave, employees must have one (1) year of service with the Township and have worked at least 1,000 hours during the previous twelve (12) month period. To be eligible for FMLA leave, employees must have one (1) year of service with the Township and worked at least 1,250 hours during the previous twelve (12) month period. Eligible employees will receive up to twelve (12) weeks of leave per twelve (12) months under the FMLA and/or twelve (12) weeks of leave for every twenty-four (24) months under the NJFLA.

Eligible employees who take FMLA and/or NJFLA leave under this policy shall use all accrued available sick, vacation, and personal days during the leave. The use of accrued time will not extend the leave period. After exhausting accrued time, the employee will no longer be paid for the remainder of the leave.

During the leave period, the employee's health benefits will be continued on the same conditions as coverage would have been had the employee been employed continuously during the entire leave. The employee will continue to be responsible for payment of the employee-paid portion of the premium. A failure by the employee to pay the employee-paid portion may result in a lapse of coverage. If an employee does not return to work following leave for a reason other than: (1) the continuation, recurrence, or onset of a serious health condition which would entitle the employee to FMLA leave; or (2) other circumstances beyond the employee's control, the employee may be required to reimburse the Township for its share of health insurance premiums paid on the employee's behalf during the leave. The employee will not continue to accrue vacation, sick, or personal days for the period of unpaid 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 position with equivalent compensation and benefits unless: 1) the employee is unable to perform an essential function of the position because of physical or mental condition, including the continuation of a serious health condition; or 2) the employee would have been laid off or otherwise had their employment terminated had the employee continued to work during the leave period. An employee failing to return from leave may be subject to termination of employment.

FMLA: To be eligible for FMLA leave, an employee must have been employed by the Township for at least a year, worked a minimum of 1250 hours during the immediately preceding 12 months period, and not have used up his or her entitlement to FMLA leave within the preceding 12 months.

Upon advance written notice (or as soon as practicable), FMLA unpaid leave for an employee may be taken to provide care made necessary by reason of:

- (i) the employee's own serious health condition that makes the employee unable to perform the functions of the employee's position;
- (ii) the birth of a child of the employee, to care for the newborn child, or placement with the employee of an adopted or foster care child (leave must be taken within 12 months of the birth or placement); or
- (iii) the serious health condition of an employee's qualifying family member (defined as a parent, child, or spouse of the employee).

An employee's FMLA unpaid leave entitlement is limited to a total of 12 weeks in a 12-month period. That twelve-month period runs from the first day of the last time the employee used FMLA leave. In limited circumstances, an employee who is eligible for FMLA leave may be permitted to work a reduced schedule or receive periodic time off from work.

Where the necessity for leave is foreseeable, requests for leave under this policy should be submitted to the Manager in writing at least thirty (30) days prior to the date on which an employee wishes to commence leave. If it is not possible to give thirty (30) days' notice, then the employee must provide as much notice as possible. Where the necessity for leave is not foreseeable, an employee should notify the Manager of the need to take leave as soon as possible.

The period of leave must be supported by a health care provider's certificate. The Township will provide the employee with a "Certification of Health Care Provider" to be used for this purpose. The completed certification must be submitted to the Manager within fifteen (15) days of the Township's request, except in unusual circumstances. Failure to provide the required medical certification may result in the denial of all privileges and benefits under the policy and may result in denial of re-employment upon completion of the leave.

If deemed necessary, the Township may require that the employee obtain a certification from a second health care provider designated by the Township, which will be paid for by the Township. If there is a conflict between the original medical opinion and the second opinion, the Township may require a third opinion by a health care provider jointly selected by the Township and the employee and paid for by the Township. The third opinion will be considered final and binding. The Township may require an employee who takes leave for the employee's own serious health condition or to care for a qualifying family member suffering from a serious health condition to obtain subsequent recertification on a reasonable basis, but no

more frequently than monthly. The Township also may require an employee returning from leave due to the employee's own serious health condition to submit a medical certification of fitness-for-duty.

Employees taking family or medical leave due to a non-work-related disability may apply for state disability benefits. Employees requiring leave due to a work-related illness or injury may be eligible to receive workers compensation benefits. FMLA leave, if applicable, will run concurrently with any time off received for workers compensation.

FMLA Leave for Families of Servicemembers: Employees who are the spouse, child, parent, or next of kin of servicemembers may be eligible for an unpaid leave for up to twenty-six (26) workweeks in a year to care for a family member on active duty in the military or a covered veteran with a serious injury or illness incurred in the line of duty on active duty for which the service member is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list.

A covered veteran is an individual who was discharged or released under conditions other than a dishonorable discharge at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran.

A serious injury or illness means an injury or illness incurred by a covered servicemember in the line of duty on active duty that may render the servicemember medically unfit to perform the duties of their office, grade, rank, or rating.

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

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

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

Leave to care for a covered servicemember with a serious injury or illness must be supported by a Certification for Serious Injury or Illness of Current Service member for Military Family Medical Leave, 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 service member's family. Leave to care for a covered veteran with a serious injury or illness must be supported by a

Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave, completed by an authorized health care provider.

Eligible employees who work for a covered employer may also take up to 12 weeks of unpaid, job-protected leave in a 12-month period for qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent. Qualifying exigencies include issues arising from a covered military member's short notice of deployment; the need for the employee to attend military related events or activities, or family support or assistance meetings, or to attend to childcare, financial and/or legal matters, or counseling; taking up to fifteen (15) calendar days of leave to spend time with a military member who is on short-term temporary, rest and recuperation leave during deployment; and caring for a military member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty. Such care may include arranging for alternative care, providing care on an immediate need basis, admitting or transferring the parent to a care facility, or attending meetings with staff at a care facility.

Leave for a qualifying exigency must be supported by a copy of the covered military member's active duty orders or rest and recuperation leave orders, as applicable, and Certification of Qualifying Exigency for Military Family Medical Leave, providing the appropriate facts related to the particular qualifying exigency for which leave is sought, including contact information if the leave involves meeting with a third party.

NJFLA: To be eligible for NJFLA leave an employee must have been employed by the Township for at least 12 months, have worked 1,000 hours during the immediately preceding 12-month period, and not have used up their NJFLA leave in the preceding 24 months. Additionally, NJFLA leave may be denied for certain highly paid employees (top 5%) if denial is necessary to prevent substantial and grievous injury to the Township.

Upon advance written notice (or as soon as practicable), NJFLA unpaid leave for an employee may be taken to provide care made necessary by reason of:

- (i) the birth of a child of the employee or placement with an employee of an adopted or foster care child, including a child born pursuant to a valid written agreement between the employee and a gestational carrier (leave must be begin within 12 months of the birth or placement); or
- (ii) the serious health condition of an employee's family member (defined as spouse, child, civil union partner, domestic partner, parent, parent-in-law, sibling, grandparent, grandchild, foster parent, any individual related by blood, or any other individual with a close association equivalent to a family relationship).
- (iii) in the event of a state of emergency declared by the Governor, or when indicated to be needed by the Commissioner of Health or other public health authority; an epidemic of a communicable disease; a known or suspected exposure to the communicable disease; or efforts to prevent spread of a communicable disease, which:
 - a. requires in-home care or treatment of a child due to the closure of the school or place of care of the child of the employee, by order of a public official due to the epidemic or other public health emergency;
 - b. prompts the issuance by a public health authority of a determination, including by mandatory quarantine, requiring or imposing responsive or prophylactic measures as a result of illness caused by an epidemic of a communicable disease or known or suspected exposure to the communicable disease because the presence in the community of a family member in need of care by the employee, would jeopardize the health of others; or

- c. results in the recommendation of a health care provider or public health authority, that a family member in need of care by the employee voluntarily undergo self-quarantine as a result of suspected exposure to a communicable disease because the presence in the community of that family member in need of care by the employee, would jeopardize the health of others.

An employee's NJFLA unpaid leave entitlement is limited to a total of 12 weeks in a 24-month period upon advanced notice to the Manager. That 24-month period runs from the first day of the last time the employee took NJFLA leave.

Where the necessity for leave is foreseeable, requests for leave under this policy should be submitted to the Manager in writing at least thirty (30) days prior to the date on which an employee wishes to commence leave (at least fifteen (15) days of advance notice for intermittent bonding leave). If it is not possible to give thirty (30) days' notice, then the employee must provide as much notice as possible. Where the necessity for leave is not foreseeable, an employee should notify the Manager of the need to take leave as soon as possible.

The period of leave must be supported by a physician's certification. The Township will provide the employee with a "Certification of Health Care Provider" to be used for this purpose. The completed certification must be submitted to the Manager within fifteen (15) days of the request for leave (30 days in the event the leave is to care for a newborn child), except in unusual circumstances. Failure to provide the required medical certification may result in the denial of all privileges and benefits under the policy, and result in denial of re-employment upon completion of the leave.

If deemed necessary, the Township may require that the opinion of a second health care provider designated by the Township, which will be paid for by the Township. If there is a conflict between the original medical opinion and the second opinion, the Township may require a third opinion by a health care provider jointly selected by the Township and the employee and paid for by the Township. The third opinion will be considered final and binding. The Township may require an employee who takes leave to care for an immediate family member suffering from a serious health condition to obtain subsequent recertification on a reasonable basis, but no more frequently than monthly.

If an employee qualifies for leave under both the FMLA and NJFLA, the leaves will run concurrently.

The Township will not retaliate, harass or discriminate against any employee exercising their right to take the leave provided by this policy.

Paid Family Leave Insurance Program:

Family Temporary Disability ("FTD") payments from the State of New Jersey for up to twelve (12) consecutive weeks in a twelve (12) month period are available for eligible employees to care for a covered family member (defined as a spouse, parent, child, civil union or domestic partner, parent-in-law, sibling, grandparent, grandchild, foster parent, any individual related by blood, or any other individual with a close association equivalent to a family relationship) inflicted with a serious health condition or to care for a newborn or adopted child during the employees' time away from work. Employees can collect FTD benefits for up to eight weeks (56 individual days) in a twelve (12) month period, if taking leave in an intermittent manner.

To be eligible, the employee must have worked at least 20 weeks earning at least \$283 (for 2024, which minimum amount is subject to change) within the last 52 weeks or earned a combined total of \$14,200 for

the base year (for 2024, which total is subject to change). Eligibility and the amount of weekly benefits is determined by the State of New Jersey, in accordance with applicable laws and regulations.

FTD will run concurrently with FMLA and/or FLA leaves.

Employees must provide the Manager with reasonable and practical notice to take leave to care for a family member with a serious health condition, unless an emergency or other unforeseen circumstance precludes prior notice. Employees who seek intermittent leave to care for a family member with a serious health condition or intermittent bonding leave must provide the Manager with fifteen (15) days' notice, unless an emergency or other unforeseen circumstance precludes prior notice.

Employees must provide the Manager with thirty (30) days' notice to care for a newborn or adopted child on a continuous basis. The failure to provide the required notice will result in the loss of two (2) weeks of benefits, unless the time of the leave is unforeseeable or the time of the leave changes for unforeseeable reasons. Intermittent leave to bond with a newborn or newly adopted child must be taken in periods of seven (7) days or more and the intermittent schedule must be agreed to by the Township and the employee.

The Township does not pay the employee while they are out of work except during the employee's use of vacation or other paid time off, and eligibility for FTD benefits is at the discretion of the State of New Jersey.

The FTD program does not require that the Township maintain an employee's position with the Township or return the employee to their position after a period of family leave. An employee's return to their position is solely within the discretion of the Township.

To receive FTD benefits, the employee must apply through the State of New Jersey. The Township will fill out the appropriate information concerning the employee's salary and other relevant information as needed.

Domestic Violence Leave Policy:

The New Jersey Security and Financial Empowerment Act, also known as the "NJ SAFE Act" provides protection for employees and their family members who have been the victim of domestic violence or sexual assault. Employees are entitled to twenty (20) days of unpaid protected leave from work to:

- Seek medical attention for physical or psychological injuries;
- Obtain services from a victim services organization, pursue psychological or other counseling;
- Participate in safety planning for temporary or permanent relocation;
- Seek legal assistance to ensure health and safety of the employee or the employee's relative; or
- Attend, participate in, or prepare for a criminal or civil court proceeding relating to an incident of domestic or sexual violence.

To be eligible for the leave, an employee must meet the following criteria:

- The employee or a covered family member (defined as a child, parent, spouse, civil or domestic partner, parent-in-law, sibling, grandparent, grandchild, foster parent, any

- individual related by blood, or any other individual with a close association equivalent to a family relationship) must be a victim of domestic violence or a sexually violent offense;
- The employee must have worked for the employer for at least twelve months and for at least 1,000 hours during the twelve (12) month period immediately preceding the requested leave; and
- The twenty (20) day leave must be taken within one (1) year of the qualifying event.

Employees may take leave on an intermittent basis, but such leave cannot be shorter than one (1) full day. To the extent the leave is foreseeable, employees must provide advance notice. In addition, employee seeking leave must provide proof that they qualify for the leave. Such proof may include a restraining order, a letter from a prosecutor, proof of conviction, medical documentation or a certification from an agency or professional involved in assisting the employee.

In certain circumstances, the basis for the leave may also qualify under the federal Family and Medical Leave Act ("FMLA") and/or the New Jersey Family Leave Act ("NJFLA"). If so, the Township will treat the leave concurrently with the leave under those statutes.

The Township will protect the privacy of employees who seek leave by holding the request for leave, the leave itself, the supporting documentation, or the failure to return to work "in the strictest confidence."

The Township will not retaliate, harass or discriminate against any employee exercising their right to take the leave provided by this policy.

Military Leave Policy:

The Township provides military leave to its employees in accordance with applicable State and Federal law. In all cases involving military leave, the employee must, as soon as possible, provide their Department Head or immediate supervisor with documentation verifying the call to military duty prior to beginning the military leave.

A permanent employee, or temporary full-time employee who has served for one year or more in the position, and who is a member of the reserve component of any United States armed force or the National Guard of any State other than New Jersey, shall be granted a military leave of absence with pay for the first thirty (30) workdays of leave for Federal Active Duty in any one calendar year. Active duty shall not include inactive duty training such as weekend drills.

A permanent employee, or temporary full-time employee who has served for one year or more in the position, and who is a member of the New Jersey National Guard shall receive full pay for the first ninety (90) workdays of leave for Federal Active Duty in any one calendar year, or unlimited paid leave in the case of State Active Duty. Active duty shall not include inactive duty training such as weekend drills.

Thereafter, the employee shall be paid the difference between the employee's all-inclusive military pay and the employee's regular salary pursuant to Township Resolution. The paid leave will not be counted against any available time off including but not limited to vacation, sick time, or personal time.

A temporary full-time employee who has served less than one (1) year in the temporary position shall not be entitled to paid leave, but shall be granted non-paid military leave without loss of time, in accordance with State and Federal Law. Employees attending inactive duty training shall not be entitled to paid leave, but shall be granted non-paid military leave without loss of time, in accordance with State and Federal

Law. Employees are entitled to a leave without pay for any military duty not covered above, in accordance with State and Federal Law. Employees are permitted to use vacation time, personal days and compensatory time off during their unpaid military leave at their own discretion.

Employees on military leave will also continue to receive paid health insurance coverage during the period of the paid leave plus an additional thirty (30) calendar days after the paid leave is exhausted. After this period has expired, employees may continue coverage for themselves or their dependents under the Township insurance plan by taking advantage of the COBRA provision. During military leave, employees shall continue to accrue seniority and salary increments. 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. An employee is allowed, but not required, to make up their missed pension contributions upon return from unpaid military leave. If the employee makes the pension contributions that would have been normally required and within the time frames specified by law, the military service will count for purposes of participation, vesting and accrual of benefits, as though the employee had not left. If they do not make up their contributions, they will not receive the accrued benefit attributable to their contribution.

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

The Township will not retaliate, harass or discriminate against any employee exercising their right to take the leave provided by this policy. Any questions regarding this Policy, including rights, benefits and obligations relating to military leave, should be directed to the Manager.

Donated Leave Policy:

It shall be the policy of the Township that any employee who accrues sick or vacation leave time may donate their unused sick and vacation leave time to another employee, who will be eligible to receive donated sick or vacation leave time in accordance with the following:

- A. A Township employee shall be eligible to receive donated sick or vacation leave if the employee:
 - 1. Has completed at least one (1) year of continuous Township service;
 - 2. Has exhausted all accrued sick, vacation and administrative leave, all sick leave injury benefits, if any, and all compensatory time off;
 - 3. Has not, in the two (2) year period immediately preceding the employee's need for donated leave, been disciplined for chronic or excessive absenteeism, chronic or excessive lateness or abuse of leave; and
 - 4. Either:
 - i. Suffers from a catastrophic health condition or injury;
 - ii. Is needed to provide care to a member of the employee's immediate family who is suffering from a catastrophic health condition or injury; or
 - iii. Requires absence from work due to the donation of an organ (which shall include, for example, the donation of bone marrow).

- B. For purposes of this section, an employee's "immediate family" member means the employee's spouse, child, or parent.
- C. For purposes of this section, a "catastrophic health condition or injury" shall be defined as follows:
1. With respect to an employee, a "catastrophic health condition or injury" is either:
 - i. A life-threatening condition or combination of conditions; or
 - ii. A period of disability required by their mental or physical health or the health of the employee's fetus which requires the care of a physician who provides a medical verification of the need for the employee's absence from work for sixty (60) or more work days.
 2. With respect to an employee's immediate family member, a "catastrophic health condition or injury" is either:
 - i. A life-threatening condition or combination of conditions; or
 - ii. A period of disability required by their mental or physical health which requires the care of a physician who provides a medical verification of the need for the family member's care by the employee for sixty (60) or more work days.
- C. A Township employee may request that the Manager approve their participation in the program, as a leave recipient or leave donor. The employee's supervisor may make such a request on behalf of the employee for their participation in the program as a leave recipient.
1. The employee or supervisor requesting the employee's acceptance as a leave recipient shall submit to the Manager medical verification from a physician or other licensed health care provider concerning the nature and anticipated duration of the disability resulting from either the catastrophic health condition or injury, or the donation of an organ, as the case may be.
 2. When the Manager has approved an employee as a leave recipient, the Manager shall, with the employee's consent, post or circulate the employee's name along with those of other eligible employees in a conspicuous manner to encourage the donation of leave time and shall provide notice to all negotiation representatives in the Township.
 - i. If the employee is unable to consent to this posting or circulation, the employee's family may consent on their behalf.
- D. A leave recipient must receive at least five (5) sick days or vacation days or a combination thereof from one or more leave donors to participate in the Donated Leave Program. A leave donor shall donate only whole sick days or whole vacation days and may not donate more than thirty (30) such days to any one recipient.
1. A leave recipient shall receive no more than ninety (90) sick days or vacation days and shall not receive any such days on a retroactive basis.
 2. A leave donor shall have remaining at least twenty (20) days of accrued sick leave if donating sick leave and at least twelve (12) days of accrued vacation leave if donating vacation leave.
 3. A leave donor shall not revoke the leave donation.
 4. If a leave donor is not in the same department as the leave recipient, appropriate arrangements shall be made between departments to verify donor eligibility and adjust leave records.
- E. While using donated sick time in Township service, the leave recipient shall accrue sick leave and vacation leave and be entitled to retain such leave upon their return to work.
1. Any unused, donated leave shall be returned to the leave donors on a prorated basis upon the leave recipient's return to work, except that if the proration of leave days results in less than one day per donor to be returned, that leave time shall not be returned.

2. Upon retirement, the leave recipient shall not be granted supplemental compensation on retirement for any unused sick days for which he or she had received through the Leave Donation Program.
- F. A Township employee shall be prohibited from threatening or coercing or attempting to threaten or coerce another employee for the purpose of interfering with rights involving donating, receiving or using donated leave time. Such prohibited acts shall include, but not be limited to, promising to confer or conferring a benefit such as an appointment or promotion or making a threat to engage in, or engaging in, an act of retaliation against an employee.

SECTION FOUR - COMPENSATION & EMPLOYEE BENEFITS POLICIES

These policies cover non-union employees or employees that do not have employment contracts with the Township. These policies cover union employees to the extent that their collective negotiations agreements or employment contracts with the Township do not cover these issues.

Payroll Policy:

Salary ranges are established by ordinance, and salaries must fall within the minimum and maximum ranges for the employee's title. All employees shall be paid on a semi-monthly basis. Pay periods shall fall on the fifteenth (15th) and the thirtieth (30th) of each month. In the event the 15th or the 30th fall on a weekend or holiday, the pay period would be scheduled for the Friday before or the day before the holiday.

An employee is subject to mandatory payroll deductions for federal income taxes, state income taxes, Social Security (F.I.C.A.), Public Employees' Retirement System (P.E.R.S.) or Police and Fireman's Retirement System (P.F.R.S.), Unemployment Insurance and Disability Insurance. The Township will deduct employee contributions toward health insurance premiums from the pay of employees who participate in the Township's group health insurance plan(s).

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.

Overtime Compensation Policy:

Under the Federal Fair Labor Standards Act ("FLSA") and New Jersey Wage and Hour Law, certain employees in managerial, supervisory, executive, administrative or professional positions are exempt from the provisions of the Acts. There are also employees who may be exempt because they are "highly compensated" (currently defined as compensation equaling or exceeding \$107,432.00 per year) and depending upon their job duties. The Manager shall notify all Exempt employees of their status. Exempt employees are not eligible to receive overtime compensation and are required to work the normal workweek and any additional hours needed to fulfill their responsibilities. Time off consideration for large amounts of additional hours may be provided with the Manager's prior approval and at the sole discretion of the Manager.

All other employees are classified as Non-Exempt and are subject to the provisions of the Federal Fair Labor Standards Act and New Jersey Wage and Hour Law. Depending on work needs, Non-Exempt employees may be required to work overtime. Non-Exempt employees are not permitted to work overtime unless the overtime is budgeted and approved by the Department Head and the Manager in advance. Non-Exempt employees working overtime without prior approval may be subject to disciplinary action.

Non-Exempt employees will receive overtime compensation for hours worked in excess of forty (40) in a weekly period at the rate of one and one-half times the regular rate of pay. Employees may choose overtime compensation in the form of overtime pay or compensatory time off. The maximum number of hours that an employee may accrue for future compensating time off is sixty (60) hours (forty (40) hours at time and one half). Once this maximum has been accumulated, all additional hours will be compensated by overtime pay. Accrued and taken overtime compensatory hours must be noted on the employee's time sheet.

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 quarter hour per day.

Non-Exempt employees who are required to attend evening meetings as part of their job duties are to adjust their hours that week, by arriving at work later or departing earlier during their regularly scheduled hours to maintain working 40 hours in such weeks. Under such circumstances the employee is required to advise their supervisor of the adjusted hours in advance. Such adjustments must take place the same week that the employee attends the evening meeting.

Non-Exempt part-time employees who support evening meetings will be compensated with straight compensatory time up to forty (40) hours, and time and a half compensatory time for any hours worked over forty (40) hours.

Employees must make a request to their supervisor at least two (2) days in advance when they want to take compensatory time off. The supervisor will approve the request if the absence does not cause undue hardship to the department.

Health Insurance Policy (Medical, Prescription and Dental):

Full-time employees and their immediate family members, including civil union partners, are eligible for health insurance coverage as specified by law. The complete benefit plans are on file in the Finance Office and a Summary Plan Description will be provided to all employees. For more information about benefits, including cost and expense of the insurance, contact the Manager or view the plan, which is on file in the Finance Office.

Each year during open enrollment, an employee will have the option to select a new plan that will be the plan of choice for the subsequent calendar year.

The Township reserves the right to change any of the foregoing plans, add new plans, eliminate plans and/or change carriers.

The Township pays a portion of the premium costs for all full-time employees and their immediate families. All employees are required to pay a portion of the premium costs of medical and prescription drug coverage, which contribution is in addition to any premium paid for dental, vision or other health benefits. Specifically, employee contribution requirements are as set forth in Chapter 78, P.L. 2011.

Coverage begins after satisfying the required waiting period as defined in the plans at time of hire, providing that the proper application is completed and filed with the Township.

Employees hired on/after January 1, 2010, are not eligible for lifetime health benefits, and all benefits, including health insurance coverage, will terminate when employment with the Township ends.

Employees hired by the Township prior to January 1, 2010, shall receive during retirement all medical and prescription benefits that are available to active employees and/or retirees, with the understanding the Township reserves the right to change any of the foregoing plans, add new plans, eliminate plans and/or change carriers, and with a required contribution of the employee's portion of the premium payments. Specifically, employee contribution requirements are as set forth in Chapter 78, P.L. 2011.

The Township will contribute a portion of the retiree's health benefits premium (medical and prescription drug coverage only) as specified by law, provided that where applicable:

1. Any such payments or benefits are permitted by applicable law.
2. The employee must have been employed by the Township of Byram at the time of retirement with:
 - a. at least 25 or more years of service, or
 - b. at least 15 or more years of service and reached the age of 62, or
 - c. at least 10 or more years of service if retirement is caused by disability for which a disability pension of 50 percent or more has been approved.
3. The Township's retirement health benefits program is to be secondary to any other health insurance program for which the employee or their spouse may be eligible.
4. The employee must apply for full federal health care benefits at the earliest opportunity. The Township will provide "wrap around" coverage, if available, in lieu of the standard benefits after eligibility for federal health benefits shall be established.
5. For non-union employees, the Township shall reimburse the retiree for Part B Medicare costs, provided the premium savings for Medicare eligible employees equals or exceeds the costs of Part B coverage. For union employees governed by a collective negotiations agreement, the Township's obligations regarding Part B Medicare costs shall be governed by the applicable provisions of such agreement.
6. Retirees shall be required to reduce coverage options as circumstances dictate (e.g., a retiree may go from husband/wife coverage to single coverage) but may not thereafter opt for a higher level of coverage than provided at time of retirement.

All benefits that are available to the employee/retiree and their dependents will terminate upon death of the employee/retiree.

Notes:

As of June 1, 2019, the active employees and retirees were enrolled for medical and prescription drug benefits through the New Jersey State Health Benefits Plan ('SHBP'). All active and retired employees are required to accept any and all changes that the SHBP might make to any plan designs, including the elimination of any plan, without condition or exception.

As of June 1, 2019, the Township's enforced dental plan is referred to as Delta Dental.

Retirement Policy:

Under State law, all eligible employees must enroll in the New Jersey Public Retirement System or the Police and Firefighters Retirement System, as applicable. The employee's contribution to the Plan will be deducted from the employee's pay. The Plan is governed as specified by law.

An employee who has completed the required number of years and who has reached the required age under the Plan may retire by notifying the Department Head in writing. The State retirement plans requests six (6) months advance notice to process the application. After giving notice of retirement, employees are expected to assist their supervisor and co-employees by providing information concerning their current projects and help in the training of a replacement. The Department Head will prepare an Employee Action form showing any pay or other money owed the employee. The Manager will conduct a confidential exit interview to discuss benefits including COBRA options, appropriate retirement issues and pay due. A COBRA notification letter will be sent to the employee's home address. The exit interview will also include an open discussion with the employee.

On the last day of work, and prior to receiving the final paycheck, the employee must return all keys, equipment, and other Township property. Employees are not permitted to take any Township property with them upon separation, including but not limited to electronic or paper files, books, and Township resources. On their last day, employees must leave their workspace neat and tidy. 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.

Training Policy:

Employees may be requested by the Township to take training or courses to obtain specialized training, certification, licenses and/or registrations required to perform the duties of their positions or future positions. The Manager must approve these courses in advance and the Township will reimburse one-hundred (100%) percent of the training costs for the employee upon the satisfactory completion of all courses. The eligibility for training is based on the needs of the Township, available budgeted funds and is at the sole discretion and approval of the Manager.

Conference and Seminar Policy:

Requests to attend a conference, seminar, or other continuing education program must be approved in advance by the Department Head and the Manager. Requests shall be made sufficiently in advance to take advantage of discounts for early registration and must be submitted to the Department Head no later than thirty (30) days before the event. Requests must be in writing, including the conference schedule, registration information and estimated costs. The Department Head is responsible to detail all training requests during the budget formulation process. Approval of any conference, seminar, or other continuing educational program request is conditioned upon the availability of funds. The eligibility for attendance at a conference, seminar or other continuing education program is based on the needs of the Township, available budgeted funds and is at the sole discretion and approval of the Manager.

Reimbursement for Expenses:

Employees who are authorized by their Department Head and the Manager to expend cash for supplies or to attend a meeting on Township business will be reimbursed for legitimate expenses, provided they present a detailed voucher and supporting receipts. Vouchers must be received within thirty (30) days of incurring the expense. Vouchers shall not be processed if they are beyond thirty (30) days and will not be processed without the appropriate documentation of expenditures.

Workers Compensation Policy:

Employees who suffer job-related injuries and illnesses may be entitled to medical expenses, lost income and other compensation under the New Jersey Workers Compensation Act. The Township covers workers compensation benefits through its membership in a 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 joint insurance fund or Township. Payment for unauthorized medical treatment may not be covered pursuant to the Act.

SECTION FIVE - DRUG AND ALCOHOL POLICY FOR EMPLOYEES REQUIRED TO POSSESS A COMMERCIAL DRIVER'S LICENSE

NOTE: THIS POLICY IS DESIGNED TO PROVIDE BYRAM TOWNSHIP (THE “TOWNSHIP”) WITH GUIDELINES CONCERNING DEPARTMENT OF TRANSPORTATION MANDATED DRUG AND ALCOHOL TESTING REQUIREMENTS. IT IS NEITHER INTENDED TO NOR SHOULD IT BE CONSTRUED AS CREATING ANY ENFORCEABLE RIGHTS IN THE TOWNSHIP'S EMPLOYEES. THIS POLICY IS NOT IN ANY WAY INTENDED, NOR SHOULD IT BE CONSTRUED AS, AN EXPRESSED OR IMPLIED CONTRACTUAL PROMISE, COMMITMENT OR CONTRACT. BYRAM TOWNSHIP RESERVES THE RIGHT TO CHANGE THIS POLICY AND/OR ANY EDUCATIONAL MATERIALS AT ANY TIME, WITH OR WITHOUT NOTICE.

I. Purpose

The illegal use of drugs and alcohol is a national problem that seriously affects Americans. Drug and alcohol abuse not only affect individual users and their families, but also presents dangers for the workplace. Byram Township has always been committed to providing a safe environment and fostering the well-being and health of our employees and residents. Illegal drug and improper alcohol use undermine our capability to keep this commitment.

To keep this commitment and to comply with the provisions of the Omnibus Transportation Employee Testing Act of 1991, this policy outlines mandated drug and alcohol testing requirements. Specifically, this policy describes, among other things, the positions subject to testing, prohibited conduct, the circumstances under which a driver will be required to submit to drug and/or alcohol testing, testing procedures, and the consequences of violating the policy.

The Township, pursuant to its own independent authority as an employer, has established the following policy:

1. It is a violation of Township policy for any employee to possess, manufacture, distribute, sell, trade, or offer for sale alcohol, cannabis, or illegal drugs or otherwise engage in the consumption of these substances on Township premises, in Township vehicles, or while on Township business or during working hours.
2. It is a violation of Township policy for anyone to report to work under the influence of or exhibit signs of consumption of alcohol, cannabis, illegal drugs or illegally used prescription drugs. (Nothing in this policy, however, precludes the appropriate use of legally prescribed medications).

Violations of this policy are subject to disciplinary action up to and including termination.

The Township conducts drug and alcohol testing of its CDL employees in accordance with U.S. Department of Transportation regulations, including 49 CFR Part 40. The drug and alcohol testing procedure, the classes of drugs tested and the cut-off concentrations, among other things, are determined by 49 CFR Part 40.

Everyone shares responsibility for maintaining a safe work environment and co-workers should encourage anyone who may have an alcohol or drug problem to seek help.

Drivers with questions concerning this policy should contact the Township Manager.

II. Positions Subject to Testing

- A. Drivers whose position requires them to possess a Commercial Driver's License ("CDL") must undergo drug and alcohol testing in accordance with DOT regulations. A CDL is required for drivers who drive motor vehicles which:
 - 1. Have a gross combination weight rating or gross combination weight of 26,001 pounds or more, whichever is greater, inclusive of a towed unit with a gross vehicle weight rating or gross vehicle weight of more than 10,000 pounds, whichever is greater; or
 - 2. Have a gross vehicle weight rating or gross vehicle weight of 26,001 pounds or more, whichever is greater; or
 - 3. Are designed to transport 16 or more passengers, including the driver; or
 - 4. Are of any size and are used in the transportation of materials found to be hazardous and which require the motor vehicle to be placarded.
- B. Safety-sensitive function as used in this policy means all time from the time a driver begins to work or is required to be ready to work and all responsibility for performing work. For example, safety-sensitive functions include:
 - 1. All time at work, unless the Township relieved the driver from work;
 - 2. All time inspecting, servicing, or conditioning a commercial motor vehicle;
 - 3. All time spent at the driving controls of a commercial motor vehicle in operation;
 - 4. All time, other than driving time, in or upon any commercial motor vehicle;
 - 5. All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, or remaining in readiness to operate the vehicle.
 - 6. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

III. Prohibited Conduct

- A. Alcohol
 - 1. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. Pursuant to its independent authority as an employer, the Township prohibits any driver from reporting or duty or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 or greater.

2. No supervisor having knowledge that a driver has an alcohol concentration of 0.04 or greater shall permit the driver to perform or continue to perform safety-sensitive functions. Pursuant to its independent authority as an employer, the Township prohibits any supervisor having knowledge that a driver has an alcohol concentration of 0.02 or greater from permitting a driver to perform or continue to perform safety-sensitive functions.
3. No driver shall be on duty or operate a commercial motor vehicle while the driver possesses alcohol, unless the alcohol is manifested and transported as part of a shipment. No supervisor having actual knowledge that a driver possesses unmanifested alcohol may permit the driver to drive or continue to drive a commercial motor vehicle.
4. No driver shall use alcohol while performing a safety sensitive function. No supervisor having actual knowledge that a driver is using alcohol while performing safety-sensitive functions shall permit the driver to perform or continue to perform safety-sensitive functions.
5. No driver shall perform safety-sensitive functions within four (4) hours after using alcohol. No supervisor having actual knowledge that a driver has used alcohol within four (4) hours shall permit a driver to perform or continue to perform safety-sensitive functions.
6. No driver required to take a post-accident alcohol test shall use alcohol within eight (8) hours following the accident, unless the driver undergoes a post-accident alcohol test, whichever occurs first.
7. No driver shall refuse to submit to a post-accident alcohol test, a random alcohol test, a reasonable suspicion alcohol test, a return-to-duty alcohol test, or a follow-up alcohol test. No supervisor shall permit a driver who refuses to submit to such tests to perform or continue to perform safety-sensitive functions. A driver refuses to submit to an alcohol test by:
 - a. Failing to appear for the test within a reasonable time after being directed to do so by the Township;
 - b. Failing to remain at the testing site until the testing process is complete;
 - c. Failing to or declining to take a second test the Township or collector has directed the driver to take;
 - d. Failing to provide an adequate amount of saliva or breath for the alcohol test;
 - e. Failing to provide a sufficient breath specimen and the physician has determined, through a required medical evaluation, that there was not adequate medical explanation for the failure;
 - f. Failing to undergo a medical examination or evaluation as directed; and

- g. Failing to cooperate with any part of the testing process.
- 8. The Township will treat a driver's refusal to submit to an alcohol test required under this Policy as a verified positive test result.
- 9. Pursuant to the Township's independent authority as an employer, any supervisor who knew, but who fails to report prohibited conduct by an employee will be subject to disciplinary action.

B. Drugs

- 1. No driver shall report for duty or remain on duty requiring the performance of safety sensitive functions when the driver uses any drug or substance identified in 21 C.F.R. § 1308.11 Schedule I.

As to drugs or substances not identified in 21 C.F.R. § 1308.11 Schedule I, no driver shall report for duty or remain on duty when the driver uses any drug, except when the driver uses a drug pursuant to the instructions of a licensed medical practitioner who has provided written documentation to the driver that the drug will not adversely affect the driver's ability to safely operate a commercial motor vehicle and the driver provided that documentation to the Manager. No supervisor having actual knowledge that a driver has used a drug shall permit the driver to perform or continue to perform a safety-sensitive function.

Special Note Regarding Prescription and Over-the-Counter Medication:

Prescription Medications: As a CDL driver, when prescribed a medication, an employee has an obligation to discuss with the prescribing physician the possible side-effects of that medication when operating commercial motor vehicles. When prescribed a medication, the employee also has an obligation to provide documentation from the licensed physician that states that the medication does not adversely affect his or her ability to safely operate a commercial motor vehicle. If the prescribing physician advises that the medication may affect the employee's ability to safely operate a commercial motor vehicle and the employee was advised against performing safety sensitive functions, the employee must provide documentation to the Manager from the licensed physician that states that he or she is not able to safely perform safety sensitive functions. The Township will maintain the confidentiality of employee medical information.

Over-the-Counter Medications: As a CDL driver, an employee also has an obligation to be aware of how over-the-counter medications affect his or her ability to safely operate a commercial motor vehicle. Many over-the-counter medications include warnings against operating heavy equipment or advise that they may cause drowsiness. The employee should ask his or her pharmacist for alternatives that do not cause drowsiness. If an employee takes an over-the-counter medication with such a warning, the employee must disclose such use to the Manager. The Manager will decide the appropriate action based on assignment, the individual's previous experience

with the medication and other relevant factors. The Township will maintain the confidentiality of employee medical information.

Pursuant to the Township's independent authority as an employer, failure or refusal by an employee to provide acceptable medical documentation may result in discipline up to and including termination of employment. The Manager will determine whether the Township should temporarily change the employee's job assignment during the period of treatment.

Prescription drugs must not be used by any person other than the individual to whom it is prescribed. Prescribed drugs and over-the-counter drugs must be used only as prescribed or indicated. Employees are prohibited from consuming or being under the influence of prescription drugs that are not prescribed in their name on Township property or while performing Township business. Soliciting or distributing prescription drugs for or to other employees is also strictly prohibited.

2. No driver shall report for duty, remain on duty or perform a safety-sensitive function, if the driver tests positive or has adulterated or substituted a test specimen for drugs. No supervisor having knowledge that a driver has tested positive or has adulterated or substituted a test specimen for drugs shall permit the driver to perform or continue to perform safety-sensitive functions.
3. No driver shall refuse to submit to a pre-employment drug test, a post-accident drug test, a random drug test, a reasonable suspicion drug test, a return-to-duty drug test, or a follow-up drug test. No supervisor shall permit a driver who refuses to submit to such tests to perform or continue to perform safety-sensitive functions. A driver refuses to submit to a drug test by:
 - a. Failing to appear for the test within a reasonable time after being directed to do so by the Township;
 - b. Failing to remain at the testing site until the testing process is complete;
 - c. Failing to provide a urine specimen;
 - d. In the case of a directly observed or monitored collection, failing to permit the observation or monitoring of the driver's provision of a specimen;
 - e. Failing to provide a sufficient amount of urine when directed without an adequate medical explanation for the failure;
 - f. Failing to or declining to take an additional drug test the Township or collector has directed the driver to take;
 - g. Failing to undergo a medical examination or evaluation as directed; and
 - h. Failing to cooperate with any part of the testing process.
 - i. Producing a verified adulterated or substituted test result.

4. A driver's refusal to submit to a drug test required under this Policy constitutes a verified positive test result. Similarly, an adulterated or substituted result constitutes a positive test result.
5. Pursuant to the Township's independent authority as an employer, any supervisor who knew, but who fails to report, prohibited conduct by an employee will be subject to disciplinary action.

IV. Required Testing

Pursuant to DOT regulations, the Township will conduct the following alcohol and drug testing:

A. Pre-Employment Testing

1. Pre-Employment Drug Testing

- a. Prior to the first time a driver reports to duty, but after the Township extends an offer of employment, the driver shall undergo drug testing. Pursuant to its independent authority, the Township will not hire drivers who test positive for drug use.
- b. Pre-employment drug testing applies to post-offer applicants and employees transferred into a safety-sensitive position.
- c. The Township will notify a driver of the results of a pre-employment drug test if the driver requests such results within sixty (60) calendar days of being notified of the disposition of the employment application.

2. Pre-Employment Alcohol Testing

A driver shall not be required to submit to alcohol testing prior to the first time the driver reports to duty.

3. Pre-Employment Record Check

As part of the pre-employment process, the Township will check the drug and alcohol testing record of post-offer applicants/new hires or employees transferred into safety-sensitive positions.

- a. A post-offer applicant/new hire must provide the Township with his or her written consent permitting the Township to check his or her drug and alcohol testing records with previous employers over the past two years. See Authorization for Release of CDL Alcohol and Controlled Substances Test Results.
- b. The Township will obtain and review this information before the employee first performs safety-sensitive functions. If this is not feasible, the Township will obtain and review the information as soon as possible, but the Township will not permit the employee to perform safety-sensitive functions after thirty (30) days from the date on which the employee first performed safety-sensitive functions, unless the Township

obtained or made and documented a good faith effort to obtain the information.

- c. The Township will not permit an individual to perform safety-sensitive functions if it obtains information indicating that the individual tested with an alcohol concentration of 0.04 or greater, received a verified positive result on a controlled substances test, or refused to be tested, unless the Township also obtains information that the individual was evaluated and treated by a Substance Abuse Professional and successfully passed return-to-duty testing.

B. Post-Accident Testing

As soon as practicable following an accident involving a commercial motor vehicle, the driver shall submit to post-accident alcohol and drug testing. .

The Township, pursuant to its independent authority, will require a driver to submit to post-accident alcohol and drug testing if the accident results in personal injury or property damage including damage to Township property, or if the driver received a citation under State or local law for a moving traffic violation arising from the accident.

A driver who is subject to post-accident testing must remain readily available for testing or the Township may deem the driver to have refused to submit to testing.

1. Alcohol Testing

Post-accident alcohol testing must take place as quickly as possible. The driver will make every effort to submit to post-accident alcohol testing within two (2) hours after the accident. If the driver cannot submit to testing within two (2) hours, the driver should continue to try to submit to testing up to eight (8) hours after the accident. The supervisor will produce a written report recording the reason why the driver could not submit to testing within two (2) hours after the accident. The supervisor must submit the report to the Manager.

For purposes of this section, the time of the accident will be the time indicated in the official accident report.

Law enforcement agencies with the authority to do so may perform post-accident alcohol testing. The results of those tests will be used as a basis for appropriate action by the Township provided the tests are performed in compliance with federal, state and local requirements.

2. Drug Testing

Post-accident drug testing shall take place as quickly as possible. The driver must make every effort to submit to post-accident drug testing within thirty-two (32) hours following the accident.

If the driver is unable to submit to drug testing within thirty-two (32) hours after the accident, the driver should stop trying to submit to testing. The supervisor

will produce a written report recording the reason why the driver could not submit to testing. The supervisor must submit the written report to the Manager.

For purposes of this section, the time of the accident will be the time indicated in the official accident report.

Law enforcement agencies with the authority to do so may perform post-accident drug testing. The results of those tests will be used as a basis for appropriate action by the Township provided the tests are performed in compliance with federal, state and local requirements.

3. Accident Reporting Procedures

- a. Nothing in this section is intended to prevent an injured person from obtaining immediate medical attention or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.
- b. Upon being involved in a motor vehicle accident while operating a commercial motor vehicle, the operator shall follow standard reporting procedures including:
 - i. Unless unable to do so because taken into custody or transported for medical care, the employee must notify the Superintendent of Public Works of the accident by the fastest means possible and remain available at the scene pending further instructions. If taken into custody or transported for medical care, the employee will ask law enforcement or medical personnel to notify the Superintendent of Public Works as soon as possible if the employee cannot do so.
 - ii. When contacted, the vehicle identification number and location of the accident will be relayed to the Superintendent of Public Works;
 - iii. If law enforcement is not already on the scene, the Superintendent of Public Works will contact the appropriate law enforcement agency. The Superintendent of Public Works will contact the Manager or his or her designee to advise of the accident.
 - iv. Whenever possible, the Superintendent of Public Works or his or her designee will respond to the scene of the accident to determine whether (1) property damage or injury has occurred or (2) the covered employee received a summons for a moving violation and the accident involved bodily injury to any person who, as a result of the injury, immediately received medical treatment away from the scene or one or more motor vehicles incurred disabling damage requiring the motor vehicle to be removed from the scene by a tow truck. If the Superintendent of

Public Works is not able to respond to the scene, he or she will obtain this information from the employee or law enforcement officials.

- v. If the accident results in (1) a death or (2) the issuance of a moving violation citation to the driver and the accident involved bodily injury to any person who, as a result of the injury, immediately received medical treatment away from the scene or one or more motor vehicles incurred disabling damage requiring the motor vehicle to be removed from the scene by a tow truck, the Superintendent of Public Works must contact the Manager or his or her designee for further instructions on arranging for alcohol and/or drug testing of the employee.

C. Random Testing

1. All drivers shall be subject to drug and alcohol random testing. Random alcohol testing will be done just before, during or just after performing a safety sensitive function.
2. Annually, a specific percentage of the drivers will undergo drug testing and a specific percentage of the drivers will undergo alcohol testing. The percentage is determined annually by the U.S. Department of Transportation. Random drug and alcohol testing will be unannounced and the dates for administering random alcohol and drug tests shall be spread reasonably throughout the calendar year.
3. Drivers for random alcohol and drug testing shall be selected by a scientifically valid method, such as a random number table or a computer based random number generator. Once chosen to undergo testing, the employee's name will be re-entered into the system for the next round of testing announcements. Under this selection process, each driver shall have an equal chance of being tested each time selections are made.
4. Upon selection, the driver shall report to the test site immediately. If the driver is performing a safety-sensitive function, other than driving a commercial motor vehicle, at the time of notification, the driver shall stop performing that function in a manner consistent with safety and proceed to the test site as soon as possible.
5. In the event the selected employee is off from work, the employee's name will be skipped and the next person on the list will be selected for testing.

D. Reasonable Suspicion Testing

1. Alcohol Testing
 - a. A supervisor shall require a driver to submit to an alcohol test when he or she has reasonable suspicion to believe that the driver has violated the prohibitions against alcohol concentration, on-duty use of alcohol, pre-duty use or use following an accident.

- b. The supervisor's determination that reasonable suspicion exists to require the driver to undergo an alcohol test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver.
- c. When a supervisor or other trained Township official has reasonable suspicion that a driver may be under the influence of alcohol, he or she shall:
 - i. Complete the Supervisor's Report of Reasonable Suspicion form, following the appropriate instructions. The Supervisor's Report of Reasonable Suspicion should be completed as promptly as practicable, but in no event longer than twenty-four hours after the observed behavior or after the results of the alcohol test is released, whichever is earlier.
 - ii. Contact the Manager, who will provide further instruction.
- d. Reasonable suspicion alcohol testing is authorized only if the required observations are made just before, during or immediately after performing safety-sensitive functions.
- e. Every effort should be made to conduct alcohol testing no more than two (2) hours after the supervisor determines reasonable suspicion exists.
- f. If the required testing is not performed within two (2) hours after the supervisor determines reasonable suspicion exists, the supervisor shall prepare a report indicating the reasons the alcohol test was not promptly administered and submit the written report to the Manager.
- g. If the required test is not performed within eight (8) hours after the supervisor determines reasonable suspicion exists, the supervisor and the Township shall cease attempts to administer an alcohol test and the supervisor will state in the report the reasons for not administering the required test. The supervisor must submit the written report to the Manager.

2. Drug Testing

- a. A supervisor shall require a driver to submit to a drug test when he or she has reasonable suspicion to believe that the driver violated the prohibitions against drug use.
- b. The supervisor's determination that reasonable suspicion exists to require the driver to undergo a drug test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver. The observations may include indications of the chronic and withdrawal effects of drugs.

- c. When a supervisor or other trained Township official has reasonable suspicion that a driver may be under the influence of drugs, he or she shall:
 - i. Complete the Supervisor's Report of Reasonable Suspicion form, following the appropriate instructions. The Supervisor's Report of Reasonable Suspicion should be completed as promptly as practicable, but in no event longer than twenty-four (24) hours after the observed behavior or after the results of the drug test is released, whichever is earlier.
 - ii. Contact the Manager, who will provide further instruction.

E. Return-to-Duty Testing

1. Return-to-Duty Alcohol Testing

- a. If a driver has an alcohol test with a result indicating an alcohol concentration of 0.04 or greater, the driver must be evaluated by a Substance Abuse Professional. The driver shall be responsible for the cost of the Substance Abuse Professional. The driver must complete all treatment recommended by the Substance Abuse Professional.
- b. Prior to returning to duty, any driver who has an alcohol test with a result indicating an alcohol concentration of 0.04 or greater must undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02. The driver shall be responsible for the cost of return-to-duty testing.
- c. Pursuant to the Township's independent authority as an employer, prior to returning to duty, any driver who has an alcohol test with a result indicating an alcohol concentration of 0.02 to 0.39 must undergo evaluation and treatment by a Substance Abuse Professional and submit to a return-to-duty test which results in a breath alcohol concentration of less than 0.02.

2. Return-to-Duty Drug Testing

- a. If a driver tests positive for drugs, the driver must be evaluated by a Substance Abuse Professional. The driver shall be responsible for the cost of the Substance Abuse Professional. The driver must complete all treatment recommended by the Substance Abuse Professional.
- b. Prior to returning to duty, any driver who engaged in drug use prohibited by the DOT regulations and this policy must undergo a return-to-duty drug test with a result indicating a verified negative result for drug use. All return to duty drug testing collection will be under direct observation. The driver will be responsible for the cost of return-to-duty testing.

F. Follow-Up Testing

1. Any driver required to be evaluated, and/or treated by a Substance Abuse Professional shall be subject to unannounced follow-up testing as the Substance Abuse Professional directs. All follow up drug testing collection will be under direct observation. The driver will be responsible for the cost of follow-up testing.
2. Follow-up alcohol testing shall be conducted only when the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing safety-sensitive functions.
3. Follow-up testing shall consist of at least six (6) tests in the first twelve (12) months following the driver's return to duty. In no event will the follow-up testing exceed sixty (60) months from the date of the driver's return to duty.
4. The Substance Abuse Professional may excuse the requirement for follow-up testing at any time after the first six (6) tests have been administered if he or she determines that they are no longer required.
5. The driver shall be further evaluated by the Substance Abuse Professional to ensure that he or she has properly followed any prescribed rehabilitation program.

V. Alcohol and Drug Testing Procedures

A. Alcohol Testing Procedures

1. Drivers shall submit to breath or saliva screening tests which indicate their breath alcohol content. Alcohol screening tests shall be administered by a trained Breath Alcohol Technician or trained Screening Test Technician.
2. When a driver receives notice to report to the alcohol testing site for a breath alcohol test, the driver must:
 - a. Proceed immediately to the testing site;
 - b. Present positive identification, such as a photo driver's license, to the Breath Alcohol Technician or Screening Test Technician; and
 - c. Follow the Breath Alcohol Technician or the Screening Test Technician's instructions on completing the DOT Alcohol Testing Form.
3. Procedure for breath alcohol screening tests:
 - a. The Breath Alcohol Technician or Screening Test Technician shall conduct the breath alcohol test on a breath testing device approved for testing by the U.S. Department of Transportation. External calibration checks must be performed at regular intervals to ensure the accuracy of the breath testing device.

- b. The Breath Alcohol Technician or Screening Test Technician shall open an individually-sealed mouthpiece and attach it to the breath testing device in the driver's presence. The Breath Alcohol Technician or Screening Test Technician shall instruct the driver to blow forcefully into the mouthpiece for at least six (6) seconds or until the breath testing device indicates that an adequate amount of breath has been obtained. The Breath Alcohol Technician or Screening Test Technician shall show the driver the results displayed on the breath testing device and complete required paperwork.
 - c. If a breath tube alcohol screening device is used, the Breath Alcohol Technician or Screening Test Technician must remove the device from the package and secure an inflation bag on to the appropriate end of the device and break the tube's ampoule in the presence of the employee. The Breath Alcohol Technician or the Screening Test Technician must offer the driver the opportunity to hold the device. The Breath Alcohol Technician or Screening Test Technician must instruct the driver to blow forcefully and steadily into the blowing end of the device until the inflation bag fills with air (approximately twelve (12) seconds). The Breath Alcohol Technician or Screening Test Technician must show the driver the analyzer result and complete required paperwork.
- 4. Procedure for a saliva alcohol screening test:
 - a. The Breath Alcohol Technician or Screening Test Technician will conduct the saliva breath alcohol test with a saliva testing device approved for testing by the U.S. Department of Transportation.
 - b. The Breath Alcohol Technician or Screening Test Technician will check the expiration date on the saliva screening device and show it to the driver. The Breath Alcohol Technician or Screening Test Technician will open an individually-wrapped or sealed package containing the device in the presence of the driver and offer the driver the opportunity to use the device. Either the driver or the Breath Alcohol Technician or the Screening Test Technician will insert the device into the driver's mouth and gather saliva.
- 5. Test Results
 - a. If the alcohol screening test results in a breath alcohol concentration of less than 0.02, the driver shall complete any remaining paperwork and shall be free to leave the testing site.
 - b. If the breath alcohol screening test results in a breath alcohol concentration of 0.02 or greater, the Breath Alcohol Technician must conduct a confirmation breath alcohol test.
 - i. The confirmation breath alcohol test will be administered at least fifteen (15) minutes but no more than thirty (30) minutes after the completion of the breath alcohol screening test.

- ii. The Breath Alcohol Technician shall instruct the driver not to eat, drink, or put any object or substance in his or her mouth, and, to the extent possible, not to belch during the waiting period before the confirmation test. The Breath Alcohol Technician will explain to the driver that this prevents any accumulation of mouth alcohol which could lead to an artificially high reading and is for the driver's benefit.
 - iii. The Breath Alcohol Technician shall provide the driver with a new mouthpiece for the confirmatory test and ensure that the breath testing device registers 0.00 on an air blank.
- c. If the confirmation breath alcohol test results in a breath alcohol concentration of less than 0.02, the driver shall complete any remaining paperwork and will be free to leave the testing site.
- d. If the confirmation breath alcohol test results in a breath alcohol concentration of 0.02 or greater, but less than 0.04, the driver shall not perform safety-sensitive functions for at least 24 hours. Pursuant to the Township's independent authority as an employer, prior to returning for duty, the driver must undergo evaluation and treatment by a Substance Abuse Professional and submit to a return-to-duty test which results in a breath alcohol concentration of less than 0.02.
- e. If the confirmatory breath alcohol test results in a breath alcohol concentration of 0.04 or greater, the driver shall not perform safety-sensitive functions until a Substance Abuse Professional evaluates the driver. Prior to returning for duty, the driver must complete any treatment prescribed by the Substance Abuse Professional and submit to a return-to-duty test which results in a breath alcohol concentration of less than 0.02.
- 6. If a driver is unable to provide enough breath to complete breath alcohol test, he or she shall be referred to a medical doctor acceptable to the Township for evaluation. If that evaluation fails to detect any medical reason for the inability to provide sufficient breath, the driver shall be deemed to have refused testing.

B. Drug Testing Procedures

- 1. Drivers shall submit to urine tests to detect the presence of one or more of the following drugs: marijuana, cocaine, amphetamines, opiates and phencyclidine. Marijuana use, including medical marijuana, is prohibited for CDL drivers.
- 2. When a driver receives notice to report to the testing site for a drug test, the driver must:
 - a. Proceed immediately to the testing site;
 - b. Present positive identification, such as a photo driver's license, to the collector;

- c. Follow the collector's instructions on completing the Custody and Control Form.
3. The collector shall present the collection container to the driver sealed in its wrapper or shall unwrap the collection container in the driver's presence. The driver shall void at least 45 ml of urine in the collection container, in accordance with the collector's instructions.
4. In the presence of the driver, the collector will pour thirty (30) ml of urine in one specimen bottle, unwrapped in the driver's presence, and at least fifteen (15) ml of urine into another specimen bottle, also unwrapped in the driver's presence, to be used as a split sample.
 - a. If the driver cannot provide the required quantity of urine, the collector shall urge the driver to drink not more than forty (40) ounces of fluids and, after a period of up to three (3) hours, again attempt to provide a complete sample using a fresh collection container. The driver's refusal to drink does not constitute a refusal to test.
 - b. If the driver is still unable to provide an adequate specimen, the collector shall discontinue testing and notify the Manager. The Manager, after consultation with the Medical Review Officer, will refer the driver for a medical evaluation by a physician acceptable to the Township to determine whether the inability to provide a specimen is genuine or constitutes a refusal to test. The medical doctor must provide the Manager with written documentation of his or her finding.
5. To safeguard the collection process:
 - a. the specimen bottles shall be sealed with a tamper proof sealing system which ensures against undetected opening;
 - b. the specimen bottles shall be identified with a unique identifying number identical to that appearing on the Custody and Control Form;
 - c. the driver shall initial the specimen bottles in the space provided, to affirm the identity of the specimens; and
 - d. The shipping container in which the specimens and associated paperwork may be transferred shall also be sealed to prevent undetected tampering.
 - e. The Custody and Control Form shall be used to maintain control and accountability of each specimen from collection to testing completion. The Custody and Control Form shall identify every individual in the chain of custody.
6. The collector will ship both specimen bottles to the laboratory for analysis. The laboratory will test the specimen containing thirty (30) ml of urine in the initial screening, and reserve the specimen containing at least fifteen (15) ml of urine.

7. The laboratory will forward the results of the initial screening to the Township's Medical Review Officer. If the tests results are negative, the Medical Review Officer will forward the results to the Manager.
8. If the test result is confirmed positive, adulterated, or substituted, the Medical Review Officer will contact the driver to determine whether a medical explanation for the test result exists. The Medical Review Officer will release the test result to the Manager only after speaking with the driver. If the driver tests positive because of the use of a prescription drug, the driver must provide the prescription to justify the positive result. Verification on the prescribing medical professional's letterhead is acceptable. If the driver declines to speak with the Medical Review Officer, the Medical Review Officer will release the test result to the Manager in any event.
9. If a positive test result is identified as dilute, the result is a verified positive test. If a negative test result is identified as dilute, the driver will be re-tested. The results of the second test will be the test of record. If this result is also negative and dilute, then the test of record is negative.
10. In the event of a confirmed positive, adulterated, or substituted test, the Medical Review Officer shall make all reasonable efforts to notify the driver that the driver has seventy-two (72) hours to request a test of the split specimen. If the driver requests a test of the split specimen, the Medical Review Officer shall contact the laboratory, which will forward the sample to a different certified laboratory for testing. The driver may not perform safety-sensitive functions until:
 - a. The split sample yields a negative test result; or
 - b. If the split sample reconfirms a positive, adulterated or substituted test result, the driver is referred to, evaluated and treated, if necessary, by a Substance Abuse Professional.

VI. Penalties for Violations

- A. Laws provide for civil and criminal penalties for drivers convicted of operating a commercial motor vehicle under the influence of alcohol or a controlled substance. Penalties include loss of license and incarceration.
- B. The Township, pursuant to its independent authority as an employer, implements the following penalties for violations of this policy:
 1. Penalties for Alcohol Violations
 - a. If an alcohol test yields a breath alcohol concentration of more than 0.02, the driver will be subject to an immediate suspension without pay and disciplinary action up to and including termination of employment.
 - b. Any driver who refuses to take an alcohol test shall be terminated.
 2. Penalties for Drug Violations

- a. If any drug test yields positive results, the driver will be subject to an immediate suspension without pay and disciplinary action up to and including termination of employment.
- b. Any driver who refuses to take a drug test will be terminated.
- c. Any driver who adulterates his or her urine sample or otherwise engages in conduct that obstructs the testing process will be terminated.

VII. Record Keeping, Document Retention, and Confidentiality

A. Records to be Maintained

The Township and/or its designated provider of DOT alcohol and controlled substances testing services will maintain the following specific records in a secure location with controlled access:

- 1. Records Related to the Collection Process
 - a. Collection logbooks.
 - b. Documents relating to the random selection process.
 - c. Calibration documentation for evidential breath testing devices.
 - d. Documentation of breath alcohol technician training.
 - e. Documents generated in connection with decisions to administer reasonable suspicion alcohol or controlled substances tests.
 - f. Documents generated in connection with decisions on post-accident tests.
 - g. Documents verifying the existence or lack of a medical explanation for the inability of an individual to provide adequate breath or to provide a urine specimen for testing.
 - h. Consolidated annual calendar year summaries as required by 49 C.F.R. § 382.403.
- 2. Records Related to Test Results
 - a. A copy of the alcohol test form, including the results of the test.
 - b. A copy of the controlled substances test chain of custody and control form.
 - c. Documents sent by the MRO to the Manager or his or her designee.

- d. Documents related to the refusal of any covered employee to submit to a required alcohol or controlled substances test required under DOT Drug and Alcohol Testing Regulations.
 - e. Documents presented by covered employees to dispute the result of an alcohol or controlled substances test administered under DOT Drug and Alcohol Testing Regulations.
 - f. Documents generated in connection with verifications of prior employers' alcohol or controlled substances test results;
- 3. Records related to other violations of 49 CFR Part 382.
- 4. Records Related to Evaluations
 - a. Records pertaining to a determination by a Substance Abuse Professional concerning a covered employee's need for assistance.
 - b. Records concerning a covered employee's compliance with recommendations of the Substance Abuse Professional.
- 5. Records Related to Education and Training
 - a. Materials on alcohol misuse and controlled substance use awareness, including the policy and materials distributed to employees.
 - b. Documentation of compliance with the requirements of 49 C.F.R. § 382.601, including the covered employee's signed receipt of education materials.
 - c. Documentation of training provided to supervisors for the purpose of qualifying the supervisors to make a determination concerning the need for alcohol and/or controlled substances testing based on reasonable suspicion.
 - d. Certification that any training conducted under this Policy complies with the requirements for such training.
- 6. Records Related to Alcohol and Drug Testing
 - a. Agreements with collection site facilities, laboratories, Medical Review Officers, etc.
 - b. Names and positions of officials and their role in the Township's alcohol and controlled substances testing policy.
 - c. Semi-annual laboratory statistical summaries of urinalysis required by 49 C.F.R. § 40.111(a).
 - d. The Township's alcohol and drug testing policy and procedures (including this policy).

B. Retention of Documents

The following documents shall be maintained in a secure location with controlled access.

1. Five-Year Documents

The Township or its designated provider of DOT alcohol and controlled substances testing services will retain for a period of not less than five (5) years the following records relating to this policy:

- a. Records of alcohol test results indicating an alcohol concentration of 0.02 or greater.
- b. Records of verified positive controlled substances tests.
- c. Documentation of refusals to submit to required alcohol and/or controlled substances testing, including substituted or adulterated drug test results.
- d. Breath testing equipment calibration documentation.
- e. Evaluations and referrals of covered employees.
- f. SAP reports;
- g. All follow-up tests and schedules for follow-up tests
- h. Records related to the administration of the alcohol and controlled substances testing program.
- i. A copy of each calendar year summary as required by 49 C.F.R. § 382.403.

2. Three-Year Documents

The Township or its designated provider of DOT alcohol and controlled substances testing services will retain for a period of not less than three (3) years information obtained from previous employers under 49 C.F.R. § 40.25 concerning drug and alcohol test result of employees.

3. Two-Year Documents

The Township or its designated provider of DOT alcohol and controlled substances testing services will retain for a period of not less than two (2) years records related to the alcohol and controlled substances collection process (other than calibration documentation which shall be held for five years).

4. One-Year Documents

The Township or its designated provider of DOT alcohol and controlled substances testing services will retain for a period of not less than one (1) year the following records relating to this policy:

- a. Records of negative and canceled controlled substances test results.
- b. Records of alcohol test results with a concentration of less than 0.02.

5. Indefinite Documents

Records related to the education and training of supervisors and drivers must be maintained by the Township while the individual performs the functions which require the training and for two years after ceasing to perform those functions.

C. Confidentiality

- 1. Except as required by law or expressly authorized or required by the DOT, the Township will not release information contained in records maintained pursuant to this policy.
- 2. Any covered employee currently employed by the Township may request, in writing, copies of any written records pertaining to his or her own use of alcohol and/or controlled substances. There will be no charge for these records.
- 3. A covered employee's alcohol and controlled substance records will be made available to subsequent employers upon receipt of a written request from the covered employee.
- 4. The Township may disclose information required to be maintained under this Policy to a covered employee, the decision maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of that individual, and arising from the results of an alcohol and/or controlled substances test administered under this Policy, or from the Township's determination that the individual engaged in conduct prohibited by this Policy (including, but not limited to, a worker's compensation, unemployment compensation, or other proceeding relating to a benefit sought by the covered employee).
- 5. The Township will release information regarding a covered employee's records as directed by the specific, written consent of the employee authorizing release of the information to an identified person.

VIII. Employee Access to Records

- A. A driver is entitled to obtain copies of any records pertaining to the driver's use of alcohol or controlled substances, including any records pertaining to his or her alcohol or controlled substances tests.
- B. Procedure to Obtain Records:

1. To obtain copies of any records pertaining to the driver's use of alcohol or controlled substances, including any records pertaining to his or her alcohol or controlled substances tests, the driver must submit a written request to the Manager.
2. The Manager will promptly provide the records requested by the driver.

X. Right to Inspect

Pursuant to its independent authority as an employer, the Township reserves the right to inspect, investigate, and search for controlled substances at any time, with or without prior notice, on or in any and all Township premises and vehicles. Township premises include Township offices, work locations, desks, parking lots and any vehicle engaged in Township operation. Searches of Township premises, including personal effects when entering Township premises and employee vehicles parked at Township premises, may be conducted pursuant to a lawful investigation. Employees have no expectation of privacy regarding illegal drug activities.

Refusal to cooperate with any inspection, investigation, or search that is authorized by a Township representative will result in termination of employment. The Township may take into custody any alcohol found on Township premises and use it as evidence in disciplinary proceedings. Illegal drugs will be confiscated and turned over to law enforcement officials as appropriate. Employees who refuse to comply with a lawful legal investigation as described in this policy will be subject to discipline, up to and including termination.

XI. Supervisor Training

The Township will provide supervisors designated to determine whether reasonable suspicion exists with at least sixty (60) minutes of training on alcohol misuse and at least sixty (60) minutes of training on drug use. The training will cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and drug use.

**NOTICE OF BYRAM TOWNSHIP
DRUG & ALCOHOL TESTING POLICY
FOR EMPLOYEES REQUIRED TO POSSESS
A COMMERCIAL DRIVER'S LICENSE**

**&
CERTIFICATE OF RECEIPT OF POLICY AND EDUCATIONAL MATERIALS**

Attached for your use is a copy of the Township's Drug & Alcohol Testing Policy for Employees Required to Possess a Commercial Driver's License. Please review the Policy carefully to learn, among other things:

- (1) The categories of employees who are covered by the provisions of this Policy;
- (2) The period of the workday during which employees are required to be in compliance with this Policy;
- (3) Specific information concerning conduct that is prohibited by this Policy;
- (4) The circumstances under which an employee will be tested for alcohol and/or controlled substances (including marijuana/cannabis);
- (5) The procedures that will be used to test for the presence of alcohol and/or controlled substances, protect the integrity of the testing processes, safeguard the validity of test results, and ensure that those results are attributed to the correct employee;
- (6) The requirement that employees submit to alcohol and/or controlled substances tests administered in accordance with this Policy;
- (7) An explanation of what constitutes a refusal to submit to an alcohol and/or controlled substances test and the attendant consequences;
- (8) The consequences for employees found to have violated this Policy, including the requirement that an employee be removed immediately from safety-sensitive functions and, when appropriate, referred to a Substance Abuse Professional; and
- (9) The consequences for employees found to have an alcohol concentration of 0.02 or greater but less than 0.04.
- (10) Procedures to be followed in the event of an accident.

In addition to the Policy, the Township is also distributing educational materials concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life, the signs and symptoms of an alcohol or a controlled substances problem, and available methods of intervening when an alcohol or a controlled substances problem is suspected, including referral to a Substance Abuse Professional.

The Township designated the Manager to answer questions you may have about this Policy or any of the educational materials.

I, _____, CERTIFY THAT I HAVE RECEIVED:

- BYRAM TOWNSHIP'S DRUG & ALCOHOL TESTING POLICY FOR EMPLOYEES REQUIRED TO POSSESS A COMMERCIAL DRIVER'S LICENSE, AND
- EDUCATIONAL MATERIALS ON ALCOHOL AND CONTROLLED SUBSTANCES ABUSE.

Employee Name: _____

Employee Signature: _____

Date: _____

Department: _____

Position: _____

Supervisor: _____

**BYRAM TOWNSHIP
RELEASE OF INFORMATION FORM
49 CFR PART 40 DRUG AND ALCOHOL TESTING**

Section I. To be completed by the new employer, signed by the employee, and transmitted to the previous employer:

Employee Printed or Typed Name: _____
Employee SS or ID Number: _____

I hereby authorize release of information from my Department of Transportation regulated drug and alcohol testing records by my previous employer, listed in Section I-B, to the employer listed in Section I-A. This release is in accordance with DOT Regulation 49 CFR Part 40, Section 40.25. I understand that information to be released in Section II-A by my previous employer, is limited to the following DOT-regulated testing items:

1. Alcohol tests with a result of 0.04 or higher;
2. Verified positive drug tests;
3. Refusals to be tested;
4. Other violations of DOT agency drug and alcohol testing regulations;
5. Information obtained from previous employer of a drug and alcohol rule violation;
6. Documentation, if any, of completion of the return-to-duty process following a rule violation.

Employee Signature: _____ Date: _____

I-A.

New Employer Name: _____
Address: _____

Phone #: _____ Fax #: _____

Designated Employer Representative: _____

I-B.

Previous Employer Name: _____
Address: _____

Phone #: _____

Designated Employer Representative (if known): _____

Section II. To be completed by the previous employer and transmitted by mail or fax to the new employer:

II-A. In the two years prior to the date of the employee's signature (in Section I), for DOT-regulated testing:

1. Did the employee have alcohol tests with a result of 0.04 or higher?
☐ Yes ☐ No
2. Did the employee have (a) verified positive drug test(s)?
☐ Yes ☐ No

3. Did the employee refuse to be tested? ☐ Yes ☐ No
4. Did the employee have other violations of DOT agency drug and alcohol testing regulations? ☐ Yes ☐ No
5. Did a previous employer report a drug and alcohol rule violation to you? ☐ Yes ☐ No
6. If you answered "yes" to any of the above items, did the employee complete the return-to-duty process? ☐ N/A ☐ Yes ☐ No

Note: If you answered "yes" to item 5, you must provide the previous employer's report. If you answered "yes" to item 6, you must also transmit the appropriate return-to-duty documentation (e.g., SAP report (s), follow-up testing record).

II-B.

Name of person providing information in Section II-A: _____

Title: _____

Phone #: _____

Date: _____

**BYRAM TOWNSHIP
SUPERVISOR'S REPORT OF REASONABLE SUSPICION**

This checklist is to be completed when an incident occurs which provides reasonable suspicion that an employee may be under the influence of drugs or alcohol. Check each applicable item in the proper column.

<hr/>	a.m. p.m.	<hr/>
EMPLOYEE NAME	TIME OF INCIDENT	DATE OF INCIDENT
<hr/>	<hr/>	
SUPERVISOR	DEPARTMENT HEAD	

Incident or Cause for Suspicion

<u>Yes</u>	<u>No</u>	
___	___	Observed abnormal or erratic behavior
___	___	Observed or reported possession of a prohibited substance
___	___	Apparent drug or alcohol intoxication
___	___	Arrest or conviction for drug-related offense
___	___	Other (please explain)

Unusual Behavior

<u>Yes</u>	<u>No</u>	
___	___	Extreme aggressiveness or agitation
___	___	Withdrawal, depression, mood changes, or unresponsiveness
___	___	Verbal abusiveness
___	___	Physical abusiveness
___	___	Inappropriate verbal response to questioning or instructions
___	___	Other (please explain)

Physical Signs or Symptoms

<u>Yes</u>	<u>No</u>	
___	___	Possessing, dispensing, or using alcohol and/or a controlled substance
___	___	Slurred or incoherent speech
___	___	Excessive sweating or clamminess of the skin
___	___	Unsteady gait or other signs of physical control loss
___	___	Dilated or constricted pupils or any unusual eye movement
___	___	Bloodshot or watery eyes
___	___	Extreme fatigue or sleeping on the job
___	___	Shaky hands or body tremors
___	___	Flushed or very pale face

This image shows a single sheet of white paper with horizontal blue ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper has a slight shadow on the right side, suggesting it's resting on a surface.

a.m. _____
p.m. _____
DATE _____

a.m. _____
p.m. _____
DATE _____

SECTION 6 – POLICIES & PROCEDURES HANDBOOK SUPERVISORY SUPPLEMENT

DISCLAIMER

THE CONTENTS OF THIS HANDBOOK ARE PRESENTED AS A MATTER OF INFORMATION ONLY AND **SUPERSEDE ANY PRIOR MANUAL AND/OR HANDBOOK**. THE PLANS, POLICIES AND PROCEDURES DESCRIBED ARE NOT CONDITIONS OF EMPLOYMENT. THE TOWNSHIP OF BYRAM (THE “TOWNSHIP”) RESERVES THE RIGHT TO MODIFY, REVOKE, SUSPEND, TERMINATE OR CHANGE ANY OR ALL SUCH PLANS, POLICIES, OR PROCEDURES, IN WHOLE OR IN PART, AT ANY TIME, WITH OR WITHOUT NOTICE.

THIS HANDBOOK IS NOT A CONTRACT OF EMPLOYMENT, EITHER EXPRESSED OR IMPLIED, OR A CONTRACTUAL PROMISE OF ANY BENEFIT BY THE TOWNSHIP TO ANY EMPLOYEE. 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 COLLECTIVE NEGOTIATIONS AGREEMENT, THE TOWNSHIP HAS THE RIGHT TO TERMINATE AN EMPLOYEE AT ANY TIME FOR ANY REASON, WITH OR WITHOUT NOTICE.

NEITHER THIS HANDBOOK, NOR ANY TOWNSHIP POLICY, PROCEDURE, NOR COMMUNICATION, (WITH THE EXCEPTION OF APPLICABLE COLLECTIVE NEGOTIATION AGREEMENTS) SHALL CREATE ANY RIGHT FOR ANY EMPLOYEE OR GUARANTEE EMPLOYMENT FOR ANY PERIOD. **NO ONE IS AUTHORIZED TO PROVIDE ANY EMPLOYEE WITH AN EMPLOYMENT CONTRACT OR SPECIAL ARRANGEMENT CONCERNING TERMS OR CONDITIONS OF EMPLOYMENT UNLESS THE CONTRACT OR ARRANGEMENT IS IN WRITING AND SIGNED BY THE MAYOR ON THE GOVERNING BODY’S BEHALF.**

SOME OF THE TOWNSHIP'S EMPLOYEES BELONG TO A UNION. THE PERSONNEL POLICIES AND PROCEDURES CONTAINED IN THIS HANDBOOK ARE NOT INTENDED TO VOID, REPLACE, OR CONFLICT WITH NEGOTIATED UNION CONTRACTS. AS TO UNIONIZED EMPLOYEES, TO THE EXTENT A COLLECTIVE BARGAINING AGREEMENT CONFLICTS WITH THESE PERSONNEL POLICIES AND PROCEDURES, THE COLLECTIVE BARGAINING AGREEMENT SHALL SUPERSEDE AND/OR MODIFY THESE PERSONNEL POLICIES AND PROCEDURES.

IN THE EVENT THERE IS A CONFLICT BETWEEN THIS HANDBOOK AND ANY COLLECTIVE NEGOTIATIONS AGREEMENT, OR FEDERAL OR STATE LAW, THE TERMS AND CONDITIONS OF THAT CONTRACT OR LAW SHALL PREVAIL. IN ALL OTHER CASES, THESE POLICIES AND PROCEDURES SHALL PREVAIL.

THIS NOTICE APPLIES TO ALL EMPLOYEES REGARDLESS OF DATE OF HIRE.

Introduction

The Township adopts this Supervisory Supplement to the Byram Township Policies & Procedures Handbook to provide Department Heads and supervisors with additional guidance aimed at minimizing discontent in the workplace. This Supervisory Supplement contains information on, among other things, avoiding discrimination in hiring, conducting effective performance evaluations, enforcing the Township's policy against harassment and drug-free workplace policy, and guidelines for establishing a consistent disciplinary policy in the Township.

Avoiding Hiring Discrimination

The New Jersey Division on Civil Rights has issued a guide for employers regarding prohibited areas of inquiry during the application process. Department Heads and supervisors should review the guide prior to conducting applicant interviews. Please note that some of these guidelines do not necessarily apply to police applicants because of the sensitive nature of the work police officers perform.

Category	It is inadvisable to inquire about:	Some examples of acceptable inquiries:
Name	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	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	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	a) Applicant's religious affiliation b) Church, parish, or religious holidays observed by applicant	
Race or Color	a) Applicant's race b) Color of applicant's skin, eyes, hair, etc. c) Driver's license number	
Photographs	a) Photographs with application b) Photographs after interview, but before a hiring	
Age	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	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	Names and/or addresses of relatives of the applicant who are not employed by the Township.	Name and address of person to be notified in case of accident or emergency

Category	It is discriminatory to inquire about:	Some examples of acceptable inquiries:
Organizations	Any clubs, social fraternities, sororities, societies, lodges, or organizations to which the applicant belongs	Membership in a union, professional or trade organization
References	The name of applicant's pastor or religious leader	Names of persons willing to provide professional and/or character references for applicant
Sex and Marital Status	a) Sex or marital status or any questions which would be used to determine same b) Number of dependents, number of children c) Spouse's occupation	
Arrest and Conviction Record	The number and kind of arrests of an applicant	Convictions which bear a relationship to the job However, such inquiries may not be made during the "initial employment application process" pursuant to the Opportunity to Compete Act.
Height and Weight	Any inquiry into height or weight of applicant that is not based on actual job requirements.	Inquiries about ability to perform the job – without mentioning the applicant's height or weight unless a specific minimum or maximum height or weight is required to perform the job.
Physical Disabilities	Any inquiry as to physical disability, which has no direct bearing on satisfactory performance of the specific job in question. (For example, questions as to the mobility of a person without the use of his or her legs, when the job in questions involves working in a stationary position.)	Does applicant have any physical disability, which would prevent him or her from satisfactorily performing the job, with or without reasonable accommodations that do not create an undue hardship to the Township? (For example, questions concerning hearing impairment are acceptable on applications for a telephone operation position.)
Education	General questions about high school or college degrees unless the educational degree inquired about is necessary to perform the job. Questions about education dates are also considered age sensitive.	a) Show highest grade completed b) Detail your educational background
Military Experience	a) Applicant's military experience, unless used for employment history. b) Draft classification or other eligibility for military service c) Applicant's whereabouts during periods of armed conflict d) Dates, conditions and type of discharge	a) Applicant's military experience used for employment history b) Whether applicant is currently on Active Duty or has received any notice to report for duty in Armed Forces

Employment Procedure:

- **Recruitment:** The Manager will coordinate the employment recruitment process for all vacancies to ensure compliance with contractual, legal, Civil Service and Equal Employment Opportunity (“EEOC”) requirements. When a vacancy occurs, it is the responsibility of the Department Head to notify the Manager who will distribute notification of the vacancy to all departments. The Manager will undertake to recruit qualified applicants in accordance with applicable Federal and State law including Civil Service 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.
- **Applications and Forms:** All candidates must fully complete an application form. 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. The voluntary self-identification form and the applicant relative disclosure form should be provided to the applicant and submitted along with the application.
- **Interviews:** The Manager or Department Head may 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 their job and also provided the accommodation does not impose an unreasonable hardship on the Township.
- **Physical Examinations:** After an offer of employment is made and prior to commencing employment, the Manager may require applicants to successfully pass a physical examination to insure that they can perform the duties of their position without injury to themselves or others. The same post-offer physical examination must be performed on all applicants for a particular position. The Manager may require periodic physical examinations to determine the employee’s continued ability to perform the duties of the position. All physical examinations must be performed by a physician chosen by the Township and at the expense of the Township. All medical records of employees and prospective employees are confidential and are to be maintained by the Manager separate from the employee’s official personnel file. Medical exams may include tests for drug and alcohol use.
- **Criminal Background Checks:** Criminal background checks are required of all candidates, 18 years old and older, whether paid or volunteer, that may work directly or indirectly with children/youth/minors in accordance with the procedures outlined in the Section below entitled “Background Checks and Procedures for Candidates, Employees and Volunteers”. The criminal history supplement form and the fingerprint and background check consent form should be provided to the applicant after the first interview and returned before a job offer is made.
- **Job Offers:** The final decision will be made by the Manager, except where prescribed by law, after all references and other information has been verified. Every effort shall be made to offer 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 that the accommodation does not impose an unreasonable hardship on the Township. The employment offer must be made in a letter to the candidate

outlining all terms and conditions of the offer. The letter will also establish a deadline for acceptance.

- **Acceptances and Rejections:** If the first offer is rejected, the 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.
- **Employability Proof:** After acceptance, but before starting employment, all new employees shall be required to fill out an employment verification form (I9) and to provide acceptable proof of right to employment in the United States.
- **Record Retention:** All applications, notes made during interviews and reference checks, job offers and other documents created during the hiring process must be returned to the Manager. Documents related to the successful candidate will be placed in the employee's official personnel file, except medical records including physical examinations 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 and must be retained in a locked cabinet.

Background Checks and Procedures for Candidates, Employees and Volunteers:

- **Background checks required:** Criminal background checks are required of all candidates over the age of 18, whether for paid or volunteer positions, who will be working directly or indirectly with children/youth/minors. Criminal background checks will also be performed every five (5) years for each employee or volunteer that works directly or indirectly with children/youth/minors. The exact titles of employees' subject to background checks are locally defined, but at a minimum should include all recreational positions, crossing guards, library positions, and maintenance and administrative positions pertaining to such programs.
- **Background check procedure:** The Township will perform or initiate criminal background checks and be the recipient of reports from outside agencies or contractors. These reports shall include, but are not limited, to court records; police department and corrections agency records; registries or watch lists; state criminal record repositories; and the Interstate Identification Index maintained by the FBI. The Manager will discuss potentially disqualifying information received with the employee's or volunteer's Department Head, and a determination that the information is disqualifying shall be made based on whether the disqualification is job-related for the position and is consistent with business necessity. Written information received as a result of a "Request for Criminal History Record Information For A Noncriminal Justice Purpose" will be destroyed immediately after it has served its authorized purpose, as required by the State Police. Such information will be kept confidential and will not be published or disclosed in any manner not consistent with the procedures listed herein. Such information will not be deemed a public record under P.L. 1963, c.73 (C:47:1A-1, et seq.) as amended and supplemented by P.L. 2001, c.404 (C:47:1A-5, et seq.).

When a disqualification decision has been made as a result of the employer's "targeted screening process" described below, the Manager will inform the candidate, volunteer, or employee, in writing, of any information that would disqualify the person from working with children/youth. If the Township contracts with an outside vendor to process the background checks, that contractor may be authorized to inform the person in writing of any information that would disqualify the

person from working with children/youth/minors. In addition, the individual shall be advised that he/she has the opportunity to explain the criminal record and to demonstrate why the exclusion based on the employer's targeted screening process should not apply to them under the circumstances. This information may include evidence of an error in the criminal record; facts surrounding the conviction; age at the time of the conviction and/or release from prison; evidence of a clean criminal and employment record since release; rehabilitation efforts; positive references; and evidence that they are bondable. Thereafter, the employer shall give the individual further consideration. Existing employees or volunteers will be placed on immediate suspension pending the outcome of a hearing or appeal. Employee suspensions may be with or without pay at the discretion of the Manager.

- **Conditions Under Which An Individual Will Be Disqualified From Working With Children/Youth:** A candidate, volunteer, or employee may be disqualified from employment in a position that works with children/youth/minors if that person's criminal record history background check reveals a record of conviction of any of the following crimes and disorderly persons offenses as defined by New Jersey law or by analogous laws in other States:

- Homicide (N.J.S.A. 2C:11)
- Assault, reckless endangerment, threats, stalking (N.J.S.A. 2C:12)
- Kidnapping (N.J.S.A. 2C:13)
- Sexual Offenses (N.J.S.A. 2C:14)
- Offenses Against the Family, Children and Incompetents (N.J.S.A. 2C:24)
- Controlled Dangerous Substances (N.J.S.A. 2C:35 except for 2C:35-10(a)4)
- Robbery (N.J.S.A. 2C:15)
- Theft (N.J.S.A. 2C:20)

A disqualification from any position will be based only on a conviction for one or more of the above disqualifying crimes and offenses as a result of the employer's targeted screening process, by which the employer has taken into account the following factors: (a) The nature and gravity of the offense or conduct, including the consideration of (i) the harm caused by the crime; (ii) the legal elements required to prove the crime; and (iii) the classification of the crime (i.e., felony or misdemeanor, etc.); (b) The time that has elapsed since the offense, conduct, and/or completion of the sentence; (c) The nature of the job held or sought, including the consideration of: (i) the job duties (not merely the job title); (ii) the level of supervision to be provided; (iii) the working environment (e.g., private home, outdoors, warehouse); (iv) interaction with others, especially with vulnerable individuals such as children/youth/minors; and (v) the relationship of the criminal history to the job to be performed. An acquittal, a dismissal, successful completion of Pre-Trial Intervention (PTI), or an expungement of a criminal offense, including a disqualifying criminal offense, is not a disqualifying conviction. Further, an arrest record standing alone may not be used to disqualify a candidate, volunteer, or employee from an employment opportunity. However, the employer may make a disqualification decision based on the conduct underlying the arrest if the conduct makes the individual unfit for the position in question, in which case the conduct, not the arrest, is relevant for employment purposes.

- **Appeal Process:** The Appeals Committee will be comprised of the Manager, Police Chief and one other management official of the Township.

Once a candidate, employee or volunteer has been notified of a disqualifying conviction, the employee has fourteen (14) calendar days to file a Notice of Appeal with the Township. Such Notice of Appeal must be sent in writing to the Manager. The Notice of Appeal shall include a

Notice of Rehabilitation and/or a Notice that the information is inaccurate or incorrect, pursuant to NJAC 13:59-1.6.

During the 14-day period listed above, and until the issuance of the decision of the Appeals Committee, an employee will be on a suspension with pay, pending the outcome of the Notice of Appeal.

In making a determination on the appeal, the following information will be considered:

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

The Township will issue a written determination on the employee's appeal of their disqualifying conviction, setting forth the reasons for the determination.

**Fingerprint and Background Check Consent Form
for Employees, Job Applicants, and Volunteers that May Work or Have Contact with Minors**

In accordance with Township Code Chapter 116 – Criminal History Background Checks and N.J.S.A. 15A:3A-1 et seq, I understand that, as a condition of continued employment, new employment, or my volunteer service, the Township of Byram requires background checks on all individuals who will be working with children/youths/minors.

By signing this form, I agree to be fingerprinted and consent to a criminal background record check as a condition of new employment, continued employment, or voluntary service. I also represent, attest, and certify that I have never been convicted of any of the following crimes or disorderly persons offenses as defined by New Jersey law or the law of any other state, or that the guilty disposition of any of the crimes and/or offenses has been amended to a status of not guilty, or that any previous charges, as listed below, have been expunged:

2C:11 HOMICIDE
all offenses

2C:12 ASSAULT, ENDANGERING, THREATS
all offenses

2C:13 KIDNAPPING
all offenses

2C:14 SEXUAL OFFENSES
all offenses

2C:15 ROBBERY
all offenses

2C:20 THEFT
all offenses

2C:24 OFFENSES AGAINST THE FAMILY, CHILDREN AND INCOMPETENTS
all offenses

2C:35 CONTROLLED DANGEROUS SUBSTANCES
all offenses **except** paragraph (4) of subsection a. of NJSA 2C:35-10

Name (please print)

Applicant's signature

Date

Parent's signature (if applicant is under 18)

Date

Open Public Meetings Act Procedure Concerning Personnel Matters:

Discussions by the governing body or any public body of the Township of Byram concerning appointment, termination, terms and conditions of employment, performance evaluation, promotion or discipline of any current or prospective officer or employee may be held in closed session. Ultimately, guidance as to notification of employees and the right to have the discussion in executive or open session should be discussed with and be based upon the advice of legal counsel for the public entity and recent court decisions.

NOTICE PURSUANT TO THE OPEN PUBLIC MEETINGS ACT

TO: _____

(Name & Home Address of Employee)

Date

FROM: _____
(Name & Title of Appointing Authority)

Pursuant to the provisions of N.J.S.A. § 10:4-12(b)(8), this is to notify you that on _____, 20__ at __:__ a.m./p.m. in the Municipal Building, the Mayor and Council of Byram Township will discuss matters related to your employment as _____. These matters include:

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

You have the right to be present during the discussions. You also have the right to request in writing that the Mayor and Township Council hold discussions concerning your employment in public session. If you decide to exercise your right to have discussions concerning your employment held in public session, please notify the Clerk in writing no later than five (5) calendar days prior to the meeting. If the discussion will affect other employees or potential employees, it may be closed to the public unless all such affected persons submit to such signed requests. You are not required to attend this meeting.

(Signature of Appointing Authority
or Authorized Agent)

Processing and Orientation of New Employees:

All new regular full-time and regular part-time employees may be scheduled to meet with the Manager and Department Head on their first day for a general orientation. Copies of all forms and acknowledgements must be returned to the Manager for inclusion in the employee's official personnel file. The orientation may include:

- A tour of the appropriate facilities to acquaint the new employee with overall operations as they relate to the specific position;
- The completion of all pertinent personnel, payroll, insurance and pension forms;
- A review of the Employee Handbook and acknowledgement of receipt;
- The Employee Complaint policy and acknowledgment; and
- Arrangements for the new employee to complete required PEOSHA safety training, if applicable to the position.

Conducting Performance Evaluations:

Periodic evaluations are critical to create a formal record of an employee's performance over time and establish a foundation for personnel actions such as promotion and termination. In addition to day-to-day feedback to the employee, a performance evaluation may be conducted for all employees annually or more frequently. Also, employees may be requested to complete self-evaluations, utilizing the Performance Evaluation forms. The completed evaluations shall become part of an employee's permanent record.

Performance discussions provide employees with guidance regarding their ability to meet job standards. Extraordinary skills or abilities may be recognized in addition to areas for improvement. Supervisors or Department Heads may review future training needs and career planning. The reviewer may also encourage the employee to make suggestions about how the department can improve. The reviewer may ask employees for feedback regarding the employee's skills as they relate to communication, team building, delegation, and sensitivity to needs of subordinates. Open communication is the key to improvement.

- **Setting the Stage:** The reviewer may create a productive climate for the discussion. In preparing the evaluation form, prior evaluations may be reviewed to identify trends. Employees will be notified in advance of the meeting and may be given a copy of the blank evaluation form. The meeting may be private without interruptions, and in a comfortable environment.
- **Confirm Expectations:** The reviewer may start the discussion of each performance area by reviewing expectations, confirming the employee's understanding of job requirements, and referring to the job description as appropriate.
- **Rating:** Continue the discussion by giving the employee's rating in each performance area. The supervisor may be prepared to refer to documentation. Employees may be evaluated based on set standards, not as they compare to other employees. It is rare that any person's rating in all areas is either high or low. The evaluation may 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. Each performance area may be evaluated individually based on specific behaviors exhibited.

- **Discussing Future Plans:** The reviewer may turn the discussion to the future performance and development of the employee. An Employee Counseling Action form may be completed if any item is rated “Needs Improvement” or “Does Not Meet Minimum Standards.” Specific performance goals may be established for the next review period along with plans for achieving those goals.
- **Closing the Discussion:** When all performance areas have been discussed, close the discussion by summarizing all ratings in an overall rating for the review period.

It is crucial 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.

After completing the evaluation, the reviewer will return the form(s) with the signed acknowledgement to the Manager. After review by the Manager, the form(s) are to be included in the employee’s official personnel file. As a part of the evaluation, employees have the right to request a conference with the Manager.

Employee Evaluation Checklist:

- ☐ **BE PREPARED**
 - Know the objectives and goals of the meeting.

- ☐ **TIME AND PLACE**
 - Choose a quiet, private spot with as few interruptions as possible.

- ☐ **CONDUCTING THE INTERVIEW**
 - Create a positive environment and help the employee feel at ease.
 - Give balanced feedback, both positive and negative, but start with the positive.
 - Focus on the job, not the person.
 - Ask questions and allow the employee to provide feedback.
 - When discussing areas for improvement, discuss methods and objectives for improving.
 - Set standards and goals for the next evaluation period.
 - Discuss possibilities for advancement, the employee's aspirations and professional development necessary to be a candidate for such future positions.

- ☐ **CONCLUSION**
 - Summarize and review the important points of the discussion.
 - Restate the action steps that have been recommended and provide a time frame for completion.
 - Make sure that the employee reviews the appraisal and provides comments, updating the evaluation forms for the file.
 - Have employee sign the acknowledgment that the employee has read the appraisal (does not signify agreement with the content).

- ☐ **FOLLOW UP**
 - Follow-up with the employee to see how plans are proceeding within the given time frames.
 - Offer the employee assistance in achieving objectives and encourage discussion of successes and obstacles.
 - Feedback should occur informally on a continuous basis throughout employment and not only during formal performance evaluations. As a result, supervisors should maintain open communication about performance issues at all times.

BYRAM TOWNSHIP EMPLOYEE COUNSELING FORM

Employee Name: _____ **Date:** _____

Department: _____ **Position:** _____

I met with the above employee to discuss performance regarding the following problem(s):

This is a ☐ *verbal*, ☐ *written*, ☐ *final* meeting with this employee concerning this matter.

State the reason for the counseling session:

Employee's performance is not acceptable for the following specific reasons:

Employee must achieve the following goals in order to reach acceptable standards:

Employee should reach these goals by:

- ☐ **Immediately**
- ☐ **Employee is on a probationary status and will be re-evaluated on** _____
- ☐ **Employee is Suspended; Dates:** _____

Consequences of failure to improve or achieve goals:

- ☐ **May result in further disciplinary action, up to and including termination.**
- ☐ **Termination.**

Employee's Comments:

I have read the above. I understand that it constitutes a warning and I understand the amount of time I have to attain the stated performance goals. I also understand the consequences of my failure to improve or attain the above goals.

Employee Signature: _____ **Date:** _____

Department Head Signature _____ **Date:** _____

Disciplinary Action Procedure:

These policies cover non-union employees or employees that do not have employment contracts with the Township. These policies cover union employees to the extent that their collective negotiations agreements or employment contracts with the Township do not cover these issues.

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

If the supervisor determines that an employee is not conforming to the Township's policies and rules, or to specific instructions, or has acted improperly, the supervisor, Department Head, or Manager may initiate discipline. In order to correct undesirable behavior, supervisors, Department Heads, or the Manager may utilize the following corrective tools, but are not limited to these tools. **At the discretion of the Township, action may begin at any step, and/or certain steps may be repeated or by-passed.**

- **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 Manager for the employee's official personnel file.
- **Manager Review:** Should the supervisor consider the offense sufficiently serious to warrant consideration by the Manager, the employee will be so advised and a meeting arranged with the 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 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 Manager for the employee's official personnel file.
- **Suspension:** Whenever an employee is recommended for suspension, the Manager will make the decision and may seek the advice of the Labor Counsel if appropriate. Suspended employees may request a hearing under the applicable grievance procedure and Civil Service procedure. Suspension may be with or without pay.
- **Dismissal:** Whenever an employee is recommended for dismissal, the Manager will make the decision only after seeking the advice of the Labor Counsel. 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 and Civil Service procedure. Dismissal may be appropriate when workplace violations have become chronic or a serious infraction occurs.

Personnel File Procedure:

The official personnel files shall be maintained by the Manager and employee medical information will be maintained in a separate file. The Manager may review files annually to make sure they are up-to-date and will follow-up with the Department Heads as necessary. Police personnel records shall be maintained by the Chief of Police.

The official personnel file may include at least 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 has received the Employee Handbook, updated at least every two years;
- A signed acknowledgement that the employee has received the Employee Handbook Supervisory Supplement, if the employee is a supervisor;
- A signed acknowledgement that the employee received the safety orientation, if such orientation was necessary;
- Annual written performance evaluations including documentation that the evaluation was reviewed with the employee;
- Employee Counseling Action forms;
- 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.

Employment Practices Seminars:

The Township may arrange for employment practices seminars to train all managerial/supervisory personnel. The Township may 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.

Supervisory personnel may also update employees periodically during department meetings and using memos addressing 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.

Prohibition of Harassment in the Workplace:

All supervisors must familiarize themselves with the Township's Prohibition of Harassment in the Workplace Policy. All supervisors should recognize the conduct prohibited by the policy and the range of penalties for violations. Significantly, the Prohibition of Harassment Policy applies not only to sexual harassment, but to harassment based upon actual or perceived membership in any protected class, including race, creed, color, national origin, ancestry, religion, age, marital status, civil union status, domestic partnership status, affectional or sexual orientation, genetic information, sex, pregnancy (including childbirth and related medical conditions), breastfeeding, gender identity or expression, disability (including physical, mental, and intellectual disabilities, AIDS or HIV infection), political affiliation (to the extent protected by law), atypical hereditary cellular or blood trait, or because of the liability for service in the Armed Forces of the United States, veteran status, citizenship status, or any other group status protected by law.

RESPONSIBILITY OF SUPERVISORY PERSONNEL

Supervisors must monitor the work environment to ensure that all subordinates comply with the Township's Prohibition of Harassment in the Workplace Policy. A supervisor may learn of a violation of the Policy through direct observation or indirectly through word of mouth. When a supervisor learns of a violation of the Policy, the supervisor must assist the victim in reporting the alleged incident(s) of harassment to the Manager or Clerk and report the matter directly to the Manager or Clerk.

Supervisors must also monitor the work environment after a formal or informal complaint is reported to ensure that the complainant or any employee involved in a harassment investigation is not retaliated against because of their involvement in the complaint process. Supervisors must immediately report any retaliatory conduct to the Manager or Clerk.

UPON RECEIPT OF A COMPLAINT

Upon receipt of a complaint, the Manager or Clerk will provide an Employee Complaint Form to the employee bringing/reporting the complaint.

If the employee bringing the complaint refuses to complete the Employee Complaint Form or fails to return the Employee Complaint Form within a reasonable period of time, the Manager or Clerk will complete the Employee Complaint Form to the best of their ability, clearly indicating on the Employee Complaint Form the identity of the individual completing the form. See Employee Complaint Investigation Procedure.

CONDUCTING AN INVESTIGATION

The Manager or Clerk will designate an objective investigator to determine the validity of any complaint. The Manager or Clerk may, for example, select the Manager as the objective investigator, or they may select any other individual deemed appropriate. The investigation shall be completed in a reasonable time to resolve the issue and minimize the effects of such investigation on the parties involved. See Employee Complaint Investigation Procedure.

The Manager or Clerk should seek the advice of the Township's Labor and Employment Counsel in processing/conducting the investigation. 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. See Employee Complaint Investigation Procedure.

REPORTING AND ACTING UPON THE INVESTIGATOR'S FINDINGS

The objective investigator shall report their findings and recommendations to the Manager or Clerk. The Manager or Clerk will discuss the conclusions with the Township's Labor and Employment counsel. If the validity of a complaint cannot be determined or the complaint is groundless, the complainant should be notified in writing. Care should be taken to avoid being too specific, confrontational or accusatory. The complainant should be informed that the Township fully investigated the claim, but it 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. See Employee Complaint Investigation Procedure.

If the investigation reveals that the complaint has merit, the Township must immediately formulate a corrective action plan which may include taking appropriate disciplinary action against the accused, in accordance with state and federal laws, based upon the severity of the complaint and any prior history of past charges against the individual. Corrective action may include counseling and training. Disciplinary action may include a written warning, transfer, suspension, demotion, and/or termination of employment. At the Township's discretion, the accused may be suspended pending a hearing. The Township should notify the complainant in writing that the complaint was substantiated and that the Township has taken action reasonably calculated to ensure that the inappropriate behavior will not reoccur. See Employee Complaint Investigation Procedure.

Complaint Investigation Procedure:

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

- **Reporting:** Employees should report complaints in writing utilizing the Employee Complaint form but are not compelled to do so.
- **Identification/Screening:** The supervisor or Department Head must report all written or verbal complaints to the Manager unless the complaint is against the Manager; if a complaint is against the Manager the complaint should be reported to the Byram Township Mayor and Council. Upon receipt, the Manager (or Mayor, when appropriate) will determine if the complaint was made pursuant to the Township's Prohibition of Harassment in the Workplace 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. As soon as possible after receiving the complaint, the Manager or investigator appointed by the Manager (or Mayor, when appropriate) may interview the employee. The Manager or investigator will strive to interview the complainant within ten (10) days of receiving the complaint. If the employee is reluctant to sign a written complaint, the 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.

- **Investigation:** The Manager (or Mayor, when appropriate) will seek the advice of the Labor Counsel when planning an investigation, which will be a prompt and thorough investigation. The investigation should be conducted by the Labor Counsel or 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.
- **Response Plan – No Corrective Action Required:** The Manager (or Mayor, when appropriate) will discuss the conclusions with the Labor Counsel and will strive to render a decision within fourteen (14) days after the investigation is complete. 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.
- **Response Plan – Corrective Action Required:** If the investigation reveals that the complaint is justified and substantiated, the Manager (or Mayor, when appropriate) will formulate with the advice of the Labor Counsel 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. The Manager (or Mayor, when appropriate) will determine the appropriate aspects of the response plan to be disclosed to the complaining employee, if any. The response plan should provide for appropriate remedial action to prevent a recurrence of the wrongful act or behavior.

Byram Township Complaint Form

Dated_____

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.

Byram Township will strive to maintain confidentiality to the extent possible. The Township has a compelling interest in protecting the integrity of its investigations. In every investigation, the Township has a strong desire to protect witnesses from harassment, intimidation and retaliation, to keep evidence from being destroyed, to ensure that testimony is not fabricated, and to prevent a cover-up. The Township may decide in some circumstances to achieve these objectives, employees must maintain the investigation and their role in it in strict confidence. If the Township reasonably imposes such a requirement and an employee does not maintain such confidentiality, the employee may be subject to disciplinary action up to and including immediate termination.

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

BY: _____ DATE: _____

PROGRESS REPORT

First Progress Report ☐ Second Progress Report ☐ (Check one)

To: _____ Employee ID No.: _____

(Employee)

Department: _____

Title: _____

Working test period progress report for the period from:

_____ to _____.

(date)

(date)

Evaluate the quality of work produced by the employee:

Evaluate the quantity of work produced by the employee:

Evaluate the employee's overall performance:

Satisfactory: _____

Unsatisfactory: _____

Describe the reasons for the employee's overall performance rating:

[illegible]

Areas/goals for improvement:

☐ Retention of Employee Recommended

☐ Dismissal of Employee Recommended

(Signature of Preparer)

(Signature of Employee)

(Date Prepared)

(Date Received by Employee)

The existence of a working test period or the completion of the working test period does not alter an employee's at-will employment relationship with the Township, except as otherwise provided by a collective negotiations agreement or applicable law.

BYRAM TOWNSHIP EMPLOYEE EVALUATION REPORT

Employee Name: _____

Supervisor's Name: _____

Evaluation Period: _____ **to** _____

Position/Functions: _____

RATING OPTIONS		
<i>Instructions: The following rating options shall be used in conjunction with the definitions contained within the written directive. "3" - Outstanding, "2" - Acceptable, "1" - Needs Improvement (requires comment and improvement plan), and "N/A" - Not Applicable.</i>		
	EVALUATION CRITERIA	RATING
1	Job Knowledge: Evaluate if the employee demonstrates competence to perform job, gathers background information, identifies priorities, establishes realistic schedules, meets deadlines, and uses relevant information for decision making and solving problems.	
2	Responsibility: Evaluate if the employee accepts responsibility for all job duties and for problems on the job, works to solve problems, inspires teamwork, confidence, and good morale.	
3	Customer Service Orientation: Evaluate if the employee willingly responds to the needs of people being serviced, develops and maintains effective working relationships with the public.	
4	Organizational Skills: Evaluate if the employee organizes activities to ensure proper completion of duties in a timely manner with effective outcomes, looks for more efficient and more cost-effective ways of performing tasks, documents appropriately.	
5	Initiative: Evaluate if the employee's activity indicates that the employee suggests, develops and follows through on new ideas to improve the operation. The employee displays a desire to seek self-improvement through additional training or job assignments.	
6	Judgment: Evaluate if the employee is able to identify problems, exhibits awareness of department objectives and procedures, recognizes and responds successfully to crisis situations.	
7	Communication Skills: Evaluate if the employee displays effective communication skills, both verbally and in writing.	
8	Time Management Skills: Evaluate if the employee accomplishes objectives through effective use of time, focuses attention and energies on high priorities and objectives.	

**BYRAM TOWNSHIP POLICE DEPARTMENT
EMPLOYEE EVALUATION REPORT - SWORN PERSONNEL**

Employee Name: _____

Supervisor's Name: _____

Evaluation Period: _____ **to** _____

Position/Functions: _____

RATING OPTIONS		
Instructions: The following rating options shall be used in conjunction with the definitions contained within the written directive. "3" - Outstanding, "2" - Acceptable, "1" - Needs Improvement (requires comment and improvement plan), and "N/A" - Not Applicable.		
	EVALUATION CRITERIA	RATING
	KNOWLEDGE	
1	Knowledge and Application of Policies, Rules & Regulations, Written Directives	
2	Knowledge and Application of NJ Code of Criminal Justice (Title 2C)	
3	Knowledge and Application of Motor Vehicle and Traffic Laws of NJ (Title 39)	
4	Knowledge and Application of Constitutional Guidelines	
5	Knowledge and Application of Local Ordinances	
	PERSONAL TRAITS	
6	Attendance and Punctuality	
7	Required Equipment On Hand and Serviceable For Duty	
8	Display of Honesty, Ethics and Integrity	
9	Display of Judgment, Common Sense	
10	Display of Tenacity, Flexibility, Resourcefulness and Initiative	
11	Appearance, Grooming and Personal Hygiene	
12	Relationships with Fellow Employees	
13	Relationships with Supervisors	
14	Interaction with Victims, Witnesses and General Public	
15	Interaction with Violators, Suspects and Accused	
16	Response to Constructive Criticism	
17	Ability to Work Unsupervised	
	SKILLS and ABILITIES	
18	Computer Literacy	
19	Response to Calls and Assignments	
20	Completes Assigned Duties in Timely Manner	
21	Effort Applied to Non-stressful and Non-Critical Duties	
22	Effort Applied to Stressful and Critical Duties	
23	Effectiveness of Patrol Techniques	
24	Oral Communications Skills	
25	Written Communications Skills and Techniques	
26	Communications Procedures	

27	Officer Safety	
	LEADERSHIP	
28	Assigning Tasks, Duties and Responsibilities	
29	Evaluation and Assessment of Subordinates	
30	Training and Instructing Subordinates	
31	Leadership	
Narrative: <div style="border: 1px solid black; height: 350px; width: 100%;"></div>		
Employee's Signature:		Date:
Employee's signature does not constitute agreement, but only acknowledgment of having read and discussed this Evaluation Report. If you wish to provide comments, either in agreement or disagreement, please use the area provided below (or on a separate piece of paper, if necessary).		
Employee Comments:		
<div style="border: 1px solid black; height: 80px; width: 100%;"></div>		
Supervisor's Signature:		Date:
Supervisory Review Signature:		Date:

Police Department Sworn Employees - Evaluation Criteria Definitions:

KNOWLEDGE

Knowledge & Application of Policies, Rules & Regulations, and Written Directives – Evaluate if the employee complies with, and demonstrates a satisfactory working knowledge and understanding of and is able to apply them to circumstances involving their position.

Knowledge & Application of NJ Code of Criminal Justice (Title 2C) - Evaluate if the employee has a satisfactory working knowledge and understanding of the elements of crimes and offenses and is able to make appropriate decisions and judgments in applying charges or categorizing incidents.

Knowledge & Application of Motor Vehicle and Traffic Laws of NJ (Title 39) - Evaluate if the employee has a satisfactory working knowledge of all motor vehicle violations relevant to and commonly enforced within the jurisdiction, relies on same and is able to make effective and appropriate decisions regarding charging.

Knowledge & Application of Constitutional Guidelines - Evaluate if the employee has a satisfactory working knowledge of constitutional law, maintaining an awareness of case law decisions and is able to work within their parameters, making appropriate decisions.

Knowledge & Application of Local Ordinances - Evaluate if the employee has a satisfactory working knowledge of local ordinance violations relevant to and commonly enforced within the jurisdiction, relies on same and is able to make appropriate decisions regarding enforcement.

PERSONAL TRAITS

Attendance and Punctuality - Evaluate if the employee reports for duty on time and manages available time off (vacation days, holidays, personal days, etc.) appropriately. Evaluate if the employee maintains awareness of any new details or events and is prepared to assume duties as required.

Required Equipment on Hand and Serviceable For Duty - Evaluate if the employee maintains their equipment in satisfactory condition and within the manufacturer's guidelines, replacing worn or defective items as necessary, making prompt notification regarding lost, damaged or defective items and is always prepared for duty as assigned.

Display of Honesty, Ethics and Integrity - Evaluate if the employee manifests personal conduct, behavior, trustworthiness, personal principles and values that reflect well upon the Township of Byram, the police department, fellow employees and the law enforcement profession.

Display of Judgment, Common Sense - Evaluate if the employee uses logic, discretion and common sense in the performance of duty, displaying a sound thought process, reasonableness and justification in decision making without over or under reacting.

Display of Tenacity, Flexibility, Resourcefulness and Initiative - Evaluate if the employee is a self-starter, displays confidence and acceptance of responsibility, is judicious in carrying out assignments without direction, demonstrates an ability to think along constructively, makes practical suggestions, demonstrates self-reliance and resourcefulness, effectively applies new concepts and techniques, is focused yet resilient and is willing to recognize input from others.

Appearance, Grooming and Personal Hygiene - Evaluate if the employee always wears designated uniform or attire, is neat, clean, and presents a professional appearance in accordance with department directives.

Relationships with Fellow Employees - Evaluate if the employee works well with, is respectful of, and offers assistance to fellow employees, demonstrating collaborative and cooperative work habits and sensitivity, self-discipline and control of emotions.

Relationships with Supervisors - Evaluate if the employee is respectful and cooperative with supervisors, contributing to the organizational component and department objectives, does not complain or reject assignments and participates effectively in times of need.

Interaction with Victims, Witnesses and General Public - Evaluate if the employee demonstrates empathy, sensitivity, a concerned willingness to assist, a positive attitude representing themselves and the department in a professional fashion towards all individuals.

Interaction with Violators, Suspects and Accused - Evaluate if the employee presents a professional and neutral attitude, demonstrating restraint, employing the appropriate use of force options, relying upon effective investigative techniques and striving to gain the confidence and cooperation necessary to achieve law enforcement objectives.

Response To Constructive Criticism - Evaluate if the employee responds to criticism in a positive manner, asks appropriate questions, demonstrates willingness to learn and/or to employ corrective techniques and tactics, and demonstrates genuine effort towards improvement.

Ability To Work Unsupervised - Evaluate if the employee is trustworthy, dependable, effective and efficient, displaying self-confidence and a willingness to assume responsibility, has the flexibility and skill to solve problems, avoids distractions and maintains focus upon following directions and completing assignments in a safe, timely and proficient manner.

SKILLS AND ABILITIES

Computer Literacy - Evaluate if the employee makes effective use of computer equipment and facilities, complies with agency guidelines, understands department computer applications, and keeps abreast of new department software applications.

Response to Calls and Assignments - Evaluate if the employee responds in an appropriate and timely manner (i.e., emergency equipment/non-emergency as required, or in keeping with the time of the day, distance traveled, traffic congestion, roadway conditions, etc.), safely avoiding hazards, providing necessary back-up when appropriate, and does not require multiple calls from communications to gain radio contact.

Completes Assigned Duties in Timely Manner - Evaluate if the employee displays efficiency, effectiveness and thoroughness in completing assignments, duties and tasks within expected time periods, relying well on training, past experiences and the positive experiences of others. Evaluate if the employee's time-sensitive reporting is completed within the established time period.

Effort Applied to Non-Stressful and Non-Critical Duties - Evaluate if the employee exercises discretion and effort in their duties, applying thoroughness and initiative to investigations, while relying upon training, experience, available resources and prescribed or approved techniques and strategies, thoroughly prepares self for court appearances and other judicial matters. Evaluate if the employee maintains situational

awareness, can be depended upon to accomplish their purpose, disregarding distractions, assessing situations well and displaying self-confidence and the ability to implement a plan of action.

Effort Applied To Stressful and Critical Duties - Evaluate if the employee functions effectively and maintains confidence and composure in the face of danger, chaos, disorder or other challenging and/or emergency conditions while displaying command of events, using discretion and judgment, making good decisions, and selecting alternative solutions.

Effectiveness of Patrol Techniques - Evaluate if the employee exercises discretion and effort in patrol of area, post or assignment, operates assigned equipment safely and prudently, relies upon training, experience and the positive experiences of others, maintains knowledge and awareness of the geographical composition of the jurisdiction, trouble spots or vulnerable areas of concern, avoids distractions and focuses upon current trends involving calls for service.

Oral Communications Skills - Evaluate if the employee is able to clearly, distinctly and concisely articulate their thoughts in an easily understood manner.

Written Communications Skills and Techniques - Evaluate if the employee is able to clearly, accurately, distinctly convey thoughts, ideas and information when preparing reports, e-mails, memos or other written documents, applies sound technique, appropriate spelling and grammar, illustrates details that reflect well upon and describe specifically, all events and circumstances. Evaluate if the employee's reports are neat, legible, concise, and submitted within established time period and all documents are properly selected and prepared.

Communications Procedures - Evaluate if the employee adheres to established communication devices and systems (radios, computers, phones, etc.) procedures, messages are clear, concise, distinct and well thought out. Evaluate if the employee's communications are within guidelines and the employee is aware of other message traffic involving supervisors, communications, other units or jurisdictions.

Officer Safety - Evaluate if the employee adheres to established agency safety rules and precautions that relate to their assignment, relies upon approved methods and procedures as well as upon training, experiences, experiences of others or supervisor direction.

LEADERSHIP

Assigning Tasks, Duties and Responsibilities - Evaluate if the supervisor maintains an awareness of activities, events and crime patterns, assigns personnel proportionately, with consideration for individual employee's performance capabilities and the unique requirements of the task at hand.

Evaluation and Assessment of Subordinates - Evaluate if the supervisor continually identifies strengths and weaknesses and the proficiency of individual employees, providing feedback to improve on effective behavior and overcome deficiencies. Evaluate if the supervisor maintains an accurate record of activity and events of each employee, furnishes employees with constructive personal and agency goals and reliable strategies. Evaluate if the supervisor makes valid, fair, written evaluations of assigned employees. Evaluate if the supervisor relies upon observations and written documentation of performance consistent with the department's performance evaluation system.

Training and Instructing Subordinates - Evaluate if the supervisor makes valid observations regarding employee's specific training needs. Evaluate if he/she provides employees with informational guidance, direction and correction, while developing knowledge and skill. The supervisor makes genuine

measurements of the employee's level of comprehension and understanding. Evaluate if he/she makes recommendations for providing the employee with training to achieve career goals.

Leadership - Evaluate if the supervisor is a role model for employees and peers, exhibiting and providing a strong code of personal ethics, actively ensuring that the work of assigned personnel is accomplished while upholding the standards of and promoting and achieving the goals and objectives of the organization. Evaluate if he/she shares authority and responsibility to improve organizational effectiveness and recognizes the need to concentrate on people rather than tasks. Evaluate if he/she is technically proficient in all areas, striving for self-improvement and the improvement of others. Evaluate if he/she provides equitable treatment towards all while administering discipline; rewards appropriately.

Family Medical Leave:

REQUEST FOR FMLA LEAVE

To request FMLA leave, an employee need only make the Township aware that they need leave for a reason that qualifies for leave under the FMLA. The employee does not need to specifically request FMLA leave or otherwise refer to FMLA leave by name. Therefore, Department Heads and supervisors must inform the Manager of any requests for extended absences and the reason for the leave so that the Manager can evaluate whether the leave qualifies as FMLA leave.

The Township requires employees who are absent for three (3) or more consecutive working days to provide a doctor's certificate substantiating the need for sick leave. The doctor's note must contain the reason for the absence and the anticipated duration of the condition. Employees must submit the doctor's certificate confidentially to the Manager. The Manager will evaluate the doctor's certificate to determine whether the employee may qualify for FMLA leave. If the employee qualifies for FMLA leave, the Manager will treat the doctor's note as a request for FMLA leave.

EMPLOYER RESPONSE TO REQUEST FOR FMLA LEAVE–ELIGIBILITY NOTICE

Within five (5) business days of receipt of the employee's request for FMLA leave, the Manager or designee must inform the employee of the employee's eligibility for FMLA leave and their rights and responsibilities. It is mandatory for the Township to provide employees with notice of their eligibility for FMLA protection and their rights and responsibilities. The Manager or designee must complete the Notice of Eligibility and Rights & Responsibilities (FMLA/NJFLA) form and deliver it to the employee within five (5) business days of receipt of the employee's request. See Notice of Eligibility and Rights & Responsibilities (FMLA/NJFLA). The applicable Medical Certification, discussed below, should accompany the Notice of Eligibility and Rights and Responsibilities. The Township must retain a copy of the Notice of Eligibility and Rights & Responsibilities (FMLA/NJFLA) in its records for three years.

EMPLOYER RESPONSE TO REQUEST FOR FMLA LEAVE–DESIGNATION NOTICE

The Manager or designee must designate leave as FMLA-qualifying and give notice of the designation to the employee using the Designation Notice (FMLA/NJFLA). It is mandatory for the Township to inform employees in writing whether leave requested under the FMLA has been determined to be covered under the FMLA. The Manager or designee must provide this notice within five (5) business days of receipt of enough information to determine whether the leave is being taken for a FMLA-qualifying reason (i.e., receipt of a Medical Certification). The Township must designate leave that qualifies as both leave to care for a covered servicemember with a serious injury or illness and leave to care for a qualifying family member with a serious health condition as leave to care for covered servicemember in the first instance.

If the Manager or designee has sufficient information to designate the leave as FMLA leave immediately after receiving notice of the employee's need for leave, the Township may provide the employee with the Designation Notice (FMLA/NJFLA) at that time. The Township must retain a copy of the Designation Notice (FMLA/NJFLA) in its records for three years.

HEALTH INSURANCE BENEFITS

The Township must maintain an employee's health benefits during any period of unpaid leave under the same conditions as if the employee continued to work. If the employee does not return to work following leave for a reason other than: (1) the continuation, recurrence, or onset of a serious health condition which would entitle the employee to FMLA leave; or (2) other circumstances beyond the employee's control, the employee may be required to reimburse the Township for its share of health insurance premiums paid on the employee's behalf during the leave.

Employee contributions toward premiums for health insurance must continue during FMLA and/or NJFLA leave. If the employee is on unpaid FMLA or NJFLA leave, the Township must arrange for payment with the employee. The employee has a minimum 30-day grace period in which to make premium payments. If payment is not made timely, the Township may cancel the employee's group health insurance, provided the Township notifies the employee in writing at least fifteen (15) days before the date that health coverage will lapse.

MEDICAL CERTIFICATION

When an employee takes FMLA leave because of their own serious medical condition or the serious medical condition of an employee's immediate family member, the Township requires that the employee submit a medical certification supporting the need for the leave. Specifically, the Township requires employees who take FMLA leave because of their own serious medical condition to submit a Certification of Health Care Provider for Employee's Serious Health Condition, available at <http://www.dol.gov/whd/forms/WH-380-E.pdf>. The Township requires employees who take FMLA leave because of the serious medical condition of an employee's immediate family member to submit a Certification of Health Care Provider for Family Member's Serious Health Condition, available at <http://www.dol.gov/whd/forms/WH-380-F.pdf>.

With respect to military family medical leave, the Township requires employees who take FMLA leave for a qualifying exigency to submit a copy of the covered military member's active duty orders or rest and recuperation leave orders, as applicable, and a Certification of Qualifying Exigency for Military Family Medical Leave, available at <http://www.dol.gov/whd/forms/WH-384.pdf>. The Township requires employees who take FMLA leave to care for a covered service member with a serious injury or illness to submit a Certification for Serious Injury or Illness of Current Servicemember for Military Family Medical Leave, available at <http://www.dol.gov/whd/forms/WH-385.pdf>. The Township requires employees who take FMLA leave to care for a covered veteran with a serious injury or illness to submit a Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave, available at <http://www.dol.gov/whd/forms/wh385V.pdf>.

The Manager or designee must request the employee to provide the medical certification within five (5) business days of receipt of the request for FMLA leave. See Employer Response to Employee Request for FMLA/NJFLA Leave. The Manager or designee must provide the employee with a minimum of fifteen (15) calendar days to return the medical certification. The Township must retain the medical certification in its records for three years.

The employee is responsible for covering the cost of obtaining the medical certification.

In all instances in which a Medical Certification is required, it is the employee's responsibility to provide the Manager with a complete and sufficient certification. If clarification or authentication is needed, the Township may contact the health care provider. This contact should be made by the Manager or designee. In no circumstances may the employee's direct supervisor contact the employee's health care provider.

The Township retains the right to require an employee to obtain a second medical certification from a health care provider, at the Township's expense. The Township may select the health care provider for the second opinion, except that the Township must not select a health care provider that regularly contracts with the Township, or that the Township regularly uses for its services.

If the opinions of the employee and the Township's designated health care providers differ, the Township may require the employee to obtain a certification from a third health care provider, at the Township's expense. The third opinion is final and binding. The third health care provider must be approved jointly by the Township and the employee.

RECERTIFICATIONS OF MEDICAL CONDITIONS

The Township has the right to request recertification of medical conditions.

- A. The Township may require recertifications for an employee's pregnancy, chronic, permanent or long-term conditions no more often than every 30 calendar days unless:
 - Circumstances described by the previous certification have changed significantly (i.e., the severity of the condition, complications) or
 - The Township receives information that casts doubt on the employee's stated reason for the absence.
- B. If the minimum duration of the period of incapacity specified on a certification furnished by the health care provider is more than 30 calendar days, the Township may not request recertification until that minimum duration has passed unless:
 - The employee requests an extension of leave;
 - Circumstances described by the previous certification have changed significantly (i.e., the duration of the illness, the nature of the illness, complications); or
 - The Township receives information that casts doubt on the continuing validity of the certification.
- C. For situations not covered under paragraphs A and B, the Township may request recertification at any reasonable interval, but not more often than every 30 calendar days, unless:
 - The employee requests an extension of leave;

- Circumstances described by the previous certification have changed significantly (i.e., the duration of the illness, the nature of the illness, complications); or
- The Township receives information that casts doubt on the continuing validity of the certification.

The employee must provide the recertification within the time frame requested by the Township. The Township must allow the employee at least fifteen (15) calendar days to obtain the recertification.

Any recertification requested by the Township will be at the employee's expense.

The Township will not require second or third opinions on a recertification.

FITNESS-FOR-DUTY CERTIFICATIONS

The Township requires all employees who take FMLA leave for their own serious medical condition to provide the Township with a job related fitness-for-duty certification upon return to work. The employee must obtain the fitness-for-duty certification at their expense.

The Township will not require second or third opinions on a fitness-for-duty certification.

STATUS REPORTS

The Township may require employees on FMLA leave to periodically provide the Manager with a status report on their intent to return to work. If requested, employees must provide written status reports to the Manager at least every two weeks. The Township can shorten or lengthen the intervals between status reports, depending upon the circumstances.

**VERIFICATION OF FMLA/NJFLA AVAILABILITY
REQUEST FORM**

This form is to be completed by the Manager or designee and attached to the FMLA/NJFLA request.

Employee's Name: _____

Department: _____ Date of Request: _____

Has requested: ☐ Medical Leave–Own Serious Medical Condition
☐ Child Care Leave
☐ Family Leave to Care for Family Member with Serious Medical Condition
☐ Military Family Medical Leave

Leave Start Date: _____ Leave Return Date: _____

Please verify the following (circle):

Yes No Completed 12 months of service with the Township
Hire Date: _____

Yes No Has employee taken ANY of the 12 weeks of FMLA in prior rolling 12 months?

Yes No Has the employee taken ANY of the 12 weeks of NJFLA in prior rolling 24 months?

Dates and duration of any prior leave requests: _____

Total Duration of Prior Leave: _____

Hours worked 12 months prior to start date of the requested leave: _____
(Deduct paid sick, vacation and personal time)

Please verify the following (circle):

Yes No Has the employee worked 1,250 hours in the previous 12 months?

Yes No Has the employee worked 1,000 hours in the previous 12 months?

Yes No Has all paid sick time been used?

If no, number of hours remaining: _____

Is the employee eligible for FMLA? Yes No

Is the employee eligible for NJFLA? Yes No

Manager

Date

NOTICE OF ELIGIBILITY AND RIGHTS & RESPONSIBILITIES (FMLA/NJFLA)

In general, to be eligible for FMLA leave, an employee must have worked for the Township for at least 12 months, and have worked at least 1,250 hours in the 12 months preceding the leave.

In general, to be eligible for NJFLA leave, an employee must have worked for the Township for at least 12 months, and have worked at least 1,000 hours during the 12 months preceding the leave.

The Township must provide this form to the employee within five business (5) days of the employee notifying it of the need for FMLA leave.

Part A: Notice of Eligibility

To: _____
Employee

From: _____
Employer Representative

Date: _____

On _____, you informed us that you needed leave beginning on _____ for:

- ☐ The birth of a child, or placement of a child with you for adoption or foster care.
- ☐ Your own serious medical condition.
- ☐ Because you are needed to care for your:
 - ☐ Spouse ☐ Civil Union (NJFLA only) ☐ Domestic Partner (NJFLA only) ☐ Child ☐ Parent ☐ Parent-in-law (NJFLA only) ☐ Sibling (NJFLA only) ☐ Grandparent (NJFLA only)
 - ☐ Grandchild (NJFLA only) ☐ Foster Parent (NJFLA only) ☐ Any individual related by blood (NJFLA only) ☐ Any other individual with a close association equivalent to a family relationship (NJFLA only) due to his/her serious health condition.
- ☐ Because of a qualifying exigency arising out of the fact that my ☐ Spouse ☐ Son/Daughter ☐ Parent is on covered active duty or call to covered active duty status.
- ☐ Because you are the ☐ Spouse ☐ Son/Daughter ☐ Parent ☐ Next of kin of a covered service member with a serious injury or illness.

This Notice is to inform you that you:

- ☐ Are eligible for FMLA leave (See Part B below for Rights and Responsibilities)
- ☐ Are not eligible for FMLA leave, because (only one reason need be checked, although you may not be eligible for other reasons):

- ☐ You have not met the FMLA's 12-month length of service requirement. As of the first date of requested leave, you will have worked approximately ____ months towards this requirement.
- ☐ You have not met the FMLA's 1,250 hours-worked requirement.

This Notice is to inform you that you:

- ☐ Are eligible for NJFLA leave (See Part B below for Rights and Responsibilities)
- ☐ Are not eligible for NJFLA leave, because (only one reason need be checked, although you may not be eligible for other reasons):
 - ☐ You have not met the NJFLA's 12-month length of service requirement. As of the first date of requested leave, you will have worked approximately ____ months towards this requirement.
 - ☐ You have not met the NJFLA's 1,000 hours-worked requirement.
 - ☐ NJFLA leave does not apply to an employee's own serious medical condition.
- ☐ Your FMLA leave will run concurrently with your NJFLA leave.

If you have any questions, please contact the Manager or view the FMLA poster and the NJFLA poster, as applicable, located in the lunch room, main copy room and on Departmental bulletin boards.

Part B: Rights & Responsibilities

- ☐ As explained in Part A, you meet the eligibility requirements for taking FMLA leave and still have FMLA leave available in the applicable 12-month period.
- ☐ As explained in Part A, you meet the eligibility requirements for taking NJFLA leave and still have NJFLA leave available in the applicable 24-month period.

For us to determine whether your absence qualifies as FMLA leave and/or NJFLA leave, you must return the following information to us by _____. (If a certification is requested, employers must allow at least 15 calendar days from receipt of this notice; additional time may be required in some circumstances.) If sufficient information is not provided in a timely manner, your leave may be denied.

- ☐ Sufficient certification to support your request for FMLA and/or NJFLA leave. A certification form that sets forth the information necessary to support your request is enclosed.
- ☐ Sufficient documentation to establish the required relationship between you and your family member.
- ☐ Other information needed (such as documentation for military family leave): _____

- ☐ No additional information requested.

If your leave qualifies as FMLA and/or NJFLA leave you will have the following responsibilities while on FMLA and/or NJFLA leave (only checked items apply):

- ☐ Contact _____ at _____ to make arrangements to continue to pay your share of the premium payments on your health insurance to maintain health benefits while you are on leave. You have a minimum 30-day grace period in which to make premium payments. If payment is not made timely, your group health insurance may be cancelled, provided we notify you in writing at least 15 days before the date that your health coverage will lapse, or, at our option, we may pay your share of the premiums during FMLA leave and/or NJFLA leave, and recover these payments from you upon your return to work.
- ☐ You may use your available paid sick, vacation, and/or other leave during your FMLA and/or NJFLA absence. This means that if you take paid leave, the leave will also be considered protected FMLA and/or NJFLA leave and counted against your FMLA leave entitlement.
- ☐ Due to your status with the Township, you are considered a “key employee” as defined in the FMLA. As a “key employee,” restoration to employment may be denied following FMLA leave on the grounds that such restoration will cause substantial and grievous economic injury to us. We have determined that restoring you to employment at the conclusion of FMLA leave ☐ will ☐ will not cause substantial and grievous economic harm to us. This paragraph applies to FMLA leave only.
- ☐ Due to your status with the Township, your base salary ranks within the highest paid five percent or is one of the seven highest, whichever number of employees is greater (all employees of an employer whether employed in New Jersey or not shall be included in this calculation), and therefore, restoration to employment may be denied following NJFLA leave on the grounds that such restoration would cause a substantial and grievous economic injury to the employer's operations; and we have determined that restoring you to employment at the conclusion of NJFLA leave ☐ will ☐ will not cause substantial and grievous economic injury to us. This paragraph applies to NJFLA leave only.
- ☐ While on leave you will be required to furnish us with periodic reports of your status and intent to return to work every _____ (Indicate interval of periodic reports, as appropriate for the particular leave situation).

If the circumstances of your leave change and you can return to work earlier than the date indicated on this form, you will be required to notify us at least two (2) workdays prior to the date you intend to report for work.

If your leave qualifies as FMLA leave, you will have the following rights while on FMLA leave:

- You have a right under the FMLA to up to 12 weeks of unpaid leave in a 12-month period calculated as a “rolling” 12-month period measured backward from the date of any FMLA leave usage.
- You have a right under the FMLA for up to 26 weeks of unpaid leave in a single 12-month period to care for a covered servicemember with a serious injury or illness. This single 12-month period commenced on _____.

- Your health benefits must be maintained during any period of unpaid leave under the same conditions as if you continued to work.
- You must be reinstated to the same or an equivalent job with the same pay, benefits, and terms and conditions of employment on your return from FMLA-protected leave. (If your leave extends beyond the end of your FMLA entitlement, you do not have return rights under the FMLA).
- If you do not return to work following FMLA leave for a reason other than: 1) the continuation, recurrence, or onset of a serious health condition which would entitle you to FMLA leave; 2) the continuation, recurrence or onset of a covered servicemember's serious injury or illness which would entitle you to FMLA leave; or 3) other circumstances beyond your control, you may be required to reimburse the Township for the Township's share of health insurance premiums paid on your behalf during your FMLA leave.
- You have the right to have sick, vacation, and/or other leave run concurrently with your unpaid leave entitlement, provided you meet any applicable requirements of the leave policy. For a copy of conditions applicable to the use of paid leave, please refer to the Township's sick, vacation, and personal leave policies contained in the Township's Employee Handbook. If you do not meet the requirements for taking paid leave, you remain entitled to take unpaid FMLA leave.

If your leave qualifies as NJFLA leave, you will have the following rights while on NJFLA leave:

- You have a right under the NJFLA for up to 12 weeks of unpaid leave in a 24-month period calculated as a "rolling" 24-month period measured backward from the date of any NJFLA leave usage.
- Your health benefits must be maintained during any period of unpaid leave under the same conditions as if you continued to work.
- You must be reinstated to the same or an equivalent job with the same pay, benefits, and terms and conditions of employment on your return from NJFLA-protected leave. (If your leave extends beyond the end of your NJFLA entitlement, you do not have return rights under the NJFLA).
- If you do not return to work following NJFLA leave for a reason other than: 1) the continuation, recurrence, or onset of a serious health condition which would entitle you to NJFLA leave; or 2) other circumstances beyond your control, you may be required to reimburse the Township for the Township's share of health insurance premiums paid on your behalf during your NJFLA leave.
- If we have not informed you above that you must use accrued paid leave while taking your unpaid NJFLA leave entitlement, you have the right to have sick, vacation, and/or other leave run concurrently with your unpaid leave entitlement, provided you meet any applicable requirements of the leave policy. For a copy of conditions applicable to the use of paid leave, please refer to the Township's sick, vacation and personal leave policies contained in the Township's Employee

Handbook. If you do not meet the requirements for taking paid leave, you remain entitled to take unpaid NJFLA leave.

Once the Township obtains the information from you as specified above, we will inform you, within five (5) business days, whether your leave will be designated as FMLA and count toward your FMLA leave entitlement. The Township will also inform you whether your leave will be designated as NJFLA and count toward your NJFLA leave entitlement. If you have any questions, please do not hesitate to contact the Manager.

DESIGNATION NOTICE (FMLA/NJFLA)

Leave covered under the Family and Medical Leave Act ("FMLA") must be designated as FMLA-protected and the Township must inform the employee of the amount of leave that will be counted against the employee's FMLA leave entitlement. The Township also uses this form to designate leave under the New Jersey Family Leave Act ("NJFLA") as NJFLA-protected and to inform the employee of the amount of leave that will be counted against the employee's NJFLA leave entitlement. To determine whether leave is covered under the FMLA and/or the NJFLA, the Township may request that the leave be supported by a certification. If the certification is incomplete or insufficient, the Township will state in writing the additional information necessary to make the certification complete and sufficient.

To: _____

Date: _____

We reviewed your request for leave under the FMLA and/or NJFLA and any supporting documentation that you have provided. We received your most recent information on _____ and decided:

- ☐ Your FMLA leave request is approved. All leave taken for this reason will be designated as FMLA leave.
- ☐ Your NJFLA leave request is approved. All leave taken for this reason will be designated as NJFLA leave.

The FMLA and/or NJFLA require that you notify us as soon as practicable if dates or scheduled leave change or are extended or were initially unknown. Based on the information you have provided to date, we are providing the following information about the amount of time that will be counted against your leave entitlement:

- ☐ Provided there is no deviation from your anticipated leave schedule, the following number of hours, days, or weeks will be counted against your leave entitlement:

- ☐ Because the leave you will need will be unscheduled, it is not possible to provide the hours, days, or weeks that will be counted against your FMLA and/or NJFLA entitlement, as applicable, at this time. You have the right to request this information once in a 30-day period (if leave was taken in the 30-day period).

Please be advised (check if applicable):

- ☐ You will be required to present a fitness-for-duty certificate to be restored to employment. If such certification is not timely received, your return to work may be delayed until certification is provided. A list of the essential functions of your position ☐ is
☐ is not attached. If attached, the fitness-for-duty certification must address your ability to perform these functions.
- ☐ Additional information is needed to determine if your FMLA leave request can be approved:

- ☐ Additional information is needed to determine if your NJFLA leave request can be approved:
- ☐ The certification you have provided is not complete and sufficient to determine whether the FMLA (or NJFLA) applies to your leave request. You must provide the following information no later than _____ (provide at least seven calendar days), unless it is not practicable under the particular circumstances despite your diligent good faith efforts, or your leave may be denied.

The specific information needed to make the certification complete and sufficient is:

- ☐ The Township is exercising its right to have you obtain a second or third opinion medical certification at our expense, and the Township will provide further details.

-
- ☐ Your FMLA leave request is NOT APPROVED.
 - ☐ Your NJFLA leave request is NOT APPROVED.
 - ☐ The FMLA does not apply to your leave request.
 - ☐ The NJFLA does not apply to your leave request.
 - ☐ You have exhausted your FMLA leave entitlement in the applicable 12-month period.
 - ☐ You have exhausted your NJFLA leave entitlement in the applicable 24-month period.

**FAMILY AND/OR MEDICAL LEAVE
RETURN TO WORK MEDICAL CERTIFICATION**

Please return completed form in a sealed envelope marked CONFIDENTIAL to:

Joseph Sabatini, Manager
Township of Byram
10 Mansfield Drive
Stanhope, NJ 07874

Telephone: (973) 347-2500 Ext. 129 E-Mail: jsabatini@byramtwp.org

PART I: TO BE COMPLETED BY EMPLOYEE (PLEASE TYPE OR PRINT)

Name of Employee: _____

Employee's Position: _____

Date leave commenced: _____

Signature of Employee

Date

PART II: TO BE COMPLETED BY HEALTH CARE PROVIDER

Employee Name: _____ Title: _____

- ☐ I have completely examined this employee. In my medical opinion, his/her functional capacity is limited such that there is no possible way to modify his/her work environment to accommodate his/her physical and/or mental limitations according to the attached job description that was reviewed by me.
- ☐ This employee's condition prevents him/her from safely performing the essential functions of his/her position and will be unable to return to work.
- or -
- ☐ This employee is unable to return to work at this time and should be out of work until (please provide date): _____
- ☐ I have completely examined this employee and in my medical opinion, his/her functional capacity is limited. This employee can continue to work safely if the job, according to the attached job

description that was reviewed by me, is modified to match the modifications stated below:_____

Modified duty status should continue until _____
Date

☐ I have completely examined this employee. In my medical opinion I believe this employee can resume/perform all functions of his/her position without restrictions according to the attached job description that was reviewed by me. Date employee can return to work:_____

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

Physician's Signature

Date

Health Care Provider's name, address and telephone number (please print clearly):

Alcohol and Drug Free Workplace:

It is the responsibility of Department Heads and supervisors to counsel employees whenever they see changes in performance or behavior that suggests an employee has an alcohol or drug problem. Although it is not the Department Head or supervisor's job to diagnose personal problems, the Department Head or supervisor should encourage such employees to seek help and advise them about available resources for getting help. Department Heads and supervisors are responsible for taking appropriate action when an employee's behavior or performance raises any question about the employee's ability or physical condition to do their job safely and properly.

Employees exhibiting behavior problems should be handled, like any other disciplinary problem, as discreetly as possible. Leaping to conclusions or making a public display of sending an employee to a clinic could expose the employer to claims of defamation, intentional infliction of emotional distress, invasion of privacy, or other legal action. The Department Head or supervisor must give the employee a chance to explain, selecting a private location out of the hearing of other employees. The Department Head or supervisor must confine questions and statements to specific performance and behavior, and not ask about drug or alcohol use.

A Department Head or supervisor who believes that an employee has violated the Township's Alcohol and Drug-Free Workplace policy should report the suspected violation to the Manager and complete a Supervisor's Report of Reasonable Suspicion. The Manager will determine whether to require the employee to submit to drug and/or alcohol testing. Department Heads or supervisors who observe behavior constituting reasonable suspicion are required to institute testing and do not have the alternative option to send the employee home.

Employees must understand that the rules against drug, narcotic or alcohol usage will be enforced. Documentation of poor performance and of disciplinary action can be a positive influence in helping a Department Head or supervisor convince an employee to seek help and in responding to recalcitrant employees who resist treatment.

SUPERVISOR DO'S AND DON'TS

DON'T try to diagnose the problem.

DON'T moralize. Limit criticism to job performance, interpersonal relationships with fellow employees, tardiness, or unusual bizarre behavior (problems with management's purview).

DON'T be misled by "con" stories or sympathy evoking tactics at which problem employees excel.

DON'T "cover up" for a good acquaintance or a "friend." Remember behavioral and/or emotional disorders are progressive illnesses that may be fatal if left untreated.

DO emphasize that you, the supervisor, are concerned only with job performance.

SUPERVISOR'S REPORT OF REASONABLE SUSPICION

This checklist is to be completed when an incident occurs which provides reasonable suspicion that an employee may be under the influence of drugs and/or alcohol. Check each applicable item in the proper column.

_____	_____ a.m.	_____
EMPLOYEE NAME	TIME OF INCIDENT p.m.	DATE OF INCIDENT
_____	_____	_____
SUPERVISOR	DEPARTMENT HEAD	

Incident Or Cause for Suspicion

<u>Yes</u>	<u>No</u>	
___	___	Observed abnormal or erratic behavior
___	___	Observed or reported possession of a prohibited substance
___	___	Apparent drug or alcohol intoxication
___	___	Arrest or conviction for drug-related offense
___	___	Other (please explain)

Unusual Behavior

<u>Yes</u>	<u>No</u>	
___	___	Extreme aggressiveness or agitation
___	___	Withdrawal, depression, mood changes, or unresponsiveness
___	___	Verbal abusiveness
___	___	Physical abusiveness
___	___	Inappropriate verbal response to questioning or instructions
___	___	Other (please explain)

Physical Signs or Symptoms

<u>Yes</u>	<u>No</u>	
___	___	Possessing, dispensing, or using a controlled substance
___	___	Slurred or incoherent speech

SUPERVISOR'S REPORT OF REASONABLE SUSPICION (cont'd)

<u>Yes</u>	<u>No</u>	
___	___	Excessive sweating or clamminess of the skin
___	___	Unsteady gait or other signs of physical control loss
___	___	Dilated or constricted pupils or any unusual eye movement
___	___	Bloodshot or watery eyes
___	___	Extreme fatigue or sleeping on the job
___	___	Shaky hands or body tremors
___	___	Flushed or very pale face
___	___	Highly excited or nervous
___	___	Nausea or vomiting
___	___	Odor of alcohol/marijuana
___	___	Dizziness or fainting
___	___	Runny nose or sores around the nostrils
___	___	Inappropriate wearing of sunglasses
___	___	Skin puncture marks
___	___	Other (please explain)

Description of Events: _____

_____	_____	a.m.	_____
		p.m.	
SUPERVISOR SIGNATURE	TIME		DATE
_____	_____	a.m.	_____
		p.m.	
DEPARTMENT HEAD SIGNATURE	TIME		DATE

SECTION SEVEN – EMPLOYMENT APPLICATION AND FORMS

[INTENTIONALLY LEFT BLANK, SEE BELOW PAGES]

TOWNSHIP OF BYRAM
APPLICATION FOR EMPLOYMENT

Application Date: _____

Name: _____

Position Applied For: _____

Department: _____

The Township of Byram considers applicants for all positions without regard to race, creed, color, religion, sex, pregnancy, national origin, age, marital or veteran status, disability, affectional or sexual orientation, gender identity or expression, civil union status, domestic partnership status or any other legally protected status.

The Americans with Disabilities Act of 1990 prohibits employers from discriminating against any qualified person on the basis of a disability. The Township of Byram makes reasonable accommodations during all aspects of the application process. The Township also makes reasonable accommodations in the work environment to enable a person with a disability to perform the essential functions of the job, provided it does not provide an undue hardship to the Township. The Township, however, can only reasonably accommodate a disability of which it is aware. Therefore, it is the applicant's responsibility to inform the Township that they need a reasonable accommodation. The Township may ask the applicant for documentation to support the request for a reasonable accommodation. Applicants who need a reasonable accommodation before the interview process begins should inform the personnel office.

A RESUME IS NOT A SUBSTITUTE FOR COMPLETING THIS FORM IN ITS ENTIRETY

Note: The New Jersey First Act, P.L. 2011, c.70, requires Township employees to reside in the State of New Jersey unless otherwise exempted under the law. Employees who begin their employment on September 1, 2011, or later must live in New Jersey unless otherwise exempted. If the employee does not live in New Jersey, the employee has one year after the date of hire to relocate to New Jersey. If the employee does not relocate, the employee may be removed from employment.

All information will be verified, and all references will be checked. Information will be kept confidential to the extent permitted by law.

DO NOT WRITE IN THIS BOX

RECOMMEND FOR EMPLOYMENT: ☐ Yes ☐ No IF NO, HOLD FOR FUTURE USE? ☐ Yes ☐ No

IF YES, START DATE: _____

SIGNATURE: _____ DATE: _____

I. PERSONAL

LAST NAME	FIRST	MIDDLE
PRESENT ADDRESS (NUMBER, STREET, CITY, STATE, ZIP)		TELEPHONE NUMBER
PERMANENT ADDRESS (IF DIFFERENT FROM PRESENT)		TELEPHONE NUMBER
ARE YOU 18 YEARS OF AGE OR OLDER? (If no, you will be required to show proof of eligibility to work)		<input type="checkbox"/> YES <input type="checkbox"/> NO
ARE YOU LEGALLY ELIGIBLE TO WORK IN THE UNITED STATES? (Proof of US citizenship or work authorization status will be required upon employment)		<input type="checkbox"/> YES <input type="checkbox"/> NO
NAMES OF RELATIVES OR FRIENDS EMPLOYED BY THE TOWNSHIP OF BYRAM (All candidates must complete applicant relative disclosure form):		
HAVE YOU EVER BEEN EMPLOYED BY THE TOWNSHIP OF BYRAM? IF YES, WHEN?		<input type="checkbox"/> YES <input type="checkbox"/> NO
HAVE YOU EVER APPLIED FOR A POSITION WITH THE TOWNSHIP OF BYRAM? IF YES, WHEN?		<input type="checkbox"/> YES <input type="checkbox"/> NO
HAVE YOU EVER WORKED OR BEEN EDUCATED UNDER A DIFFERENT NAME? IF YES, SPECIFY NAME:		<input type="checkbox"/> YES <input type="checkbox"/> NO

II. POSITION

TITLE OF POSITION APPLIED FOR	\$ _____ PER SALARY DESIRED	
ARE YOU EMPLOYED NOW? <input type="checkbox"/> YES <input type="checkbox"/> NO	DATE AVAILABLE TO START WORK	HOW WERE YOU REFERRED TO US?
ARE YOU AVAILABLE TO WORK: <input type="checkbox"/> FULL-TIME <input type="checkbox"/> PART-TIME <input type="checkbox"/> TEMPORARY		
ARE YOU CURRENTLY ON LAYOFF STATUS AND SUBJECT TO RECALL? <input type="checkbox"/> YES <input type="checkbox"/> NO		

III. EDUCATION AND TRAINING

SCHOOL	NAME AND LOCATION OF SCHOOL	COURSE OF STUDY	CIRCLE LAST YEAR COMPLETED	DID YOU GRADUATE?	LIST DIPLOMA OR DEGREE
HIGH SCHOOL OR EQUIVALENT			9 10 11 12	<input type="checkbox"/> YES <input type="checkbox"/> NO	
TECHNICAL OR COMMERCIAL			1 2 3 4	<input type="checkbox"/> YES <input type="checkbox"/> NO	
COLLEGE			1 2 3 4	<input type="checkbox"/> YES <input type="checkbox"/> NO	
OTHER (SPECIFY)			1 2 3 4	<input type="checkbox"/> YES <input type="checkbox"/> NO	
ARE YOU TAKING ANY COURSE OF STUDY NOW? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, PROVIDE DETAILS:				DATE TO BE COMPLETED:	
LIST ANY SCHOLASTIC HONORS, HONORARY SOCIETIES, FELLOWSHIPS AND SCHOLARSHIPS:					
DESCRIBE ANY SPECIALIZED LICENSES, CERTIFICATIONS, TRAINING, APPRENTICESHIP, SKILLS OR EXTRA-CURRICULAR ACTIVITIES (i.e. EMT or fire fighting training and participation, etc.) Exclude those that indicate race, religion, sex, age, national origin or other protected classification:					
WHAT COMPUTER SKILLS DO YOU HAVE? (IF APPLICABLE)					

IV. EMPLOYMENT HISTORY

PLEASE ACCOUNT FOR ALL PERIODS OF EMPLOYMENT REGARDLESS OF LENGTH OF SERVICE, INCLUDING U.S. ARMED FORCES EXPERIENCE AND SELF-EMPLOYMENT. LIST YOUR PRESENT OR LAST EMPLOYER FIRST. DO NOT OMIT ANY EMPLOYER. PLEASE EXPLAIN ANY GAPS IN EMPLOYMENT IN THE COMMENTS SECTION BELOW. IF MORE SPACE IS DESIRED, PLEASE USE AN ADDITIONAL APPLICATION FOR A COPY OF THIS PAGE.

NAME OF EMPLOYER	ADDRESS OF EMPLOYER	DATES EMPLOYED FROM / MONTH YEAR	TO / MONTH YEAR
STARTING WAGE/SALARY: \$	ENDING WAGE/SALARY: \$	FULL-TIME <input type="checkbox"/> PART-TIME <input type="checkbox"/> IF PART-TIME, NUMBER OF HOURS PER WEEK:	
TELEPHONE OF EMPLOYER	SUPERVISOR'S NAME & TITLE	DEPARTMENT	
YOUR POSITION OR TITLE:	DESCRIPTION OF WORK PERFORMED:	REASON FOR LEAVING:	
MAY WE CONTACT EMPLOYER? NOW [] AT A LATER DATE [] NOT AT ALL []			

NAME OF EMPLOYER	ADDRESS OF EMPLOYER	DATES EMPLOYED FROM / MONTH YEAR	TO / MONTH YEAR
STARTING WAGE/SALARY: \$	ENDING WAGE/SALARY: \$	FULL-TIME <input type="checkbox"/> PART-TIME <input type="checkbox"/> IF PART-TIME, NUMBER OF HOURS PER WEEK:	
TELEPHONE OF EMPLOYER	SUPERVISOR'S NAME & TITLE	DEPARTMENT	
YOUR POSITION OR TITLE:	DESCRIPTION OF WORK PERFORMED:	REASON FOR LEAVING:	
MAY WE CONTACT EMPLOYER? NOW [] AT A LATER DATE [] NOT AT ALL []			

NAME OF EMPLOYER	ADDRESS OF EMPLOYER	DATES EMPLOYED FROM / MONTH YEAR	TO / MONTH YEAR
STARTING WAGE/SALARY: \$	ENDING WAGE/SALARY: \$	FULL-TIME <input type="checkbox"/> PART-TIME <input type="checkbox"/> IF PART-TIME, NUMBER OF HOURS PER WEEK:	
TELEPHONE OF EMPLOYER	SUPERVISOR'S NAME & TITLE	DEPARTMENT	
YOUR POSITION OR TITLE:	DESCRIPTION OF WORK PERFORMED:	REASON FOR LEAVING:	
MAY WE CONTACT EMPLOYER? NOW [] AT A LATER DATE [] NOT AT ALL []			

NAME OF EMPLOYER	ADDRESS OF EMPLOYER	DATES EMPLOYED FROM / MONTH YEAR	TO / MONTH YEAR
STARTING WAGE/SALARY: \$	ENDING WAGE/SALARY: \$	FULL-TIME <input type="checkbox"/> PART-TIME <input type="checkbox"/> IF PART-TIME, NUMBER OF HOURS PER WEEK:	
TELEPHONE OF EMPLOYER	SUPERVISOR'S NAME & TITLE	DEPARTMENT	
YOUR POSITION OR TITLE:	DESCRIPTION OF WORK PERFORMED:	REASON FOR LEAVING:	
MAY WE CONTACT EMPLOYER? NOW [] AT A LATER DATE [] NOT AT ALL []			

IV. EMPLOYMENT HISTORY (cont'd)

NAME OF EMPLOYER	ADDRESS OF EMPLOYER	DATES EMPLOYED FROM TO / / MONTH YEAR MONTH YEAR
STARTING WAGE/SALARY: \$	ENDING WAGE/SALARY: \$	FULL-TIME <input type="checkbox"/> PART-TIME <input type="checkbox"/> IF PART -TIME, NUMBER OF HOURS PER WEEK:
TELEPHONE OF EMPLOYER	SUPERVISOR'S NAME & TITLE	DEPARTMENT
YOUR POSITION OR TITLE:	DESCRIPTION OF WORK PERFORMED:	REASON FOR LEAVING:
MAY WE CONTACT EMPLOYER? NOW [] AT A LATER DATE [] NOT AT ALL []		

COMMENTS: _____

V. OUTSIDE ORGANIZATIONS

ARE YOU ENGAGED IN ANY BUSINESS ACTIVITY OR EMPLOYMENT (INCLUDING SELF-EMPLOYMENT) WHICH YOU PLAN TO CONTINUE IF YOU ARE EMPLOYED BY THE TOWNSHIP? (If yes, your outside employment will be subject to review regarding conflicts of interest). <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, PLEASE EXPLAIN
ARE YOU A MEMBER OF ANY BUSINESS, PROFESSIONAL OR SCIENTIFIC ASSOCIATIONS? Exclude those that indicate race, religion, sex, age, national origin or other protected classification.
DESCRIBE ANY OTHER EXPERIENCE THAT MIGHT BE HELPFUL IN CONSIDERING YOUR APPLICATION. (Other work experience, internships, school activity, apprenticeships, etc.)

VI. REFERENCES

PROVIDE THREE (3) PERSONS, EXCLUDING RELATIVES AND FORMER SUPERVISORS, WHO WE MAY CONTACT AS A REFERENCE.

NAME	RELATIONSHIP/ YEARS KNOWN	POSITION	ADDRESS	TELEPHONE

VII. LANGUAGES

LIST ANY FOREIGN LANGUAGES YOU KNOW AND INDICATE YOUR LEVEL OF PROFICIENCY.

LANGUAGE	SPEAK SOME:	SPEAK FLUENTLY	READ:	WRITE:

VIII. ESSENTIAL FUNCTIONS

Please do not answer this question without first reviewing the Job Description

ARE YOU ABLE TO PERFORM THE ESSENTIAL FUNCTIONS OF THE JOB, WITH OR WITHOUT REASONABLE ACCOMMODATION? ☐ Yes ☐ No

IX. PERSONAL STATEMENT

In the space provided, please provide a statement about your qualifications or employment objectives. State any special skills, experience, training, licenses, certifications or other factors that make you especially qualified for the position for which you are applying. Include community activities and hobbies. (Exclude those that indicate race, religion, sex, age or national origin or other protected classification). Is there any additional information we should consider?

[illegible]

X. DRIVER'S LICENSE

COMPLETE THIS SECTION ONLY IF DRIVING IS AN ESSENTIAL PART OF THE JOB FOR WHICH YOU ARE APPLYING.

DO YOU HAVE A VALID DRIVER'S LICENSE? ☐ YES ☐ NO

STATE OF ISSUANCE: _____ LICENSE NUMBER: _____

PLEASE SIGN TO INDICATE YOUR AUTHORIZATION FOR THE TOWNSHIP TO PERFORM A RECORD CHECK OF YOUR DRIVER'S LICENSE, UPON AN OFFER OF EMPLOYMENT BY THE TOWNSHIP:

COMPLETE THIS SECTION IF THE JOB FOR WHICH YOU ARE APPLYING REQUIRES THAT YOU POSSESS A COMMERCIAL DRIVER'S LICENSE:

DO YOU HAVE A VALID COMMERCIAL DRIVER'S LICENSE? ☐ YES ☐ NO

COMMERCIAL DRIVER'S LICENSE NUMBER: _____

ENDORSEMENTS: _____

PLEASE SIGN TO INDICATE YOUR AUTHORIZATION FOR THE TOWNSHIP TO PERFORM A RECORD CHECK OF YOUR COMMERCIAL DRIVER'S LICENSE, UPON AN OFFER OF EMPLOYMENT BY THE TOWNSHIP:

XI. APPLICANT'S STATEMENT

I certify that the information on this application is true, complete and accurate, to the best of my knowledge. I authorize my former employers to release any information they may have concerning my employment record and I release the Township of Byram and all previous employers from all liability that might arise from the disclosure of information. I authorize investigation of all statements contained in this application, including education, and a review of all criminal history, military and disciplinary records of any source, as may be necessary in arriving at an employment decision.

I give the Township of Byram the right to investigate the information I have provided, talk with former employers (except where I have indicated they may not be contacted). I give the Township of Byram the right to secure additional job-related information about me. I release the Township of Byram and its representatives from all liability for seeking such information.

I understand and acknowledge that, unless otherwise defined by applicable law, any employment relationship with Township of Byram is of an "at will" nature, which means that the Employee may resign at any time and the Employer may discharge Employee at any time with or without cause and with or without notice.

I understand that the discovery of any misrepresentation or omission of fact in this application will result in the rejection of my employment application, or in the event of employment, provide cause for termination of employment. I fully and completely understand that as a condition of employment, I must be able to perform all duties of the position applied for with or without reasonable accommodation. I also understand that if employed by the Township, I must abide by all Township rules and regulations.

I understand that any offer of employment may be subject to job-related medical, physical, drug or psychological tests. I also understand that employment is conditioned on passing a complete background and criminal check.

Signature of Applicant:

Date:

XII. CONDITIONS OF EMPLOYMENT

Please be advised that all offers of employment are conditional and may require the applicant to pass a mandatory drug test. A pre-employment physical may also be required. Pursuant to our personnel policy, job applicants may be required to sign a consent form for drug testing and if the test results are positive and are not accounted for by the legal use of prescription or non-prescription drugs the applicant shall be ineligible for hire unless they can establish a legal basis for the use of the drug or controlled substance for which they test positive. *For your application to be considered, you must sign and date below.*

Signature of Applicant:

Date:

Voluntary Self Identification Form

Completion of this form is voluntary and will not affect your opportunity for employment, or the terms or conditions of your employment.

If you provide information on this page, it will be filed separately from the job application. This information will be used only for EEO-4 reporting purposes.

Applicant Information:

Name: _____
Position Applied For: _____
Date Completed: _____

Information Regarding Status:

Gender:

_____ Male
_____ Female

Race/Ethnicity:

- _____ Hispanic or Latino: A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race.
- _____ White (Not Hispanic or Latino): A person having origins in any of the original peoples of Europe, the Middle East or North Africa.
- _____ Black or African-American (non-Hispanic or Latino): A person having origins in any of the black racial groups of Africa.
- _____ Native Hawaiian or Pacific Islander (Not Hispanic or Latino): A person having origins in any of the peoples of Hawaii, Guam, Samoa or other Pacific Islands.
- _____ Asian (Not Hispanic or Latino): A person having origins in any of the original peoples of the Far East, Southeast Asia or the Indian Subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand and Vietnam.
- _____ Native American or Alaska Native (Not Hispanic or Latino): A person having origins in any of the original peoples of North and South America (including Central America) and who maintains tribal affiliation or community attachment.
- _____ Two or more races (Not Hispanic or Latino): All persons who identify with more than one of the above five races.

FOR TOWNSHIP USE ONLY

Hired: Yes No Position _____ Date _____

Which EEO job classification best describes the position for which the applicant applied?

- | | | |
|---------------------------|--------------------------------|-----------------------------|
| 1. Officials and Managers | 4. Sales workers | 7. Operators (semi-skilled) |
| 2. Professionals | 5. Office and clerical workers | 8. Laborers (unskilled) |
| 3. Technicians | 6. Craft workers (skilled) | 9. Service workers |

Township Official _____ Date _____

APPLICANT RELATIVE DISCLOSURE FORM

Name of Applicant: _____

Unless otherwise provided by law, New Jersey Department of Personnel rule, or if the position is subject to Civil Service or collective negotiations agreements, immediate relatives shall not be hired, promoted or transferred to a regular full-time or regular part-time position where:

- One relative would have the authority to appoint, remove, discipline or evaluate the performance of the other;
- One relative would be responsible for auditing the work of the other; or
- Other circumstances exist that place the relatives in a situation of actual or reasonably foreseeable conflict of interest.

Immediate relative includes spouse or significant other, civil union partner, domestic partner, child, parent, stepchild, sibling, grandparent, daughter-in-law, son-in-law, grandchild, niece, nephew, uncle, aunt, or any person related by blood or marriage residing in an employee's household.

Do any of your relatives currently work for the Township or are any of your relatives an elected or appointed Township official? ☐ Yes ☐ No

If you answered "yes" to the previous question, please disclose the name(s) of your relative(s) who work(s) for the Township, his or her title, and his or her relationship to you.

Relative #1

Name: _____

Title: _____

Relationship: _____

Relative #2

Name: _____

Title: _____

Relationship: _____

Note: An applicant's failure to fully disclose his or her relationship to a Township employee or elected or appointed official may result in rejection of the employment application or, if employed, the termination of employment.

I acknowledge that I have read and understand the above Disclosure Form and that I have disclosed all relatives who work for the Township or serve as elected or appointed officials.

Signature of Applicant

Date

**BYRAM TOWNSHIP EMPLOYMENT APPLICATION
CRIMINAL HISTORY SUPPLEMENT**

In accordance with the New Jersey Opportunity to Compete Act, N.J.S.A. 34:6B-11 et seq., Byram Township requires applicants to provide criminal history information after the completion of the initial employment application process. The initial employment application process ends after Byram Township's first interview with the applicant. If you have completed your first interview with Byram Township, please complete this supplement to the employment application. Please do not submit this supplement prior to that time.

Applicant Name: _____

1) Other than minor traffic violations, have you ever been convicted of a criminal offense that has not been expunged or sealed by court order? ☐ Yes ☐ No

A conviction does not automatically mean that you will not be selected. The nature of the crime, the time that has elapsed since the crime and the crime's relationship to the job for which you are applying are important. If you answered yes, please provide the information requested below for each conviction so that the Township of Byram may make an informed decision. (Please attach additional pages if needed).

Date of Conviction: _____

Violation: _____

Specific Statutory Code Violated: _____

Location: _____

Court Disposition: _____

Police Agency Concerned: _____

Description of Incident: _____

2) Are you permanently disqualified from public employment due to a criminal conviction for which N.J.S.A. 2C:51-2(d) applies (see statute for qualifying convictions)? _____

I certify that the answers provided above are true and complete to the best of my knowledge. I authorize investigation of all statements contained in this criminal history supplement as may be necessary in arriving at an employment decision. I release former employers and others from any liability that might arise from the disclosure of information.

I understand that the discovery of any misrepresentation or omission of fact in this criminal history supplement will result in the rejection of my employment application, or in the event of employment, provide cause for termination of employment. I understand that all positions require a complete criminal history check as a condition of employment.

Signature of Applicant: _____ Date: _____

Note: The Township of Byram complies with Title VII of the Civil Rights Act of 1964 and the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Right Act of 1964" in its use of criminal history records in hiring and other employment decisions.

**FINGERPRINT AND BACKGROUND CHECK CONSENT FORM
FOR EMPLOYEES, JOB APPLICANTS, AND VOLUNTEERS
THAT MAY WORK OR HAVE CONTACT WITH MINORS**

In accordance with N.J.S.A. 15A:3A-1 et seq., and Township Code Section 116-1 et seq., I understand that, as a condition of continued employment, new employment, or my volunteer service, the Township of Byram requires background checks on all individuals who will be working with children.

By signing this form, I agree to be fingerprinted and consent to a criminal background record check as a condition of new employment, continued employment, or voluntary service. I also represent, attest, and certify that I have never been convicted of any of the following crimes or disorderly persons offenses as defined by New Jersey law or the law of any other state, or that the guilty disposition of any of the crimes and/or offenses has been amended to a status of not guilty, or that any previous charges, as listed below, have been expunged:

2C:11 HOMICIDE
all offenses

2C:12 ASSAULT, ENDANGERING, THREATS
all offenses

2C:13 KIDNAPPING
all offenses

2C:14 SEXUAL OFFENSES
all offenses

2C:15 ROBBERY
all offenses

2C:20 THEFT
all offenses

2C:24 OFFENSES AGAINST THE FAMILY, CHILDREN AND INCOMPETENTS
all offenses

2C:35 CONTROLLED DANGEROUS SUBSTANCES
all offenses except paragraph (4) of subsection a. of N.J.S.A. 2C:35-10

Name (please print)

Applicant's signature

Date

**TOWNSHIP OF BYRAM
PROSPECTIVE EMPLOYEE ALCOHOL
AND DRUG TEST STATEMENT**

Please complete this page only if the job for which you are applying requires that you possess a Commercial Driver's License.

The Township of Byram must, per 29 CFR 40.25, after obtaining an employee's written consent, request the following information about the employee prior to an employee performing safety-sensitive duties. The information requested is for during the two years before the date of the employee's application or transfer:

- (1) Alcohol tests with a result of 0.04 or higher alcohol concentration;
- (2) Verified positive drug tests;
- (3) Refusals to be tested (including verified adulterated or substituted drug test results);
- (4) Other violations of DOT agency drug and alcohol testing regulations; and
- (5) With respect to any employee who violated a DOT drug and alcohol regulation, documentation of the employee's successful completion of DOT return-to-duty requirements (including follow-up tests).

Prospective Employee Printed Name: _____

Prospective Employee ID Number: _____

The prospective employee is required to respond to the following questions:

1. Have you tested positive, or refused to test, on any pre-employment drug or alcohol test administered by an employer to which you applied for, but did not obtain, safety-sensitive transportation work covered by DOT agency drug and alcohol testing rules during the past two years?

Check one: ☐ Yes ☐ No

2. If you answered yes, can you provide/obtain proof that you've successfully completed the DOT return to duty requirements?

Check one: ☐ Yes ☐ No

I certify that the information provided on this document is true and correct.

Prospective Employee Signature: _____ Date: _____

Witness Signature: _____ Date: _____

Record retention guidelines:

- If "yes" to question 1, retain this form and documentation provided for 5 years.
- If "no" to question 1, discard after employment terminates but not less than 2 years from date of statement.

SECTION 8-ACKNOWLEDGMENTS OF RECEIPT OF POLICIES/HANDBOOKS

[INTENTIONALLY LEFT BLANK, SEE BELOW PAGES]

Acknowledgment of Receipt of Complaint Policy

The Township has a “no tolerance” policy towards workplace wrongdoing. You have a right to formally, or informally, report any statement, act, or behavior by a co-employee, supervisor, elected official or visitor that you perceive to be improper, including harassment of any kind, violence or threat of violence, retaliation, wrongful termination, breach of an employment agreement, failure to promote, wrongful demotion, violation of any employment protection law or regulation, discrimination of any nature, misrepresentation, defamation, or any other statements, acts, or behaviors that violate employment rights.

You have no right to accuse others as stated above without warrant. Intentionally dishonest accusations will not be tolerated. Complaints that are brought in good faith, even if unsubstantiated, do not constitute an intentionally dishonest accusation.

Employees must immediately report any wrongdoing to the Manager, Clerk or Department Head. No retaliatory measures will be taken against any employee who complains of wrongdoing or harassment. To the maximum extent feasible, the confidentiality of all such complaints will be maintained on a need-to-know basis. The investigation of such complaints may require disclosure to the accused party and other witnesses to gather pertinent facts.

I acknowledge receipt of a copy of this Employee Complaint Policy and understand its content.

Name: _____ Date: _____

Signature: _____

The original signed copy of this document must be filed in the employee’s personnel folder.

Conscientious Employee Protection Act (“CEPA”) Notification

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

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

Joseph Sabatini, Manager
Township of Byram
10 Mansfield Drive
Stanhope, NJ 07874
Telephone: (973) 347-2500 Ext. 129 E-Mail: jsabatini@byramtwp.org

Acknowledgment of Receipt of Conscientious Employee Protection Act (“CEPA”) Notification

I received a copy of the Conscientious Employee Protection Act (“CEPA”) “Whistleblower Act” Notification.

I have read it and I understand it.

Name (signature)

Name (print)

Acknowledgement of Receipt of Policies & Procedures Handbook

I acknowledge that I have received a copy of Byram Township's Policies & Procedures Handbook. I further acknowledge that I have read and understand the policies and procedures contained within the Handbook. I agree that if there is any policy or provision in the Handbook that I do not understand, I will seek clarification from my supervisor, Department Head, or the Township Manager.

I understand that, except as provided by a collective negotiations agreements or applicable Federal or State law, including Civil Service regulations, my employment is "at-will." This means that either the Township or I may terminate my employment at any time for any reason, with or without cause, and with or without notice.

I also understand that, where applicable, the personnel policies and procedures contained in the Handbook are not intended to void, replace, or conflict with negotiated union or association contracts. To the extent the terms of a collective negotiations agreement conflict with the policies herein, the collective negotiations agreement supersedes and/or modifies policies in the Handbook.

In addition, I understand that this Handbook states the Township's personnel policies in effect on the date of publication. I understand that nothing contained in the Handbook may be construed as creating a promise of future benefits or a binding contract with the Township for benefits or for any other purpose. I also understand that these policies are continually evaluated and may be amended, modified or terminated at any time, without notice.

Signature: _____

Print Name: _____

Date: _____

VERSION CONTROL:

Date	Version	Change
April 2010	1.0	Initial Version
06/04/10	1.1	Correction of Spelling Mistakes. 1. Changed Manger to Manager in multiple locations. 2. Page 4 – change confidentially to confidentiality and State of Federal Law to State or Federal Law. 3. Pager 10 – advise to advice 4. Page 14 – theft or property to theft of property 5. Page 15 – the all to all 6. Page 32 – hiring process to the hiring process
March 2012	2.0	Updated Handbook to insure the manual is current and conforming with State and Federal law.
July 2014	3.0	Updated following sections to include approved amended policies: 1. Use of Byram Township Vehicles Policy 2. Use of Personal Vehicles for Township Business Policy 3. Driver’s License Policy 4. Alternative Work Schedule Policy 5. Donated Leave Policy Amended following policies: 1. Classification of Employees 2. Inclement Weather Policy 3. Included New Communication Media Policy 4. Personal Leave Policy 5. Health Insurance Policy 6. Dental Benefits Policy 7. Included New Version of the Byram Township Employee Performance Evaluation.
April 2015	4.0	Amended following policies: 1. Health Insurance Policy
September 2019	5.0	Updated Handbook to insure the manual is current and conforming with State and Federal law.
January 2022	6.0	Update Handbook for edits and conformance with current law.
February 2023	6.1	Amended the Drugs and Alcohol Policy (pgs. 12-14) and the Byram Township Supervisor’s Report Of Reasonable Suspicion (pgs. 111-112) for conformance with current law
January 1, 2025	7.0	Updated Handbook to insure that policies and procedures therein are current and conforming with State and Federal law.